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David Yellin- Were ready, one of the things we certainly don't have to do with you other than I am about to identify that I am talking with Lucius Birch and this is September 3<sup>rd</sup> 1968 and this is Joan Beifuss and this is David Yellin at our offices. We don't have to go over your biography, we do this to kind of warm people up make them feel comfortable. We know it and it will perhaps some of it will come out and I am going to ask the first question Joan sort of go out of chronological order in fact in reverse. We almost want to start at the end with your affiliation with Dr. King. I understand this is the first time you met.

Lucius Birch- Yes I received a call from reverend Lawson asking me if I would appear in court to represent Dr. King, almost simultaneously (muffled) after I had given reverend Lawson the answer that I would the way he presented it to me. I received a telegram from the Atlanta branch of the American civil liberties union asking me if I would represent him. I had some hesitation at first about saying yes to reverend Lawson because the issue wasn't as clear but I had already told him I would do it. I said we would have had not the slightest hesitation in responding to the American civil liberties union request I had supported it for a long time it is an organization in which I have great confidence, I think they are doing very useful work. So that was how I came into the case of Dr. King's council when he was here.

David Yellin- That was explicitly against the injunction?

Lucius Birch- Yes the city had gone into federal court and had gotten not an injunction but a temporary restraining order and I was retaining to go there and see if we couldn't obtain a lifting of the restraining order or if an injunction did go down to see that the injunction had such terms as to make the march possible to carry out the purposes for which it was intended.

Joan Beifuss- How did reverend Lawson present this?

Lucius Birch- Well, reverend Lawson presented it on the basis that the leading exponent of nonviolence in the world was being deprived of his constitutional rights under the 1<sup>st</sup> and 4<sup>th</sup> amendment and that their were things t hat I stated that I believed in and it was time for me to show whether I really believed in them or not.

David Yellin- I wonder who his lawyer was?

Lucius Birch- So he put it to me in a way that I couldn't refuse although I'll be perfectly frank with you as I was with him I wished at that time that he had called anyone else in the city of Memphis rather than call me because too was as you can imagine it did involve a good deal of unpleasantness as the thing went along and subsequently too.

David Yellin- Could you care to discuss why you say this?

Lucius Birch- Why I say what?

David Yellin- That it would cause you unpleasantness?

Lucius Birch- Well, my clientele is mostly composed of fairly responsible business people and business organizations as it is common with most of them they are highly conservative. They are business (muffled) is matched by their sociological ignorance and in the main they thought that Dr. King was a dangerous man animated by the devil and probably linked with the communist. They were genuine about that and many very good people do feel that. So, to them it was not the sort of thing that they like to see their lawyer engaged in. Then two as you know a very large inactive reactionary group here and aside from the irritation they give you by calling you up and saying they are going to burn your house and kidnap your children and shoot you and all that kind of stuff which is of no consequence. You never know when you are going to get one of those people on a jury. As you call juries and of course tried you have got to expect that their might be somebody that comes on the battle and says well there is that god damn son of a bitch represented that Martin Luther King that niggger lover I will fix him. Well you know that is in a man's mind and he is not going to tell you and there you go. Those things cross your mind when you are asked to take a case of that sort and anybody who might be very intelligent at least if they didn't think about those things and I assure you I did think about them.

David Yellin- But of course you have should we say been associated with sociological situations a good part of your career.

Lucius Birch- Well, some yeah but I wouldn't say I was an outstanding reform leader or anything of that sort.

Joan Beifuss- Well subsequent then to you representing Dr. King was there unpleasantness, did you lose clients?

Lucius Birch- Yeah, I received letters from clients saying they had doubts as to whether or not a person who showed such unwisdom was at the brains or whatever, good judgment to handle their affairs. But as far as I know none of them fired me. And then the telephone rang all night, that sort of thing. Minor, minor stuff. Of course, the way it worked out Dr. King was killed and as far as my personal situation was concerned it was improved from being the man who represented the foremost radical in the world to the man who had represented a dead martyr. I don't think Dr. King arranged that just for my benefit but it did have that effect.

Joan Beifuss- Explain something to me I know that SCLC has their own legal staff, do they have a legal staff that travels with them? For instance when they went to Selma, did they use local Selma lawyers?

Lucius Birch- I don't know. I would assume that in any case of consequence they can they get local.

Joan Beifuss- What about Chauncey Eskridge then?

Lucius Birch- Well he came down on the second day and I understood that he was rather...yes, he came there that afternoon. I understood that he was Dr. King's personal lawyer and he came into the case just about the time it was finished.

David Yellin- Now you did say, and we don't want to harp on it too much but I think it deserves telling because I do remember I called you following the death and there was going to be a service and as a matter of fact Joan was involved in it because she was the one who frightened us and she had a reason she was in the March 28<sup>th</sup> march and she had heard...

Joan Beifuss- I got scared to death.

David Yellin- And she scared my wife and, but you did mention it today again the threat of burning your house and so on. You got the night of the 3<sup>rd</sup> but before the assassination?

Lucius Birch- No I got it the night of the assassination. I left the court about 5:00, judge Brown had indicated what he was going to do but he said to meet back the next morning to work out the details about how many marchers were going to be allowed to march abreast and that sort of thing., I got home about 6:00 and about 6:15 Lewis Lucas who had been one of the attorneys in the case called me and told me that Dr. King had been shot and he thought was dying. A little later Dr. Joyer who is a good friend of mine whom I believe you talked called me and told me that he was really clinically dead when he got there it was more of a religious more of a medic case when he reached the hospital. From that time on until all night the telephone was ringing. I wasn't as sophisticated about those things as I am now. I took it off the hook for awhile but the telephone company makes a big loud popping noise and it is just as bad to listen to the popping as it is to the calls. As I understand now if you dial one number it shuts off the popping noise so next time I will know how to take it off and not be called at all. But they were all nuts the sort of people that just like to (muffled) but never harm you.

Joan Beifuss- After Dr. King was dead what was the gist of their....

Lucius Birch- Well just you nigger loving son of a bitch why did you do a thing like that? Some of them were outright funny. One woman whose voice I am sure I knew that woman from somewhere she started calling with the usual vilification and she said Mr. Birch you didn't need the money, you didn't have to do that on no occasion. I said well, I didn't get a penny for it and I didn't charge anything for the representation. That seemed to not be able to sink in and then in her subsequent calls it became very clear that she was going to call back every 30 minutes like she was watching the clock, the telephone would ring. At about 11:30 that night I said (muffled) why don't you go ahead and get some sleep, you are sleepy, I am sleepy and you can start calling me again in the morning we aren't going to lose anything out of this. She said, Mr. Birch are you telling me that you didn't get anything from that? I said, no maam I did not. She says, well I know you have \$25,000. I said no maam I didn't get a penny. She called me back one more time about 12:00, she says

Mr. Birch you have told me that you didn't get anything for representing that nigger. I said no mamm I didn't. She said Mr. Birch you are a lying son of a bitch bam hung up the telephone and I never heard from her again. That was typical of the type of zany calls you would get.

Joan Beifuss- Was this the first time you have gotten calls?

Lucius Birch- Oh no. I was on the credentials committee on 1948 when we voted to oust the Virginia delegation because it wouldn't take the lawyer pledge and I got mailbags full of letters about that, and some of them are right good.

Lucius Birch- Fine, essentially that does cover that area except now, you hadn't met Dr. King before.

Lucius Birch- No.

David Yellin- Is there anything in particular that you would like to recall about your meeting with him?

Lucius Birch- My meeting was very brief with him, I met him down in the motel, I have forgotten the name of it where he was killed.

David Yellin- The Lorraine.

Lucius Birch- The substance of my conversation was to check out from him personally the things that I had heard and I believed about the nonviolent nature of his objective. I had known reverend Lawson for some time and I admire and respect him, I think he has a good mind, he is a in my book a first class individual. But I have heard so many things circulated in the community about him that he had been to Vietnam or Poland or some place and the FBI thinks he is a communist and all that sort of junk. But I had heard so much of it I thought I ought to not rely entirely on what he told me. Dr. King made it very clear to me that his whole future depended on having a nonviolent march in Memphis. He represented the (muffled) in which you must have been involved if that was the time as a complete fiasco as far as he was concerned. It was the result of poor planning and he wasn't reluctant about laying the blame on people here in Memphis who set up that first march and that he was looking forward to the poor people's gathering or camping or whatever it was in Washington and the whole success of that was dependent upon him being able to have to nonviolent march in Memphis. Well he convinced me thoroughly about it that he was simple and seems to be straightforward, and about that time I began to get more closely athrone with Andrew Young who in my opinion formed at that time and confirmed since is one of the ablest young men in this country. Andrew Young in my book is a comma, and he completely reassured me that the ting was not a phony and (muffled) and it was just exactly what it was represented to be and right of these people to express by assembly and petition and demonstration what they felt was a just grievance. So after that I had no second thoughts or looking back or anything else about it.

David Yellin- Now these assurances from both Dr. King and reverend Young were also legally necessary for you to have in mind to present to the court?

Lucius Birch- No they weren't legally necessary because if a man who had cut his mother's throat and I knew he had cut his mother's throat came to me for representation in a criminal case and was willing to pay a reasonable fee for the service, I would feel obligated to take his case, I feel everyone has the right to council of their own choosing, but this was a case in which I was not being paid and it was a case in which I had the right to turn down if I wanted to do it. So since I did have some election in it I wanted to assure myself that these people were what they purported to be. They did assure me that they were and I was perfectly convinced they were.

David Yellin- So it was for personal assurance and then and how however did any of this relate to the legal side of it?

Lucius Birch- Well then as we got into it, Andrew Young provided me with a great deal of material with which to examine him, he was a witness in the case. And he made me see for the first time the fullness of the whole situation that surrounds demonstrations. It is much more than to point out the grievance. They have got people they have to have in support do their movement that are people that have no outlet for expression whatever. It is a device and a necessary device to keep their troops employed. They are leaders of a group that does not have good means of communication. They don't read the newspapers, they don't listen to any media that gives them the opportunity to get the full arguments of their leadership. The way they keep their support is that they have got to keep moving ahead. They are like a man on a bicycle. The moment they stop going their leadership is in danger. And there is fierce competition among the negros as to leadership. We in the white community don't see it but the struggle their, it is tooth and law.

David Yellin- It is interesting that they call themselves the movement. It kind of almost, excuse me I think, did reverend Young say these things in the trial or whatever it is called?

Lucius Birch- He said those things in the trial and if you had a transcript of the trial you would find what I asked him about the things the average white man never thinks about and I must say this is something that I never thought of.

David Yellin- Well we have ordered it.

Lucius Birch- You will find that it is good the way he handled himself and Lawson they were magnificent. And this what I am about to say is a reflection on your industry. You see a negro boy who is bright and energetic and has everything running for him except opportunity. He turns on the television and he sees the young fellow in his dinner jacket with a gal of (muffled) going down the steps of the country club going to get into the camaro and the whole implication is that if you don't make this picture you are falling short somewhere and that guy knows from the very beginning he is not going to have any of that, none of that. So you have got

to do something for him to make him feel like a person, you have got to make him feel involved. And these movements, are very necessary for that, it supports the pride and the ego of the people as well as to advertise their grievances. It is a psychological therapy for the people involved in it.

David Yellin- Of course you are saying too that sometimes it is movement for movement's sake?

Lucius Birch- I think that is part of it I don't believe that...

David Yellin- Not that in a sense is evil, but sometimes it has to be in order to perpetuate...

Joan Beifuss- No I think, don't you think King was very cognoscente of the fact that the militants were moving up so strongly...

Lucius Birch- Sure he was.

Joan Beifuss- That either he regain leadership or..

Lucius Birch- Yes, he was and that's the, that's something the white community doesn't recognize. Martin Luther King was the best friend that anybody had, he was the answer to the firebomb and he was the answer to looting and he was the answer to black power.

David Yellin- I thought it was interesting we did hear about your meeting and we heard it from Walter Bailey. He said it was of course a testimonial to both of you. When you were introduced to Martin Luther King he acknowledged the fact that he had heard of you and you said oh yes.

Lucius Birch- I didn't recall that, I don't know who he would have.

David Yellin- Well he would, he did. Obviously they spoke about you and of course hearing it from Walter Bailey was kind of nice (muffled). I think you should know this.

Lucius Birch- Well...

David Yellin- And it was a mutual thing. Was there anymore that...

Joan Beifuss- I was going to ask well when Jim Lawson called you was it said at that time that they wanted you to serve free or did you offer to help them with no payment or was it understood?

Lucius Birch- Well there wasn't any discussion about it because I knew perfectly well it was a free assignment, those people got no money to pay anybody for anything. That is the (muffled).

David Yellin- I mean you are not the lady who called them are you?

Joan Beifuss- Are you sure you didn't make 25?

David Yellin- He said he thought he heard.

Joan Beifuss- I was just wondering if you had offered free services or if the hint had come from the other side that maybe make it free..

Lucius Birch- That was understood just like if I represented Coby Smith and Cabbage when they were being fired from Map South and there was never any discussion about money or the nature of it.

David Yellin- Having relation to that, would you like to discuss that? I mean when you did defend them, was it last year or two years ago, maybe you can shed some light on those? (Tape Break) If you think it has any relevance certainly they were the leaders.

Lucius Birch- I don't think it has any real connection with the Martin Luther King incident, it seemed to me at the time and it seems to me now despite the fact that Cabbage has turned out to be a pretty bad actor if you read, believe what you read about them in the newspapers. But they were leaders of a militant group and they were about to be fired it seemed to me on very insufficient ground and they should have the right to be represented. I thought it would keep them engaged in something useful and constructive rather than turn them loose dissatisfied and mad on the community., So Mike Cody and I did represent them and they were retained and later on several of us a number of us got up the fund for Coby Smith to go to Southwestern, whether he is still there or not I don't know.

David Yellin- At that time and I think and let me tell you why I think it is somewhat significant because the attitude of most people is that the invaders or the militant group had just suddenly come up but they had been in activity for sometime a couple of years, but at that time were they so called militants or where they involved in that kind of activity? Validly so.

Lucius Birch- A lot of these terms either have been evolved or have emerged since that time. At that time they were accused or forming hate groups.

David Yellin- That is right. But in any case they were active for the negro cause according to their own likes.

Lucius Birch- They were not only active for the negro cause but they were active in the sense that they were telling the negros that the whites have not and were not giving them a fair deal. And if they were not going to give them a fair deal unless they formed sufficient power to compel them to give them a fair deal. It was never suggested at that time at least it was never proved that any of this compulsion was to be through the force of violence.

David Yellin- Ok I would like to now go back and see if we can't get you involved in some of the what has been called secret meetings and behind the scenes

conferences and discussions and so on. Do you, can you recall on your own when you were first involved in this directly, certainly as a citizen who cares.

Lucius Birch- Well, I hadn't gotten the gift of total recall that David has and these things are several months passed and I didn't regard any of them as too significant at the time. I do remember that as a result of having been the founder and then active in the Memphis community relations committee I was drawn into this I believe first with Edmund Orgill with somebody and I have forgotten who it was, after a meeting with some members of the NAACP and 7 or 8 people, I have forgotten exactly who it was it was down at the tri-state bank. I and someone else whether it was Frank Miles or whether it was Downing Pryor or who I forgot. We did go to see the mayor and this was also after a conference with Gerry Worth is that his name?

David Yellin- Yeah. (Tape Break)

David Yellin- Ok we won't answer any more.

Joan Beifuss- Ok.

David Yellin- You attended that meeting at the tri-state bank?

Lucius Birch- Yes, and then the purpose of this visit to the mayor was to get a written assurance which Mr. Worth was very anxious to get but if they did settle the strike on the basis of what I forgot it was 5 or 8 cents with payment dues being arranged through the credit union that the mayor would give written assurance in simple letter form that he would not use the office of the mayor to sabotage the arrangement. The answer of the mayor was entirely unsatisfactory to everyone in that regard. Not only did he not give the assurance that Worth wanted but as I recall it and I would have to check this in my files he wrote a much longer letter typed statement. He stated his position and it was sort of an angry sort of letter. So as far as getting anything settled at that time it is a complete flop. Actually if the mayor would have sent the written letter at that time he could have settled the strike very advantageously because as of then the strikers licked. They were beat and Worth knew they were beat.

David Yellin- Now this was in the mayor's office?

Lucius Birch- This was in the mayor's office.

David Yellin- Now there was a subsequent exchange that resulted in a letter that I would like very much to get your version of which the mayor called you or you called the mayor anyway it was on the phone, this is not the same situation?

Lucius Birch- No that is a different situation. I don't really recall what that was, jog my memory about it a little more.

David Yellin- Well to the best of my recollection it was again a letter and probably on the same subject of suggesting a settlement and I think Ned Cooke, with David



Caywood and Downing Pryor got together after a meeting and then wrote what they thought, they wrote something that was acceptable again to Gerry Worth and they got Ned Cooke out of bed at 2:00 in the morning on a Sunday and he thought that it would be acceptable to the mayor and...

Lucius Birch- I remember a meeting one Sunday night out at the polo club that I had with Cooke that did result in a telephone call but I don't remember what it was about much because it accomplished absolutely nothing.

David Yellin- That was it you had dinner with Cooke out there and you called David Caywood and so on and the thing that we have not gotten completely was what it was that the mayor said to you that caused you to say what to the mayor and that ended the conversation.

Lucius Birch- As I recall it the way that thing was left that night I had just run into Cooke out there and I believe I had talked to Worth that day I am not sure. But the way I left it I left it rather hopeful that these people, it is coming back to me now. I made arrangements for Cooke to be in touch with Worth that night and I went home without thinking much about it to check with the hope that they were going to get together and both Worth and Cooke are pretty reasonable men. I had hope that they would work it out, of course they did not. Well they are not allowed to work it out.

Joan Beifuss- Mr. Birch why were you involved? What was your feeling about this, did you think the strike was illegal?

Lucius Birch- Well, I thought, well let me give you a long answer tot hat I can't give you a short answer. (muffled) strike is a tragedy of inflexibility. He started out by being right about it. The way they called the strike the way it occurred, the way it was handled at the first meeting, the fact that all those things were wrong. Lobe was right then and as the situation went along handling it as an economic strike he was right. But then it was converted into an entirely different format it was no longer an economic strike it was an expression of the unaddressed grievances of 40% of the population of the community, the elected that Lobe represented just as much as any other part of it and he was completely unable to shift his gears to take a position that was consistent with what had emerged. And from then on he handled it with an inflexibility that in the end resulted in, well I am not blaming him for it because I don't think it is fair to blame him for it but it did furnish the situation that caused all this trouble and resulted in a much poorer settlement for the city than the city could have made anytime earlier.

Joan Beifuss- Why do you think mayor Lobe was so inflexible? Why do you think he wasn't able to change as the situation changed?

Lucius Birch- Well I think that is just the sort of man he is, mayor Lobe is a good animal, he is a grandeur individual. He sees black and white, he is unable to distinguish the rays and certain pastels and the (muffled). He is a man that is highly motivated by a very simple philosophy. Once he has decided something is right or wrong then he is going to abide by it and he has no experience at being exposed to

what is developing and what has developed among the negroes nor does he know negroes very well. I would believe, I couldn't prove it or justify it but I see as of today a study somebody has made maybe out here that 47% of the people believe that the negroes are genetically and (muffled) inferior.

David Yellin- That was on CBS the other night.

Lucius Birch- I would have guessed that mayor Lobe would have fallen within that 47%.

Joan Beifuss- Did he appear so inflexible during his first term as mayor or were there no situations that showed this up.

Lucius Birch- No I would say just the same. Henry Lobe is a man who means well he is personally honest and courageous and when he is right he is just real real right and when he is wrong he is just as abysmally wrong. And at that time the early stages of it he hadn't surrounded himself as he later has with advisors that know something about the racial situation. The people with whom he talked were good people and they were first class people but they were not people that had any knowledge of what the racial situation is about.

Joan Beifuss- Excuse me did you just say that now he does have people around him who do?

Lucius Birch- Yes, I think he has much better access to information and advice about it and I said nothing was confidential. This is confidential until you read about it in the newspapers, within the last few days John T. Fisher has sent him a draft for the Memphis manpower commission which is really a forward looking inspiring type of thing. I believe he will implement it and that's manpower commission is already authorized by ordinance. So he is getting better information getting better educated and I think he is showing some willingness to learn about it.

David Yellin- Would you say, or even project looking back say several years hence and looking back is there anything about the fact that mayor Lobe was here, that is particular to the climate in Memphis? Usually you get the leaders you deserve? Or the leaders that deserve you?

Lucius Birch- I couldn't possibly answer that question, you have got to get the focus a little smaller.

David Yellin- Yeah I realize it is unfair, here we were with faced with a situation or either Lobe or Ingram, Why? I mean this is sort of a carry over and I think it is important your observations on, after Mr. Crump and then...

Lucius Birch- I can't tell you why those two only were there and the premise that they were is not correct because there was another man that ran and a very able man he was. That was not a lay in and was unable to get off the ground. The reasons for it I can't tell you except that the average, the average of education in the white

community is so deplorably low as it is in the negro community that all of the negroes are going to be for Ingra and a big preponderance of white people didn't think that they wanted anybody as Hunter Lane was. You can draw what conclusions you want from that answer but I think that is the way they shaped up at that time.

David Yellin- Now is there any comment that you would have or observation about the newspapers and radio and television, their contribution or their lack of contribution. The events as they were unfolding at the time. Because obviously you have implied that the thing started out as a strike that basically could be handled on an economic basis and then it turned into something else. The mayor was not able to see this or he didn't want to or for other reasons. Did other people see it, did the newspapers see it?

Lucius Birch- No the newspapers didn't see it and I don't think that you can pinpoint the newspapers, radio and television with reference to this particular situation if you are talking about the strike and King assassination, but at that time there was no awareness on the part of either of the newspapers as to what the real negro grievances and demands and feelings and aspirations were. It has changed a lot since then, they have got a negro on one of the papers. The papers have changed a lot since this happened but as of that time both papers were merely the expressions of the opinion of the business community. And the business community by and large thought that the mayor was 100% right and their understanding of the problem was about 3 miles behind the occurrence of the event. They understood it after it happened and after all the damage was done and after the horse had been stolen and we could now lock the door and they had now done a good job, it has been a good lesson. But the facts preceded the understanding of the significance of the facts.

David Yellin- Do you remember the contempt proceedings when because of the recalling of the original injunction of the 66 injunction they enjoined the strike leaders again from participating and then along about March 5<sup>th</sup> and 6<sup>th</sup> they were held in contempt. Were you in any way familiar...

Lucius Birch- I just read about it in the newspapers and it didn't involve me and I wouldn't have engaged in it.

David Yellin- Well was there anybody else, well now let me put it another way, just again to give us the picture and really not to search for any special information but to get the whole picture of what the administration was like then structurally, was there anybody that you felt when you were called upon to intercede or when you were trying to arrange something that you felt could be influential either with the mayor or with Worth. Who would be influential in this city to say change the mayor if he needed to be changed whatever the situation was? I am trying to possibly recreate what would be called the power structure if you could...

Lucius Birch- Well as far as the mayor's office was concerned up until the time that Dr. King had been killed and sometime there after there was no person that I know

of that was influential with the mayor that had the foggiest notion of what these underlying forces were and what was the basic nature of discontent among colored people and what their aspirations were.

David Yellin- Excuse me you are saying that there are people that were influential on the mayor in some things but those who were influential were of the same mind as he or the same lack of understanding?

Lucius Birch- Yes I would say that the people who had the mayor's ear who might have changed the mayor's mind were not people who had any connection with the racial connection in the community and although they were splendid men and could tell him all about (muffled) and finance and things of that sort, the usual things of a city, this particular area he didn't have anybody around him that he would listen to, that know that he would listen to that had been active in that field. That is not true any longer.

Joan Beifuss- The thing I can't understand about that, we have been here two years, I knew what the situation was in Memphis why didn't people that lived here 40 years, why is that why are there just blank spots?

Lucius Birch- Well you want me to give you the full story on that?

David Yellin- Yes.

Joan Beifuss- In a few well chosen sentences, and I don't mean (muffled) if you read between the lines in the newspapers.

Lucius Birch- You are surprised they don't understand I am surprised you don't understand.

Joan Beifuss- Sure.

(Muffled)

Lucius Birch- You live in a section of the country in the south that believes in its heart that it is the most model section of the country, now I am not saying that it is but it believes it. There are more bibles sold in this area per capita than anyplace in the world. You have more churches in Memphis than you got filling stations. The people basically believe that they are honest god-fearing people. Now these people who believe this are people whose grandfathers have participated in slavery, my grandfather owned slaves, my own grandfather and you have got to understand that those people have got to have some rational for believing the "Southern way of life" has some mild basis. Now as a way it started and it is a pity that it is not better understood. When slaves were first brought over here at the mild justification for slavery was that you were doing them a great service because you were exposing them to Christianity. That wasn't just a southern innovation that was the excuse for the conquest of Mexico and all of South America. Well after you had them here for 2 or 3 generations and they had been well exposed the question came up well what

you going to do with them? Well in those sections of the country where slavery wasn't possible in New England and in the east and the developed part of the West and the Midwest slavery wasn't profitable, so they began to insist on the slaves being liberated. But under the plantation system in the south it was not only highly profitable but they had to have it, everybody would have gone broke. So a new model basis was developed and they based it on holt writ that they were descended from Ham and that they were foreordained to be (muffled) and draw the water and that the negro was inherently basically genetically different from the white man. Anybody that listened to that it sounded like it made good sense because in the first place it was comfortable and you could look at them around you and they certainly looked like they were different they led a (muffled) of life. So the average man to this day and we are talking about this poll that said only 47% I believe in Memphis Shelby county that the (muffled) they believe that a negro is inherently basically different, it is a different type of individual and that is why they don't understand it. As lately as 10 years ago when we got up the first interracial; committee the most influential man in the city said yes we will take part in this but if we are going to take part in it we will have a committee on so and so and the negroes will have a committee on so and so but we will not meet together. That is 10 years ago. You have to understand that when you get a young cop that has come in here from Dyersburg Tennessee who is the product of a rural environment. He is just as much a prisoner of his environment and the things he does as Coby Smith is of his. Coby Smith can't help the things he thinks and believes and says. And you can't expect that young cop all of a sudden all of a sudden to be a sociologist he is not.

Joan Beifuss- I know I understand that I don't think the young cop can but I do think the people who were on the city government should be a little bit more.

Lucius Birch- Well they just..

Joan Beifuss- you can't just say they are just grown up cops because they are not they are people that have bee out of the south...

Lucius Birch- Well let's take a case in point you take the median member of the chamber of commerce what chance has he got? He been made a the university of Mississippi. He has grown up in this community and he has heard all this folk lore from his parents. He doesn't read the Saturday review like you do and the Harper's or Collier's. And he doesn't talk tot anybody except things that involved his business. Now what chance has that guy got to know about (muffled) and what chance has he got to know about as to what the tests show as to native ability in the army induction tests and things like that. Why do you blame him for his ignorance he has never had a chance?

Joan Beifuss- Why do you not think that way?

Lucius Birch- Well because I had a chance I was exposed to a good education and fortunate enough to be thrown into collision with people who were good thinkers. I was lucky.

David Yellin- Plus there are two things, there is the opportunity plus the...

Joan Beifuss- Can I just say that I don't blame them. I just kind of fail to see, it just seems by the time you have risen to a point to be a leader of the city...

David Yellin- Or the editor of a newspaper..

Joan Beifuss- Or the editor of a newspaper most certainly.

Lucius Birch- Well that is the trouble with most of our newspapers and particularly true of this. The people who run the newspapers are not educated literate people. They read what is in the newspaper and they read the trade journals.

David Yellin- They perpetuate their own thing.

Lucius Birch- Take Frank Auburn for example. Now Frank is a fine individual. He came up under very difficult circumstances from I believe international falls. He came down here just as a kid to run this newspaper hardly been to school in his life. Now Frank he doesn't read the journals of opinion. Frank is influenced by his tennis group. They don't read it either. They are interested in what is the economic status quo and getting more jobs for Memphis and bigger factories and getting the expressways out and there were just very few people in the course of his life that Frank Auburn gets a chance to know what a guy like Coby Smith is thinking. He doesn't know Coby Smith and will never get a chance to see Coby Smith. But he has changed. Now in the last 5 years it has been thrust on Auburn that these things are happening and he is an intelligent guy and he wants to do a good job and he has changed, he has educated himself and he comes to these meetings and as you see the paper is changing. But that tells you why he didn't know earlier. Why most people didn't know earlier, only a few people did know it earlier. It hadn't been...

David Yellin- That is an interesting and I don't know that it is subject or worthy of too much discussion but you know as you know mayor Lobe went not a prep school in the east, he went to Brown University and nothing much rubbed off, I mean what you are saying and yet he can call on that experience as saying I do know what is happening because I have been there and that of course, I don't know that is kind of compounding the felony.

Lucius Birch- Yeah it gives an asset to an argument or a statement of an objective which is merely a formal one there is not much substance to the asset.

David Yellin- Well of course the trouble of talking to Lucius Birch is he gets to the heart of the matter. This is excellent you know, when we discuss this it never seems to be as clear cut as for some reason you have made it here. Not that you, I would do you an injustice if I indicate that you have all the answers and are saying but...

Lucius Birch- I certainly haven't, there aren't any real answers to this except tolerance, patience, and unceasing effort. I learned something that you are pretty

close to doing and that is to strive blame for things, nobody is blamable for these situations.

Joan Beifuss- No as a matter of fact a kind of interesting thing happened to me, when King was killed, when I heard King was killed I (muffled) and said god damn mayor Lobe god damn him. Then I started talking to people I talked to Fred Davis and I said how did you feel, did you hate Henry Lobe when King was killed. Fred Davis said he didn't hate mayor Lobe. Talked to about four other people that should have hated him far more than I did and they didn't. they didn't have that so I have gotten away from that, it was quite a lesson though.

David Yellin- I think there is a distinction, we are not looking for blame even though personally we are subject to it especially when you talk back and forth. We are looking trying to find out why and that is part of the reason and just because you don't agree with the way the reason great about doesn't mean it isn't true, that is the reason.

Lucius Birch- You dress it up any way you want there is a strong dominant feeling of racism among the white community and any time you want to test it you ask one whether or not he would have a negro for dinner and if he says yes then when did he do it? Or how he feels about open housing. Open housing is a place where they really begin to stand and fight and it does not just have to do with property values either. There is a lot of bad reporting and a lot of really prejudice and bias in it but there is a lot of good in it too. This thing of Hershey's the (muffled) hotel is well worth reading. A lot of those factors that he puts in there are part of the thinking and the outlook of the community and it is going to take a long time to change them, but they are changing real fast.

Joan Beifuss- Do you think the reputation of Memphis had for the past ten years been of being a progressive town racially? What would that be people kind of working in that enlightened self interest is that hat you would attribute that too, the people that worked on the Memphis human relations commission?

Lucius Birch- Yeah. That is what it was and there were a great many people too that were idealistically motivated both among the negros and among the whites. And that thing just worked fine for 10 years and when you look back on it it's easy to see why it worked then and why it has failed where it wasn't enough. It started out with the decision in the supreme court about desegregation. People began to get the notion that regardless of what they thought that they were going to have to do these things and rather than have a lot of violence and killing and trouble about it, try to work it out because we had to do it, there wasn't any question about whether it was right or wrong there was a mandate, a legal mandate. So it worked because it failed a simple hating to get the cadres from the NAACP and decide you are going to desegregate the movies on a certain day and without any newspaper publicity because both the editors are members and say that they won't print it you begin to have negros in the movies and they were especially selected if anybody said you black so and so get out of here. They would say oh cool it and not fight it because

they are picked for that. Now that sort of thing is easy and that keeps everybody satisfied because the negro community is saying we are making progress boy, we got the movies desegregated, we got the restaurants desegregated, got (muffled) desegregated. But there comes a time when all that is finished and everything is desegregated and yet the negro says yeah but this is done but I am still not the man I want to be and then you get into these broad general areas where I hope god himself has sense enough to make progress in them I don't. It has reached the point where there aren't any easy answers to anything. So then your structurized things like the Memphis community relations committee they don't produce progress anymore so they really get in the way.

Joan Beifuss- You say it was producing progress up until the strike was it the strike that?

Lucius Birch- No, it wasn't that it was that the things that it could accomplish it had pretty well been accomplished. It could have done more and it should have done more about taking part in mediating the strike.

David Yellin- Could they have done it given the circumstances even...

Lucius Birch- I don't know they could have tried harder than they did.

David Yellin- I meant his is asking you for some hindsight because on one hand and we have heard and it does fall on mayor Lobe because he was the one as being described as having steel on his back and wouldn't change and so on. He was bound to listen to the people closest to him and the people closest to him were not any more enlightened...(Tape break)

Lucius Birch- According to their outlook and their education and their beliefs I am sure Lobe thought he was acting correctly and believe me the business community were telling him all the time that he was doing exactly right he just sort mannered.

Joan Beifuss- Entire white community was telling him that practically.

Lucius Birch- Most of the whites yes, were telling him that and the mayor is a person that likes to hear well of himself believe you that. So he thought he was doing well and everybody thought they were doing right and it was just a collision of ideologies within the community. Nobody was making a fast buck out of it, everybody was generally as those things go with telling the truth the truth was told pretty generally. It was just one of these things that is a product of a social frame (Tape Break) probably a better society I certainly hope so.

Joan Beifuss- I was going to say now as the militancy movement evidently begins to surface in Memphis or begins to come into Memphis one or the other. Do you see the white leadership is prepared at all to handle a situation of black militancy?

Lucius Birch- Depends on what the form of expression is of the militants. I don't really exactly get your question. If militancy takes a position say here we have got to



have better education and better housing and got to have it quick.. I think they are equipped to handle it or are getting equipped to handle it. If it take the position that because we are black we are entitled to "x" amount of control in the community I don't think they are equipped to handle it nor do I think they should be responsive to it.

David Yellin- Well now one other question, it happened in Memphis. Was, is there any discernable reason, I am now talking about the assassination. Could it have happened anywhere? There seems to be, I mean I wonder if there was anything in the climate of Memphis that allowed this to happen, or was Memphis only an expression of the climate of the country?

Lucius Birch- No I would have thought that Memphis would have been one of the less likely places for it to happen. You see all these things they are some sort of peculiarity, they are tremendous important all of it. Now as you look back on it you say here are all these tremendous forces were converging and this is what was spewed up but it is not that way. If that first march had gone the way it was planned and the way it were gone unless it had been no more than 20 kids had gotten there and they were running and up and down the side throwing those sticks as and signs back across none of this would have ever happened. Dr. King wouldn't have been killed you would have settled the garbage strike in a very pedestrian way and Memphis would go on hoping that nothing was going to happen. So we all have a tendency in looking back on some thing like this to read importing meaning that may not be there.

David Yellin- Do you object to this because quite frankly we find a lot of historical dynamics working here.

Lucius Birch- No I don't object to it I think it is a perfectly legitimate exercise to attempt to deduce from it. I think it is the opposite of history, that is all history is. But at the same time I do say that a lot of this is just plain gratuity. You se the same thing in (Muffled) I am sure that if you could get Will Shakespeare in that chair and read some of the things that have been deduced and interpreted from his simplest plays he would have never recognized it in the world.

David Yellin- Yeah. I remember it reminds me of Earnest Hemingway's The Killers. It is written all in dialogue and I think it takes oh about three and a half pages. Yet there are classes where they study that for oh about 3 weeks.

Lucius Birch- We could do the same for his.

David Yellin- In fact I was guilty of it and I never forget one boy and this was someone that had no reason to study this anyway and he said, you mean that guys sits there and thinks up all these things. Of course I had to defend myself so I said yes (Tape Break)

Joan Beifuss- Sorry death of Dr. King that what happened in Memphis was healthy for the community. (Tape break)

Lucius Birch- The overall net affect of all this tragedy in my opinion is that this has been good to make the community in the end a better place. It has been very costly and tragic catalyst but what will emerge from it will be better than the....desirable end will come more quickly than it other wise would have done.

Joan Beifuss- (muffled)

Lucius Birch- No I have to do this unfortunately we are having a little wave trouble on this tape recorder.

Joan Beifuss- Would you say something like that happening is going to throw Shelby county behind George Wallis for instance?

Lucius Birch- Oh I don't know whether that does or not but the whole all of the problems of the times are very likely too.

Joan Beifuss- I see no difference between Memphis and the north rather at all frankly other than certain facts where different colors but it is the same underlying problem I think.

Lucius Birch- Actually when you asked this question with this tone of criticism you used when you asked of t his I have been here 2 years and I don't understand why these people didn't see so and so. Actually you can ask that question better of e very community in the east. There is less of an excuse in the east than there is here.

Joan Beifuss- Maybe I always think that people in government should be more responsible than other people and perhaps I expect that more of people that are in government that they take the time....

Lucius Birch- You are a big grown girl (muffled).

David Yellin- Well I heard a good explanation that mayor Lobe was the victim of too much support and I thought that had some validity. That it helped paint him in the corner or whatever metaphor you want to use, and I don't know what that is some people say it was a lack of communication. In fact, this whole thing started because some people were unhappy with the way the newspapers handled the.....we have gone far beyond it and we all consider what the newspapers had done and try to make a responsible observation of it. But it is bigger and it covers all aspects of life and history and all the dynamics. It could be kind of fascinating and hopefully out of this, out of what has happened here maybe we can see essentially why it happened, although a lot of people do know why but maybe if we find out why or more importantly and I think this is something that Memphis did not recognize or did not see was to recognize that there is a problem. It was kind of interesting that we have discovered for instance in the negotiations mayor Lobe refused to use the word recognize in relation to the union and as I remember by John Dewey the first thing about any discussion or solution of problem is that first you have to recognize what the problem is.

Lucius Birch- Well that shows the as an example of a lack of communication. You think of that as an educated man and an educator the way to recognize to a business man in that context doesn't mean that at all. When you say recognize that means recognize as the exclusive bargaining agent, those are words of law they run together. Recognize as the exclusive bargaining agent. Now every business man almost that you run into will the last thing he wants is an exclusive bargaining agency agreement with a check off. Actually it is perfectly stupid because if you give a man a check off then you have relived the union leadership of the necessity of getting improvements every time the contract comes up to keep their constituency. They don't have to be getting some thing to be able to collect their dues from the membership.

David Yellin- You are also saying something that is very significant for us in, as a reminder that when people say they never thought of it as a union or an economic situation they really mean it.

Lucius Birch- They do mean it, they do mean it.

Lucius Birch- And they weren't blind and they may have been blinded by this posture they took or the direction they were looking but they really did mean it and it wasn't that they ignored the other and I think that is important for us when we are looking over the situation. Some of us say well it was a race thing right from the beginning but for the people of Memphis and particularly the business community it wasn't they were fearfully afraid of the economics of it.

Lucius Birch- You ought to interview some of the business community and (muffled) the affect of the uninvolved community,. The community that is part of the business community that is a part of the establishment but which was not directly connected , you ought to get their thinking and pick their brains about it.

David Yellin- We intend to can you give us a few recommendations on or off the record?

Lucius Birch- Yeah we can do it on the record.

Joan Beifuss- It is alright it does not reflect on...

Lucius Birch- Good people for you to check on things like that would be E.B. Leemaster, and Bill Goodman.

David Yellin- I have never heard there names as being...

Lucius Birch- Martin Cunavan would be a person you certainly ought to talk to. Allen Morgan although I doubt if he will talk to you. Those would be good.

David Yellin- Very good.

Lucius Birch- They are men that have a great weight in the community but who have not been personally involved in the racial situation in any way that I am aware of.

David Yellin- Well fine, Joan I don't think we ought to keep Mr. Birch any more.

Joan Beifuss- Well if I have any more questions I will write him.

Lucius Birch- You do that.

David Yellin- Thank you again. (Tape End)