

# Rhodes College Digital Archives - DLynx

## David Caywood, AFSCME Legal Consultant, 1968

Item Type	Sound
Publisher	Rhodes College
Rights	Digital Audio (c) 2013, University of Memphis Libraries Preservation and Special Collections Department. All rights reserved. Use of this audio shall be governed by the University of Memphis Libraries "Duplication Agreement" <a href="http://www.memphis.edu/libraries/pdfs/duplication_agreement.pdf">http://www.memphis.edu/libraries/pdfs/duplication_agreement.pdf</a>
Download date	2026-03-07 18:23:44
Link to Item	<a href="http://hdl.handle.net/10267/33900">http://hdl.handle.net/10267/33900</a>

SS141.mp3

David Yellin- This is David Yellin and we are in Anne Trotter's office at Memphis state university with David Caywood. This is May 20, 1968 and that was Anne Trotter's phone.

(Tape Break)

David Yellin- I don't know...(Tape Break)

David Yellin- Ok this is known as the warm up period as if you need to be warmed up in an air conditioned office. We would like to have the kind of vital statistics.

David Caywood- Well my name is David Caywood, I was born July the 11<sup>th</sup> 1937 in Lexington Ky. I lived in Danville KY until I was about 16, I went to McCullough school in Chattanooga my last two years in high school. I went to Vanderbilt University in Nashville in 1955. I received a bachelor of arts degree there in 1959, went straight on to law school. I completed my law degree in 1962. Moved immediately down here to Memphis and started practicing law in the firm of Burke, Ford and Johnson. I married, I have two sons. Presently engaged in practicing law.

David Yellin- Very good, is there any particular phase of law you specialize in?

David Caywood- No probably I do more trial work than I do office practice.

David Yellin- Is there any you particularly like, this is just out of my own curiosity?

David Caywood- Well, I have kind of fallen into the rather large practice in the domain work, representing property owners. When the state, city, or county, or Memphis housing authority are taking their property for some kind of improvement.

David Yellin- Now which side are you on the property owners?

David Caywood- Property Owners.

David Yellin- Who are domained?

David Caywood- That's right we don't represent any governmental agency firm. I imagine Memphis state has been largely involved in this a great deal?

David Caywood- No Memphis state seems to be paying what the property owners want for their property so I don't know of many instances where they have had to condemn property, they usually can negotiate without filing a court proceeding, We had representative body and I don't know of any such cases.

David Yellin- I guess Memphis state must be very careful or they have to be careful about it. The citizen's and the people here to keep in good will?

David Caywood- It has been my understanding that they have been in line with what the property should be bought.

David Yellin- Well that is good news because we just got new offices and that is owned now by Memphis state.

David Caywood- Well that is good for me I live right around the corner and it was probably going to be condemned someday.

David Yellin- Yeah that's true. I am sure that you know what we are endeavoring to do here or have some idea that we are trying to get as much as possible of the picture of the time so that later on when the historians look back they will see it in context in its present state and maybe make a judgment, so that what we will like to do is to find as much out as possible about your involvement in all the events that took place just fundamentally from February 12<sup>th</sup> but obviously some of these begin back further than February 12<sup>th</sup> in the strike.

David Caywood- Well, February 12<sup>th</sup> I take it Mr. Yellin was the date that the strike began is that correct?

David Yellin- Yes.

David Caywood- Well, my recollection as to dates is not the best in the world but I believe that the strike had been going on approximately 10 days to 2 weeks when I became involved in it. If I am not mistaken Mr. Champa came to town first and Jerry Worth the international union president did not come in until later on the week of the 12<sup>th</sup> or else he didn't come in until the week of the 19<sup>th</sup>.

Anne Trotter- Could be the week of the 19<sup>th</sup>.

David Caywood- Well if that is the case Mrs. Trotter I met Mr. Worth the weekend of February the 24<sup>th</sup> and in particular I met him the weekend, the day of Sunday February the 25<sup>th</sup>. Now this had been prompted in two respects. First of all at that time it was very obvious to me that several things had happened. First of all, the union which I hadn't recog...not the union but the sanitation workers I never sat down and thought of it before were mainly negroes. Such a large percentage of them, I had known T.O. Jones for a long time, the local union president. I knew they had been having troubles. I did not know they had gotten to the point where they were getting ready to go out on strike. But anyway after about 10 days of it, it was very obvious that the thing was about to turn into a racial situation. It was gone beyond just the simple situation of a labor strike. I began to get deeply concerned about it. At that time Baxton Bryant who was executive director of the Tennessee council of human relations had been to Memphis several days and he was down here specifically for that purpose and he was down at the Peabody Hotel. It suffices to say that the Friday afternoon when they had the first march up the street I was going up to city hall on law business and I was getting ready to go into city hall when lieutenant Gerry Sanders asked me to go over to the auditorium and deliver a message to several people who were over there. They had cleared out the city

council chamber they had sent over everybody across the street. I went over there and delivered the message and at that time I could see that it was flat out a racial dispute. I could listen to the speeches.

David Yellin- This is now February the 23<sup>rd</sup>?

David Caywood- This would have been February the 23<sup>rd</sup>, this was a day later on in the day they maced the whole group, but anyway...

David Yellin- Lieutenant Sanders is the police officer?

David Caywood- He's the police officer and he is the one in charge of city hall he is the quire there at the city council meetings and they had some trouble and he had asked me to go over and o deliver a message to certain people. In particular what he was worried about was that he had left the auditorium and when he did it he had to take the public address system with him, he was under orders from the city council. To do it. He knew that this made the people mad over there and he wanted me to go tell some of those negros that he had done it because he had to do it.

David Yellin- Oh so the message were to some of the strikers.

David Caywood- To some of the negro leaders over there, Vasco Smith and several others. So I told him that I understood his situation and I would go over there and try to explain not to be mad at him but to get mad at whoever it was who told him to do it and he was under orders that he had to do that. Lieutenant Sanders has been a friend of mine for some time and I could see he was concerned about the situation. Because he really I believe did not think it was right for them to take the PA system with them when they left. Now I have not been over there when the city council had met and I had no ideas as to what had gone on. But anyway I delivered the message over there.

David Yellin- Do you recall who told him?

David Caywood- No I don't he just said they told me and I take it they being the city councilmen. I don't know who it was. But anyway I went over and tried to talk with and tell several people that Sanders was upset about it and he was sorry he had to do it and he wanted them to know it. Well about hat time they got through with the meeting and they started spilling into the street and saying they were going to have a march. I went outside and as soon as I got outside I noticed that the police there were coming up in their emergency squad cars which are the station wagons and they were taking out the gas masks and all of this and they were putting them on and the men were assembling out there in the street. Well I went to Lobe's office immediately and told him that he was being a fool if he was trying to stop the march and he assured me that he was not trying to stop the march and then I told him that the police were being a fool then by putting the gas masks on. Because everybody was getting very upset down in the street, the negros thought when I left that they were going to be gassed. And I thought so too, this because of the gas masks that

were being put on. At that time there was absolutely no unruliness of any sort what so ever.

David Yellin- I don't mean to interrupt you but I think you have your flow so well do you mind if I stop you occasionally as questions come up.

David Yellin- You went and delivered this message to Dr. Smith and others, can you recall a little more specifically what you said, what they said, what the reaction was?

David Caywood- No because it was a situation where everybody was really more intent on Lieutenant Sanders what he saw.

David Yellin- Other things had happened at the time.

David Caywood- Yeah and it was building up to a pretty high pitch and I told several people that in fact I told a couple of people this as in fact we were going out of the auditorium.

David Yellin- So you were a little to late?

David Caywood- That's right because when I got there the hall was completely filled up, there was no way I could get down. I did tell Dr. Smith and a couple other people, who I have forgotten who they really are now. But anyway when I got back on the street the negros started gathering and the police immediately started putting on the gas masks.

David Yellin- Right now you are back in mayor Lobe's office.

David Caywood- I went back to mayor Lobe's office. He said well I think you are right. So he called Holloman on the phone and told Holloman that I was there and they were putting on the gas masks and that there was no trouble down there, he agreed that was something that could cause trouble. So supposedly, well not supposedly, but by the time I got back down there the gas masks were off of just about all of the men. They did appear at that time to have some communication between the negro leaders and the police. Exactly what it was I don't know but there did appear to be some flow of conversation. I started, they then started marching down Main St. south. I walked on the sidewalk and I got down to about Loeinstein's and I stopped and at that time I met Mr. Worth for the first time that Friday, just said hello to him, introduced to him. He has a limp, he had to be pulled out of the march that time because he couldn't go any further. I exchanged comments with him and a few other people, Dan Powell, Bill Ross. Everything seemed to be going on alright, the men were on one side of the street which would have been the west side of the street. There appeared to me to be no trouble what so ever. Most of these negros were elderly people, I say elderly they appeared to be in their 40's and 50's. The police at that time in front of Loeinstein's did appear to be back away from the negro marchers.

David Yellin- Without gas masks?

David Caywood- Without gas masks on. Well I have forgotten where I went next. No, I went back up to city hall to complete the business I had gone up there for. Because I was up there on the board of adjustments. I came back down out of city hall and Lieutenant Sanders was out where I had seen him before and there was trouble and the squad cars were going down the street and negro men were coming back up the street and Lieutenant Sanders told me they tried to turn a police car over. He had a walkie talkie where he could hear what was going on. About this time Gerald Fanion who was the, he has position at the county or did at the time.

Anne Trotter- Property man, isn't he a property man?

David Caywood- No he was community relations that is what it was. He worked under Commissioner Ramsey. He came up and he had been gassed and he had his handkerchief out and he was crying from the gas and he kept saying I want to see Gerald Moore who is Lobe's administrative assistant. Lieutenant Sanders led him into the building and Gerald just, not Gerald but Gerry, no Gerald Fanion told me that they had gassed the whole bunch. I went out on the street at that time, the sidewalk in front of city hall and the men were coming back up and I asked them what had happened and a lot of them said they don't know what happened. But we got gassed and you could see they were crying and had their handkerchiefs out. I would say half of them told me I don't know what happened but the police came and gassed us the other half said that there was some trouble down there somebody tried to turn over a squad car, that was about all the information you could get. You also heard some people say well I think they maybe broke out some windows (muffled). Then I went back up and Jerry Sanders said they had broken up the march and that things seemed to be quieting down. I went on about my business, I went back to the office and went on home that night, I went out of town Saturday morning and I did not get back into town until Saturday evening late, I have forgotten what time it was. But anyway, I called up Baxton Bryant down at the Peabody hotel at Midnight on the night of February the 24<sup>th</sup> and talked to him at length about the situation as to what he had found out. He said that he thought there was a possibility that the strike could be settled. Now over the weekend or that Saturday mayor Lobe had gotten this injunction the city had that said the union couldn't do this and couldn't do that. The upshot was that there were no lines of communication then open between the city and the union because the city had been advised that their attorneys would be in violation of the court order. Now this is what had me concerned at the time because technically be absolutely no communication at all and it would be impossible to get anything settled. Bryant said he thought that the matter could be settled, suggested that I come down to the Peabody the next day. Early the next morning, or else by the time I had gotten home the next night there had been a message left there I forgotten which. I was asked to come to a meeting over at Lemoyne College. Where a group was going to try to get together to see about the strike. So I told Bryant about this and so I guess I must have known about it Saturday night when I was talking to him late, because he said well come on over here early and we can get together some of these union people and you can know what they are thinking about. Then you can go on over to your

meeting at Lemoyne. So I went over there and talked to Bryant at length, the upshot of which was that the union was not going to insist upon a written contract which at that time publicly was one of the hang-ups on any settlement.

David Yellin- Was anyone else with you and Bryant?

David Caywood- No this was when my first conversation was with Bryant. Because at that time Mr. Worth was not in town, I had wanted to talk to him but he was in Washington. This was early Sunday morning the 25<sup>th</sup>. They would take 15 cents an hour, they had to have a check off, but they could work that out through the credit union. Now essentially these were the main things the pay increase, the check off and they the union would not insist upon a written contract. I then went to this meeting at Lemoyne College, I guess it must have been 1 or 2:00 and people at the meeting were these, John Spence had called the meeting and Jacque Wilmore was there also representing the civil rights department. At the meeting, city councilmen Jerry Blanchard, Downing Pryor, Lewis Donelson, Wyatt Chandler. Negroes there were Hollis Price, reverend Jim Lawson, I am not sure if there were any other negroes there. Carl Carson was there, and Bert Ferguson was there, and myself and I think that was it. Well I relayed this information to these people and they all seemed to think that it was not unreasonable. And that a committee should be appointed to try to get a hold of Mr. Worth when he got back in town and confirm this.

David Yellin- On whose authority did Baxton Bryant say he had this information?

David Caywood- I don't know whose authority he had at that time but he had at that time but he had been living down at the Peabody and the events turned out that I will get to in a second that he knew the people to talk to down there. Alright, so Lewis Donelson and Downing Pryor and myself stayed after everybody else left, they had asked us too. We took the resolution which the city council had passed the Friday before and added a couple of things to it, and Downing Pryor was supposed to take that and see Mr. Worth that evening. I left it at that and went on home thinking that Downing was going to get a hold of Mr. Worth. The upshot of it was, well at that time my father in law Lucius Birch had called me that Sunday night wanting to know what had gone on and I filled him in on it. And he was having dinner with Ned Cook that night at the hunting and polo club. I had told him to tell Cook that we had a bad situation for communications, Cook was very close to mayor Lobe, and it had been my suggestion that we use Cook as the communication line to Lobe. For Cook to not get very far away. Pryor also knew this, we had agreed upon this. Cook at that time had another reason for being interested. He and I had talked about him running for Congress and I had advised him that I didn't think any democrat stood a chance in this 9<sup>th</sup> district if there was any racial trouble. So Cook had more than the normal desire at that time to keep peace in the wigwam. Well it must have been about 8:30 that either Cook or Mr. Birch called me I have forgotten which, and said that Mr. Worth was back in town but he would not speak to Downing Pryor at all and it wasn't because Mr. Worth was too busy he just wasn't going to talk to anybody. He was mad about the injunction.

Anne Trotter- And hadn't he gotten some money?

David Caywood- Pardon?

Anne Trotter- Hadn't he gotten some money too?

David Caywood- Not at that time they were still in bad shape. They had a little money but not much.

David Yellin- Just one thing I would like to clarify. The re-writing of the additional writing to the council resolution that was done at Lemoyne college, who did that you?

David Caywood- That was Mr. Donelson, Mr. Pryor and myself. Nothing really holy about it we just added few things because the resolution in the main was acceptable to the union, it wasn't what the resolution had in it, it was what it didn't have in it was the main problem at that time. Well anyway about 8:30 because I know I was watching the Smothers Brothers someone called and said that Worth won't see them and I think it was Birch that called me and I was rather irritated with him because the last thing he said was get Pryor in to see Worth and good night and he went back to his party at the polo club and I had to get up. So I went and called Baxton Bryant and told Bryant, got a hold of him at the Peabody, told him the problem. I found out where Pryor was, he was over at somebody's house having dinner and I told him to eat his food and not to have anything to drink and maybe we would get to see Worth. Bryant called back in about 30 minutes and see alright, Worth will see you. So I got back to Pryor and told him to come on down and pick me up. We went down to the Peabody Hotel, must have gotten down there about 9:30. Talked to Baxton Bryant for a few minutes and then he took us on up to Worth's room. Worth was expecting us, he had met Pryor before. We must have stayed there from about 9:30 to 12:30.

David Yellin- Just a small thing, do you remember the room numbers?

David Caywood- It was on the 6<sup>th</sup> floor, but it was the regular union people were on 5<sup>th</sup> floor, and Worth was on the 6<sup>th</sup> floor one floor above that is all I can really remember about it. Well here at that meeting, that started out with Worth Pryor myself and Bryant and somebody by the name of John Bly, I think he was the public relations man for the union. Well we...

David Yellin- The international union?

David Caywood- The international union, yes, he was on Worth's staff out of Washington. We sat down there for 3 hours. It culminated and one time after we got through, after Worth finally got written down what he wanted he called T.O. Jones in there and we had to add something but that was about the only part Jones played in it, he had to clear it with Jones before he let us have it. The paper in essence and it was typed out in rough, these were the points, the main points they wanted 10 cents an hour now, 5 cents additional the 1<sup>st</sup> of July. They wanted the credit union to

operate the check off. They would not require a written contract, they would give a no strike clause to the city. They wanted a grievance procedure where the person had the right to be represented on all levels by either a lawyer or somebody from his union. They wanted health and accident insurance and they wanted the right to participate in the city pension plan. These were the main things that were in there. This was finally written down and typed out by Mr. Blyre and we got through with it about midnight and Worth says this is what I will settle for. This was interspersed with a lot of comments of what he thought of mayor Lobe and the problems he was having with Lobe, problems he was having with some of his own people although he didn't say it I got the definite thought that he thought that Mr. Champa had not been the most diplomatic person in the world but he thought that Lobe was a complete hypocrite. He said he thought that Lobe had absolutely used bad language but every bit as bad as Champa but he had done his in his office and he hadn't done it in public. He said that Lobe was being a fool that was getting himself painted into a corner that he was not going to be able to get of and he would believe whatever Lobe told him, he said if he was dealing with a dishonest man he would have had the strike settled by that time. Worth had Lobe pegged about right. He was stupid, and he was honest.

David Yellin- A deadly combination isn't it.

David Caywood- And this Mr. Worth was very astute in making this observation. He said that there was going to be serious trouble and it was because of those two things. It wasn't the man's honesty that bothered him it was his complete stupidity that bother him. Now I might parenthetically add right now before I forget it, that when you look at the final settlement the only change in what Mr. Worth told us that night, February the 25<sup>th</sup>, or whatever it was, the only change between that and what the final settlement was, instead of getting that nickel raise, that second nickel raise the first of July they get it the first of September. Now that is absolutely the only change of any significance. Well what we had told Cook that night earlier, was that if and when we got anything out of Worth we were going to come and see him. Well Downing wanted to go home at about 12:00 and do it the next day and I said no w3e are going out to see Cook. So we got out to Germantown at about 10 minutes to 1 and called Cook up from a payphone and made him turn on his lights. We went on out there got there about 1:00. Cook looked at it and didn't seem to think it was too unreasonable and he called Lobe up right then, it must have been 1:30 or a quarter to 2 and told him that Pryor and I were out there and he had something from Worth and said he wanted to talk to him the next morning. Lobe agreed to it, said he would call him as soon as he could get free. So I guess I must have gotten home at 2 or 3:00 that morning, Downing brought me on back to town. Cook went to his office and attempted to draw something up he then went down to Lobe's office and I believe it was later on that afternoon that I got back in touch with Cook.

David Yellin- Now it is Monday the 26<sup>th</sup>.

David Caywood- It is Monday now, the letter that Cook had at that time was essentially the letter that Lobe sent out to the workers maybe ten days later I don't remember quite what it was.

David Yellin- Cook wrote the original?

David Caywood- Cook, I don't know who wrote it, I don't know who it was that wrote it but anyway the letter was completely unacceptable to the union because of the aspect of the check off. Now they figured they could always deal on the wages with the city council but in particular they were worried about the check off and it was very clear to me that Sunday night that was going to be probably a main stumbling block if not the biggest one. Well I guess it must have been Tuesday morning that I then went back to see Mr. Worth with this letter that Lobe had written. In fact, I believe I perhaps had breakfast with him in his room. That is right, I called him back Monday evening and he said well have breakfast with me tomorrow morning. So I took it in there and Worth was very indignant about the letter, threw it down and said he was tired of dealing with Lobe, that Lobe was a not negotiating at all with him that he could see absolutely no change in Lobe's position and he didn't know why he was even going to spend any time talking to him. I had a very unpleasant breakfast with him left him and got back in touch with him later on and in the interim I was attempting to take Worth's letter, or statement of conditions that we had gotten that Sunday night and then take Cook's draft or Lobe's draft whichever one it was and see what we could come up with. Well eventually I came up with a letter that had all of Lobe's stuff in there about the strike being illegal and immoral and whatever it may be but at the same time getting all of the union's demands in there. I took the letter to try it out on several people. I tried it out on Pryor, he thought it was alright, Jared Blanchard by this time had seen several, had seen drafts and we were going through draft by draft. I really can't tell you how many drafts there were but anyway it did finally culminate in a letter that had all of Lobe's principles involved in it which he seemed to think were so important and the union's bare essential demands. This letter was finally taken to Cook. He realized what it was and he made no comment about it. Birch who had sided with Lobe up until that time on the basis of the strike being illegal which it was, no question about that it was an illegal strike. Birch thought it was a letter which Lobe ought to sign and send out. This was a letter which Lobe was going to send out to the workers and this would be the agreement. The union would accept a letter sent to the workers, they realized that Lobe couldn't send a letter to Worth because he really wasn't recognizing the union at the time and that might be considered a contract with the union but Lobe, Worth said if Lobe sends a letter out to the men that is enough for me I will buy it that he is honest. Anyways, we finally got this final draft up, and I don't know when that was, that maybe was probably the following Tuesday or Wednesday week. It was done over a period of about 6 or 7 days.

David Yellin- So that is about March 4<sup>th</sup>?

David Caywood- Yeah sometime in through there. And the delegation of us took it out to Frank Auburn. Downing Pryor, Hollis Price, Ed Orgill and myself, and we

showed him this letter and again this letter has everything in it as the final settlement except July was changed to September. Auburn thought that the letter ought to be accepted. He called up Ned Cook from his office and told Ned to see if he couldn't get him to sign the letter. And I was on my way up there, so Auburn and I were sitting in his office and Auburn said perhaps you ought to take Caywood up there to see Lobe. I hadn't talked about it with Lobe at that time except over the telephone from Cook's office. Lobe knew I was working on it knew I was talking. So be that as it may I went up to Cook's office and we went up to Lobe's office and we sat there two three, four hours I don't know how much. Arguing about the thing and that is all it was. The main points that Lobe made were this, that the city was in bad financial condition and I couldn't argue with him about that because I didn't have the facts and figures and I would believe that he was right about that and subsequent events have shown that he was. The main thing was the check off, absolutely simple, plain and proper. Now Lobe said this, he said that these men don't know what they want and I am here to protect them. It was then pointed out to him that he was only elected mayor and my god and if this made him all the madder.

David Yellin- Who pointed that out?

David Caywood- Mr. Cook was not pointing that out to him and there was only three of us in the room. It was also pointed out to him that none of those men voted for him so whatever his position was they didn't want him to be it so he had no obligation as such to be their protector or to feel anything, take any position in it. This also made him mad. He then got down to the point to where he said well he people who voted for me want me to take care of them at which time I told him he was either a liar or a fool because it was a toss up. He was not being honest, the people that voted for him are "didn't like niggers" and they couldn't care less what happened to those folks down there for him not to believe that. Well that made him all the madder and we had a very unpleasant session. It finally got down to the point where he said look at all those letters and everything over there. I finally backed him into a corner and said well hell you are just playing politics. Your mail is coming in here from the white people, they are the ones that elected you and that is what you are going to do. You didn't get the negro vote and you and I both know that it doesn't make a difference what you do you are never going to get the negro vote. Again we went on but he didn't argue with that as much as he had argued with everything else I had told him. So we really got down to the point where he placidly admitted that it was strictly political as to what he was doing. Now he didn't maybe realize this as much as Cook and I did but he got backed into that corner. He also was on the position that the thing was immoral and illegal. Which I could never really understand,. He made remarks several times that if he gave up on his principle he didn't want to sacrifice his principle because of his children. Over a three week period of time I must have heard this half a dozen times. He equated his principle with the well being of his children. I guess he felt...

David Yellin- The principle of sticking to some thing?

David Caywood- Sticking to what he thought was right and that he did this in the eyes of his children he would not be a full man, and he seemed to have a hang-up on this. It was really something that cropped up time and time again. Almost every conversation I had with him that happened. And it was most unpleasant although we parted on good terms, it was pretty violent 2 or 3 hours in there I don't know how long. I was hoarse when I left the place. And so was he. Now Cook did not take much participation in this thing and not much at all. We left it, he said he would be damned if he was going to sign or anything else. So then the next day the whole upshot of it was that we found out he was getting ready to send out his own letter. Birch and Blanchard and several other people went up there to try to stop him. They couldn't, Lobe sent out his letter.

David Yellin- How did you get word?

David Caywood- I don't know, somebody either it was Blanchard or Pryor told us that they had tried to go up there and see him and they were all in the room and they all were Walter Armstrong, Jim Manere, Tom Pruitt were helping Lobe write the letter. Cook may have tipped us off, I don't know and I don't want to say that really occurred. But anyway, they went up there to try to talk to Lobe and got tossed out rather semarily. I couldn't go up there because when I found out at 1:30 I had to be in court at 2:00 so I got Mr. Birch to do it. I came back to the office and I went up to his office and Jim Manere was there Jerry Worth was there, Birch was there, and Gerry Blanchard was there. Manere being the city representative and they had the copy of Lobe's letter that he was sending out and by god this was what he was going to do and it was going to go out as soon as it could be printed.

David Yellin- Did he mention anything about that when he spoke to you the day before that he was going to send out...

David Caywood- No, well he said I think the letter is a good idea.

Anne Trotter- But my letter not yours.

David Caywood- Well that was always the case, so anyway he said he was going to send it out. So finally we got down to Worth and Worth by this time had made his contacts with the city council. Somebody had promised him 15 cents and I don't know that much about that part of it. Anyway, I think they had taken a poll on the council they would go 15 cents, 10, now 5 sometime later but I think the (muffled) which Worth could live with. Worth figured it like this, he had Lobe's letter, if I can get the 15 cents from the council and get this letter from Lobe but get Lobe to promise that he will not tamper with the credit union handling the funds for the check off I will take it. So Birch called up Lobe and said now the only thing that is standing between you and settling this strike is your word that you will not tamper with the credit union. You know how they are going to work it because you have gotten the memorandum from Caywood that I had spelled out exactly how it was going to be worked so there would be no problem about it. Lobe or nobody else could say they had been deceived. And I couldn't hear what went on the other end of

the phone but all of a sudden Birch told me in no uncertain terms told Lobe what he could go and do. It was a violent exchange that occurred over the telephone, and Birch made some uncomplimentary remarks about the mayor's heritage and I am sure it was vice versa and then the phone was slammed down. Everybody finished their drink and went on home. Now that was the end of the letter writing to say the very least. Everybody was tired of trying to write letters at that time and Lobe sent his letter on out.

David Yellin- Now just for my memory I am sure that you probably said so, when did you advise Lobe on how you would handle the credit union?

David Caywood- I don't really know but it was brought out very specifically. I think it was in this long session I had with him explaining to him that what would happen would be that the men would ask the city to send "x" number of dollars out of every paycheck to the credit union. Now the credit union is set up under state statutes and federal regulations it is not an order of the city what so ever. There are no ordinances or city charter provisions having to do with any credit union. Now once that money gets to the credit union it was my opinion and Frank Gianatti's opinion that there wasn't a thing that Lobe could do about it as long as that credit union abided by state law and federal law. Because it was not any of the city's business what happened to that money once it got in there. Well what was then going to happen was that these men were going to sign another piece of paper questing that the credit union funnel that money directly on over to the union.

David Yellin- Which is not any of the city's concern.

David Caywood- Which is not any of the city's concern, there is absolutely nothing about that, I will get into, let me develop it like this. The labor union said we will pay the city if there is any service charge on funneling this money on over to the credit union. They were willing to make he city hold, I was not there when this conversation went on, but Downing Pryor supposedly heard Frank Gianatti tell Lobe, that he Lobe had no right to say what happened to that money once it got to the credit union, he just didn't have that right. Well I challenged Lobe as to whether or not he had the right to say that this credit union couldn't get this two dollars. He Lobe said I have got the right to say that credit union will not be on that list of payroll deduction agencies, we are not going to do it. Well I couldn't find anything in the city charter or ordinances that said he had the power to say who was and who wasn't. Mr. Donelson said the same thing in another meeting, that he didn't know where he had it. The city attorney advised him that he didn't have that power. So all of this was just kind of a chaotic mess, Lobe said he was going to do it. And to hell with them.

David Yellin- What was the union's stance on why they wanted the check off?

David Caywood- Because they are in this position. A union can only survive if it collects dues. And historically it is true that the unions which are made up of laborers or that class of people cannot collect their dues unless they do it through

the check off system. If they have to depend upon a voluntary payment from the person after they get their money they will never get their money.

David Yellin- The union admitted this?

David Caywood- Yeah they were very frank about it, very frank about it. If they had been attempting to organize, well let's I don't know some higher class union, let's say nuclear physicists they would have not have had as historically this has been the case and no labor historian can argue this point and they made this point very clear that we have to have it.

David Yellin- And also the fact that even under this it is voluntary on the men's point of view.

David Caywood- That's right now this is the point that was brought out to Lobe. These men had to do two voluntary things, they had to voluntarily sign a piece of paper which told the city to give the money to the credit union and then they had to voluntarily sign a piece of paper which told the credit union to give it to the labor union. At any point in time under the system we had set up the man could go and cancel at either step. Now this is entirely different from the usual conception of a check off. Once you have either a closed shop or a union shop, there is nothing voluntary about it, if you work there it is getting taken out and you can't stop it.

David Yellin- And Lobe took the position that he was protecting the men against that pressure.

David Caywood- That's right even though it was pointed out to him that they could stop at any time. Lobe at no time acknowledged the right of these men to make their own determinations to what they wanted to do.

David Yellin- The men themselves became aware of this?

David Caywood- That's right and this fact was played upon. They were told this and this infuriated them. I was at one labor meeting again trying to get Mr. Worth to review one of the letters and they were laying it on the line to the men as to why Lobe didn't want it. He said that he thinks we are going to pressure you to do it and you know it is voluntary and we want you to do it and the union will fail if you don't but now do you want to pay it this way and he explained it and they all jumped up and said yes and cheered. The men knew what the reason was.

David Yellin- I at one time heard, it was just incidental, that it would have cost the city like 12 cents a week or a very small amount to handle this as a charge.

David Caywood- I don't know what it was but it was flat unequivocally stated to me that whatever the cost was the union would pick it up.

David Yellin- I see at all times the union said they would pick up the cost to the city.

David Caywood- In other words the city was not going to be out of pocket one nickel of administrative costs and just to send the bill on to them and they would pay it. There was never any dispute about that. Well that really kind of ends the letter writing part of it because from there it went downhill on negotiating for quite some time.

David Yellin- Well maybe we might just stop here for a little bit I have a few questions for review and then maybe we can pick up here if you want. Do you recall at any time about Worth or Champa's entry into this strike., Were they advised after it happened, where they consulted when it happened, where they surprised when it happened.

David Caywood- I will only tell you what Mr. Worth told me the morning I had breakfast with him.

David Yellin- That was the unpleasant breakfast that you spoke of.

David Caywood- Yes it was very unpleasant. The only time that they knew about the strike was when a reporter from the commercial appeal called them up and told them that the strike was in session. This was about on a Tuesday. I think the strike began on a Monday it was Tuesday or else if it began on Tuesday then they called him on Wednesday and told him about it. Now Worth said, I have been in the business in 21 years and that was a hell of a thing to do. He said there were lots of reasons for it. First of all you are stupid if you have a garbage strike in January and February because it doesn't stink as much as if you have it in the middle of the summer. The second situation is, you don't go after politician the moment he gets into office. You haven't had time to get people mad at him, and you have to develop this. He said the 3<sup>rd</sup> reason was the guy can cry and he is doing it so successfully I haven't had time to be in here 6 weeks and now this is what they are doing to me, I am just at a loss as to this other guy's Ingram mess and I have just inherited it. He says for those 3 reasons you are a fool to do it and I am not a fool so he said I didn't call the strike and I would have advised anybody against it. But now that they are out and it has got to be. We aren't faced with alternatives and sending them back to work without settling was not one of them.

David Yellin- Why then couldn't he have said well we will go back if you will give us certain things by time.

David Caywood- Yes he says that also historically you will never get the men back out again. It is a psychological thing about keeping men out on a strike when you are not sure if you are going to be able to get their food and be able to pay their rent the next month. You are dealing with a great deal of psychological momentum. He said if I get them back to work I will never get them out again, and he was very candid about that. At all times Worth attempted to tell anybody that asked him what was on his mind, he was very candid.

David Yellin- Now in the negotiations as far as the union was concerned, the prime authority was with Worth?

David Caywood- That's right.

David Yellin- He had to be satisfied.

David Caywood- That's right.

David Yellin- Jones and Champa?

David Caywood- He had his problems with Jones, Jones had to be satisfied, but Worth had control of the situation but he did consult with Jones.

David Yellin- Now when you got your group together and you went to Auburn, why did you go to Auburn?

David Caywood- Well he was running some pretty bad stuff in his papers, had been and then he wrote an editorial that showed perhaps he was beginning to have a change of heart about the thing. We thought he was susceptible. I had forgotten what the editorial was but it was not a real bad editorial. It showed a mellowing so we thought we would go see him. Precimeter remained pretty hard on the matter.

David Yellin- I mean I just think we should have some sort of a speculative, because of the attitude not because of his greater influence and Charles Schneider?

David Caywood- Well neither one of them had backed Lobe, in fact it was the Commercial Appeal that blanked Lobe out of the picture because Lobe was in office before.

David Yellin- Then why did you think that Frank Auburn could do anything about it except through his paper?

David Caywood- I wanted Frank Auburn to talk to the business people that he has dinner with out at the country club because they were going to be the ones that were closes to Lobe. I didn't want Auburn to call up Lobe he probably wouldn't talk to him. But for example Lobe got a hold of Cook pretty quick and I believe he talked to several other people in town. So Auburn was able to work through other people that in turn would be close to Lobe. But as you remember the Commercial Appeal endorsed Morris in the first race of mayor and I don't think they backed Lobe against it either.

Anne Trotter- (muffled)

David Yellin- And why was Orgill involved?

David Caywood- Well Orgill is chairmen of the Memphis committee on community relations. This was his, in fact I think this was his idea, he though it was a propitious moment to really talk with Auburn.

David Yellin- Now the other thing is do you have copies of these papers that you could turn over to the archives?

David Caywood- Well what I got but I threw a lot of away as we went because I frankly at the time was not thinking of history and just didn't want it around my office. I had my secretary typing the stuff and she was under strict orders not to let anyone see it and we only had, I kept numbers of my copies and as they went out to people I tore them up. I may have some that I have stuck in the bottom drawer I will be glad to do it.

David Yellin- Would you please and we can make copies if you want them. Now do you want to stop and rest a little bit or go on?

David Caywood- I want to go ahead.

David Yellin- Well after this letter and the whole business...

David Caywood- Well there was a couple of other things in the interim that had something to do with it, and I don't know the date, but for example the night they arrested 120 people over at city hall. I had been in Nashville all day and I got back in town and I was driving into my office from the airport when I heard about it. When I got to my office I called Lobe because they said the city hall was closed and a friend of mine was coming up there and I asked him if he was talking to any of the people down there and he said no. So I got in and went down there and talked to him and they said they were going to have to arrest them. He said they were prepared to gas them and prepared to carry them out of there and all of that. And he said well, he admitted though that they hadn't been talking to Lawson or Kyles or anyone down there. So I said for god sakes man let me go down there and talk to them if you are going to arrest them maybe we can do it peaceable. So Lobe in his own inimical way thinking he is going to help me out says that I will send 6 policemen down there with you. I told him frankly I didn't was a single GD policemen with me and if I went down there with them I probably wouldn't get to talk to them either. So I went in down there and they were singing hymns and having speeches. I got to Lawson, Jerry Blanchard was still down there and Clark Portage was down there, and a lot of news people. I asked Jim Lawson what they planned on doing, He said it is up to the city, I said well I can tell you the city is going to arrest you, now the problem is how are you getting arrested. You going to tell them they got to carry over or what. Jim said, well I have been arrested a good deal of times and nobody has had to carry me anywhere we will walk over there. I said have you got control over the people, and again it was the older sanitation workers, and he said he had complete control I think. So I went back to Lobe's office and told him in essence to keep his hands off of them and I wanted Henry Lux to come with me. At this time I do not know how I knew Henry Lux but somehow or another I got the idea that Lux was a good man. So he sent one of his inspectors, one of his body guards down there and told Lux to come with me. I took Lux down there and introduced him to Lawson and told Lux what Lawson and them were planning on doing and they worked it out, I went on and left them at that time. I went and sat down up on the podium with Clark Porters and Jerry Blanchard and let Lux and Lawson work it out, Well anyway I don't know what they did, what their conversation was but Lux was down there shaking hands

with all the preachers and talking to them and all the other policemen were way back in the back.

David Yellin- And Lux is in uniform?

David Caywood- Lux is in uniform, down there and Lux is a nice jovial sort of fellow and he and Lawson were sitting down and working out how they are going to arrest them and that is just about how it was and they worked out a deal whereby the upshot of it was that they would walk them across to the jail and they would get them over there and they would book them and then everybody would go.

David Yellin- That is from city hall?

David Caywood- Right across the street through the back door in the jail. And they worked it out fine, it worked out fine. There was one problem they had a bunch of kids out front, young negro kids and Lawson and them sent some people out to get things quieted down. This was part of the arrangement that Lux thought was necessary and Lawson agreed. So I don't know what the bit, because at this time I was trying to let Lux and Lawson kind of work it out, which they did, they worked it out fine. They walked on over there and when I saw they were getting over there alright I went back up to Lobe's office and asked what they were going to be charged with. Well k they were going to be charged with disorderly conduct both city charge and a state charge. So then we got the problem of the bail, how much bond is going to be required. I got Lobe to agree that the city would not complain if everybody was released on their own recognizance. This meant nobody had to put up any bonds. We got the city attorney out of the university club steam room, he had some chest trouble and he was over there trying to steam it out and he had been, frankly he had been pretty sick and subsequently after that even got worse. We got Giannatti and I talked to him and he agreed that there had been absolutely no violence, that they wouldn't complain about it. So I then call up Ray Churchill and advised him what had happened and that they were in the process of being booked and we needed to set some type of uniform policy., I also told him I was calling from the mayor's office and that were as I couldn't say what the city would and wouldn't do I was just going to talk unless I got hit over the head by Lobe, he could assume that what I was saying was not against the city's policy and that was that they wouldn't complain if they let them out as long as they were citizen's of Shelby county.

David Yellin- And Lobe was listening to you?

David Caywood- Lobe was listening I was sitting in his chair and he was sitting over there. I told Churchill I talked to Gianatti and there wouldn't be any problem about it. So he called up the police station and by the time I got back over there they had gotten the word though and they were booking the people and I talked to Mr. Holloman at that time and they had the system all set up. The only problem that Holloman had and it was a legitimate one, that while they were going to leave the city hall area they are going to stay down here and continue to demonstrate. I told

him I thought it was reasonable to require them to leave. He said well how do we know? OI said well get Lawson and one of the other preachers...

Anne Trotter- Kyles.

David Caywood- No it wasn't Billy Kyles at this time.

David Yellin- Jackson?

David Caywood- No it wasn't Jackson, the big tall one. I have forgotten which one, the big tall one we got him down there and we made the deal. They agreed that the people, they would see to it that the people left the police station area and get on back down to South Memphis or wherever they were supposed to be. So I thought everything was alright and they did they released them 5 or 10 at a time and they got them all out of there in a few hours, but they booked 120. Now what went on there that night with Maxine making her case, I don't know because I didn't see anything. Now that has been in the newspapers but I know nothing about it, nothing what so ever. I was out of town and had to go back out of town the next day, so I wasn't there in city court.

David Yellin- So in essence you were acting as their attorney?

David Caywood- Well I told Churchill I wasn't representing them because I was going to have to be out of town the next day. They knew that.

David Yellin- They being the...

David Caywood- The negros, I told them I would be out of town and wasn't representing them, I was just at that time just trying to see that the system didn't break down and you kept them all in jail over night as some thing as ridiculous....

David Yellin- But they had no other attorney?

David Caywood- No they had no other attorney then at the time. I don't know who represented them the next day to be frank with you.

David Yellin- Why did they need to be represented the next day?

David Caywood- Well it just would have made it more orderly and they did have an orderly proceeding the next day, I don't really remember what went on except for the fact that everybody was told that if you are charged, if they were not charged with anything else with in 6 months these charges would be dismissed.

David Yellin- I see, this is before Judge Churchill?

David Caywood- This is before Judge Churchill and so but I do believe that Sugarmon was his office representative. That was one other incident. The other thing that occurred was the day that they served the contempt citation on Worth over there at the city hall meeting and I was over there. Lobe had asked me to come up to city hall because he did not want a repetition of what had happened before

and he wanted somebody down there that could communicate with the negros. Because I had told him that night that they had to arrest all of them that I thought they had a very poor line of communication and that they were going to have more trouble if they didn't establish some thing and I think that Lobe saw that was right because he really thought that there was going to be mass trouble down there and he was amazed when he saw those people walking to the jail and not causing a single bit of trouble, I believe he was flat out amazed when he saw that.

Anne Trotter- He seems to have consistently underestimated both the strikers and their sympathizers.

David Caywood- I believe that is correct I really think he did. I think he thought that he was stronger than all the rest of them put together, his supporters.

David Yellin- When you say he was amazed, was he disappointed in being amazed?

David Caywood- No I don't think he was, I give him more credit than that I don't think he was disappointed, I just don't think the man has any conception of what is going on around him and thinks that masses of people are synonymous with violence and he has no conception of what is referred to as a nonviolent movement.

David Yellin- This was a mass not a particular group.

David Caywood- And trouble usually comes from large groups of people. So, but anyway the other thing about it was the day that Worth got served with that contempt citation they took him over there to Chancery court, and they almost had trouble over there that day, in the city hall meeting because they could see all their union leaders going across. And we got it worked out with the city council whereby they agreed to wait for Worth to come back, which he did, he came back from Chancery court and spoke to them. Also I got Worth to agree not to stay that night but to make his demands and then to leave and let them have an opportunity to act, they being the city council, to act on it and he wouldn't really be giving them a chance if he stayed that night. Now the other thing that was going on that afternoon was Worth was going to go across the street was whether or not they were going to let any of the negro ministers talk. Baxton Bryant and I finally convinced Downing Pryor and some of them that they had to let...(Tape End)