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David Caywood, AFSCME Legal Consultant, 1968

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David Yellin- This is the second tape of David Caywood May 20th 1968. (tape Break)

David Caywood- Well anyway the city council finally gave the negro ministers 20 minutes and told them they could divide it up anyway they wanted too. And Jerry Worth got back in Chancery court just as Jim Lawson was done getting through the last of the 4 or 5 minute speeches. Worth went in and gave a speech that was extremely moderate in its delivery it was very polished and very celestial on his part. He commended the city council on the dept of task that they had and there was no stride and demands. It was a very well polished thing in fact, then when he got through he told me, he promised me he would try and get them out of there. And when he got through he said, any questions ask a few, the council was very solicitous of him also. They treated him very fairly, the questions that were asked were questions that needed to be asked. And then Worth said oh that is it meeting adjourned. Well Worth turns around and several preachers try to stop him and say let's stay or I was in the back but I could see what they were trying to do. Worth was shaking his head and he grabbed two of them and got his usual men to grab some others and they started physically pulling the preachers the first ten feet up the aisle. They did and everybody else filed on out and as one police inspector back there who expected them to stay all night said, I will be god damned I never thought they would do this. This was one of their own hardened policemen who by this time was the second incident they were beginning that I thought a little bit softer in their attitudes towards these particular people. They got out of there alright and then the whole thing just sort of generated for a period of time not much was going on and you had your marches up and down the streets, one of the sidewalks. This is before Dr. King started coming into town, and finally we heard Dr. King was coming and I didn't do very much I guess for several weeks in there because things had really bogged down. Lobe had written his letter and had been turned down by the union, there was the injunction preventing them from talking all types of things. Everybody just retreated to their own camp, and things progressively got worse. There came a time that Dr. King came into town and had the snow and it was cancelled so they had it set up the following Thursday. Wednesday morning about 8:00 in my office I got this telephone call from Frank Holloman...

David Caywood- This is march 27thg?

David Caywood- I don't know what the day was but it was the day before the march where they ha the trouble.

David Yellin- That is march 27th.

David Caywood- Alright, Holloman called and he said that I am having a hell of a time I have got to route my traffic for tomorrow. I have troubles with ambulances, I have troubles with fire engines, if fires break out I have got to know the route and they won't tell me the route. I have tried to talk to them and they won't do it and

that is being unreasonable. I told him he was right and I called Jim Lawson and got him out of bed, I told Lawson that I can understand him not liking the police commissioner because of the incident they had with the macing down there but Lawson had to, when the police commissioner was reasonable, he Lawson ought to be reasonable and vice versa is true too. So Lawson finally said well the riot they had in the paper last week is a correct route. And he told me what he would do.,

David Yellin- Excuse me had they cooperated with Holloman before the cancellation?

David Caywood- I don't not know that all I know was what I was told from Holloman which was he couldn't get the route from him.

David Yellin- How did they get the route before?

David Caywood- I don't know that, I don't know, but anyway, I called Holloman right back and told him the exact route and all of that and (muffled) put the phone down and I didn't hear anything else until 8:55 the morning of the march at which point I was sitting at my desk working and Holloman calls up and says we got trouble out at I think it was Hamilton High.

Anne Trotter- It was.

David Caywood- He said can you get down and tell Lawson that we have got trouble out there can he send some people out there himself to try and get those students squared away. He said my men are taking a beating, and in the background I could hear his police radio which was right behind his desk just a hellacious squawking going on and I had been in and out of his office enough to know that was an abnormal sound in his office. So I just ran down to where the march was starting at Clayborne Temple and he told Lawson what the trouble was. Holloman had told me at that time that they had to use gas. I got Lawson to send some people down and I got back in touch with Holloman again and he said well we didn't have to use gas. I then told him that the rumor was that some little girl had been killed he told me it wasn't. It was supposed to be about 9:30 but the rumors were beginning to sift up through the people and they were not good rumors at all. It was, they had killed one little girl and 8 others had been injured and it was just multiplying.

David Yellin- Holloman is in his office, I am in the minimum salary building and calling about every 15 or 20 minutes. Also,...

David Yellin- How were you able to get through to Holloman?

David Caywood- He has a phone on his desk his private line and I have his telephone number, he had given it to me and asked me to call him directly. Also I have got, he has two other phones out on his secretary's desks so he has 3 private phones in essence and of course I have the number to all three of them. So that is the way I could get to Holloman quick.

Anne Trotter- How could he get to you quickly?

David Caywood- He couldn't and it was a problem. He knew where I was and that was the only way he could do it. The lines were always busy and it was me having to call in to him.

David Yellin- Of course it is also a commentary isn't it that he had to call you to get to Lawson.

David Caywood- Well that was not a problem that was of Holloman's making. Lawson at times indicated that he would like to cooperate more with Holloman and understood what Holloman was trying to do but he and Jim Lawson could not be seen cooperating with the police commissioner, politically was something that he couldn't do. And Lawson probably although Lawson has not said anything about it, Lawson probably deep in his own mind was not too upset with the fact that someone was able to accomplish this because Jim couldn't do it and I never asked him to go meet with Holloman except way on down the line.

David Yellin- Yeah but I wonder why Holloman couldn't send someone himself to Lawson.

David Caywood- Because the people that Lawson would trust and could understand why they were down there were few and far between, I have known Lawson for some time.

David Yellin- That is what I mean that is the commentary I am making, suppose you weren't in your office?

David Caywood- Well Holloman wouldn't necessarily wouldn't have by his own background probably wouldn't have known many people who could go talk to Lawson.

Anne Trotter- He came from Memphis state.

David Yellin- Yeah.

David Caywood- Who is this.

Anne Trotter- Holloman did. So he would not have challenged the ...

David Caywood- Well he had been in the FBI prior to that but he was at the top here and I just don't think he had those contacts. Anyway it was just something that had to be done and I think Lawson probably thought it was well that there was some thing that could be somebody. Well anyway I was down there and the first trouble that I noticed....so then I said I will stay when I got down there. So I forgotten what time the march was supposed to start...

Anne Trotter- Started at 9.

David Yellin- 10:00.

David Caywood- Well it was supposed to start at 10:00 I think but they were...

Anne Trotter- It was supposed to start at 9 and it started at 2:00.

David Yellin- It started at 11:00, 10 much later than 10.

David Caywood- No, no that's not right because the trouble broke out at 11:31. It was supposed to start at 10 and they were late. Furthermore the negroes by habit are not going to start anything at 10:00 in the morning that is too early to get there people there. Most of them have to work late and the negro usually stays up later than the white person at least in my observation. So I stayed down there and the first sign of trouble I had were sticks and I am a man sign with sticks, well some of them were taking off their signs and just had sticks and the kids started to swell in and the rumors were going around and there was not that much control. People were yelling but nobody over loud speakers but nobody was abandoned and then Dr. King finally got there as late as he could be about 11:10 he got there. Holloman had also called me to try to find out King's arrival time and his route because he wanted to put armed protection on him and the negroes wouldn't tell him. They said no they are not going to do that because King doesn't want any such protection, well Holloman was raising hell about that and was mad and irritated.

David Yellin- Who led Dr. King do you know?

David Caywood- His own staff, or else I think no none of his staff had been to town. Some of Lawson's people and I don't know who. But Holloman was upset about the fact that he could not put a guard on King the moment he got into town. This was the time that King came for that first march and Holloman was mad and upset and couldn't understand it and frankly I couldn't either but yet I could see that King would not want to be associated in any way with the police, it would be a sign of weakness on his part. They showed up with King and the whole crowd just started surging over and I thought he was going to get hurt before we got, before they led him to the front.

David Yellin- Now where did he come, did he come to the temple.

David Caywood- Straight to Clayborne temple.

David Yellin- And then he went to the head of the line?

David Caywood- Yeah it took him 15 minutes to get to the head of the line. And then they started it all off and they were spilling all over the sidewalks, the whole thing was fouled up from the very beginning. People were on the sidewalks standing. They had sent in 2 policemen down there about 2:00. Mr. Lux, Henry Lux and Deputy I think he is one of the chief deputies, captain or something other Proctor who was a very fine man from the sheriff's department, just two of them. And they came in and tried to make the arrangements and see what was going on and so anyway they were there for about an hour. Now there is one incident that occurred during that hour that's typical of Jim Lawson. There is a liquor store right around the corner of

that church and about 10:15 there was a disturbance down there and I was standing not far from the corner and I ran down there and Jim was maybe 50 feet away. Some thing had gone on inside the liquor store I don't know what and some kids were trying to bust in that liquor store. And all plate glass windows, white people were in there running it and they were up against the door and Jim Lawson came and elbowed and shoved his way through about 10 or 15 people himself got right tot hat door put his back to the door and faced those 10 or 15 fellows that must have been anywhere from 18 to 25 years of age, yelling at them and screaming at them and pushed them back away from the liquor store and got them away from there, he broke it up and did this all by himself. Nobody, there was other ones of us standing there but I would have precipitated a riot if I had gone in there and tried to do it and Baxton Bryant was standing there and he knew he couldn't do it and there was no other negro that wanted to go in and take the possible physical abuse. Lawson just went running right on in.

David Yellin- Was he wearing his clerical garb?

David Caywood- Clerical garb and Jim is well known down there they knew who he was and he pushed them out of there. Well the march started off and I was up there in the front on the sidewalks and Lux was out in the middle of the street. We turned going west on Beale and I guess we got past Handy park and windows started being broken. Lux couldn't hear them because he was out in the street. I heard it and went and got him. Pulled him over there and showed him. About that time some of the negro parade marshals got the fellows back in the line who were breaking the windows. We rounded Main St. and I was on the west side of Main. We round Main St. and get 50 or 60 feet up the street and here come the kids which would have been on the north side of Beale they turned the street headed going north on Main, on the east side of the street the side where Perel and Loeinstein's is, the big sporting goods store and they started with the sticks and bricks and whatever it was. And did a pretty good job of breaking out every window. They had come up Beale St. At that time breaking out some more.

David Yellin- Well they went for the Perel and Loeinstein's?

David Caywood- They never, I just mean that is the side of the street it is on. They really only broke, I don't think they broke any windows at Perel and Loeienstein's because that was a little bit further up the street. Then when they stopped them there because the police came out of nowhere at that time, up until that time you had not seen many police at all and then they did start coming out, Lux was on the walkie talkie getting help. Then the kids what they had left they threw over the heads of the crowd which in the middle of the street over to the side of the sidewalk where I was on the west side and started breaking out some windows over there. Then some other kids got on that side and started (muffled). About that time they pulled King out of the march. My own personal observation was that there was nothing that King could have done one way or the other about it.

David Yellin- How did he get away? Where did he go?

David Caywood- They took him down one of the alleys, I have forgotten which one but they just got him out of there, it was a terrible mess. Vasco Smith got on the PA system and he turned the crowd around, that crowd was out in the street, the negros there they turned around and went straight on back.

David Yellin- And where were you at this time? Were you ahead of the parade?

David Caywood- I was about at the head, The whole time I was.

David Yellin- Did you see Dr. King leave?

David Caywood- Yes I did.

David Yellin- How did he know where a car was?

David Caywood- I don't think they knew of course I lost track of him after he got out of sight, but they got him out of there and the crowd that was in the street in the march reacted immediately to the response to turn around. They went on back but there were some and I don't know where they came from because I did not get back to Beal St. they did a good job of busting Beal St. up one side and down the other on the way back. By this time all the sheriff's and city police had come in and they were throwing gas all over the place.

David Yellin- So in essence there were three surges of a crowd doing something. The first windows broken and then you say the marshals stopped them and brought them back and then up the street further there was another group.

David Caywood- That is right.

David Yellin- Martin Luther King was still in it after these first two things.

David Caywood- Well he was in it the first time but he was like Lux he didn't even know what was going on because Lux didn't know I had to pull him out and show him what was going on.

David Yellin- Was Lux, he wasn't driving a car?

David Caywood- No Lux was on his feet. But you are in a tremendous sound an I was up on the sidewalk and with backs to it I heard glass being broken.

Anne Trotter- Well if the crowd had turned around and was going back why did the police start using tear gas?

David Caywood- Because the crowd in the street was not the only crowd that was down there. People were breaking out windows on Beal St and they did a very excellent job of it they just ransacked those stores on the way back.

David Yellin- Now are you suggesting that they knew they were going to do this and (muffled) to it.

David Caywood- I don't know. I do think that it is amazing to me that they had as many negro youths at approximately the same age at the same place at the same time, with sticks and bricks and bottles, coming around that corner. Now that is where I do think there was some planning.

David Yellin- Was that part of the parade?

David Caywood- Well it depends on what you call part of the parade because everybody down there, yeah but that wasn't what Lawson and them hoped for...

David Yellin- But where they in the line of march?

David Caywood- No they were on the sidewalks. Now whether or not they had ever been in the parade and come out onto the sidewalks I don't know because you see I had come out on Main St. (muffled) both the other side of Beale and the other side of Main.

David Yellin- Behind you is..

David Caywood- Behind and on the other side of the street. But then they turned them around and what was going on it looked to me like but I was standing back up on Main looking down Beale and now I just can't see everything that was going on. But it looked to me like that the same time the people were going down the street there was wide spread breaking of windows and vandalism and if you shot the gas there was just no way you could do anything other than to get some of the people in the street who were obviously not trying to do anything except trying to get out of the way. Now also from within that march at this time going back down Beale, there were people that were ripping those signs off and they were throwing those sticks as they were going back down Beale St. Well you just don't know who is doing what so the police started throwing the gas. Now about 5 minutes after they had stopped that march and turned around I went down Beale St. and it was nothing but tear gas from one end to the other. There were no negros on Beale St., windows were broken, the place had been looted and it had been done first rate considering the short period of time they had. Whoever had done it or those people I think just been hold liable and the stores were already looted. Paul's Taylor Shop was one that I saw they had really ransacked pretty good. I went on back up to Clayborne Temple. This time Jared Blanchard had come running down Main St. and he was with me. And we went on to up to by the temple and just a whole series of incidents occur after that. One thing, they were inside the temple, kids would come out with sticks and with bottles and bricks whatever it may be and throw it at the police which were across the corner. They did this several times and the police would just sort of charge them and they would go back in to the church. The police did not go in the church. The 3rd time they came out the police shot 2 or 3 canisters of tear gas over which hit on the steps of the church and I think one canister rolled on in the door. At no time did I see the police go on into this church chasing these kids. The kids then because of the gas in the church went over tot eh minimum salary building which is right next to the church and they started using that to come on out of there, and again the police fired

several canisters of gas, one of which hit on the front porch and rolled on in and got the building pretty well gassed up. There were all kinds of stuff going on in that area around the church, police cars whizzing in and out, bricks were being thrown at them, they got into the liquor store, they finally busted into it did some damage. Jared Blanchard and I went over there and I called up, we were trying to get the police to come back and I had to call Holloman anyway and I told him to get somebody down here we were afraid of them getting in the liquor store and that would cause a worse problem.

David Yellin- Where did you call him from?

David Caywood- I was inside the liquor store, they had busted the front window down and the window was right near the telephone inside. So I stepped in the liquor store to try to call the police station to try to get somebody down there. Blanchard was standing outside, the police were standing outside the liquor store and several negroes looked like they wanted to come in and I guess because Blanchard and I were there. We physically stood in front of the liquor store and finally some police did come to try to protect the place.

David Yellin- What gave you the courage, the right to walk this way, weren't you frightened?

David Caywood- I didn't think too much about it there was just too much going on. Mr. Yellin you just down there and obviously you didn't want people to get inside the liquor store because you figure that would precipitate that much more trouble I was not ready to defend that liquor store if anyone had come in with a gun or a stick I would have stood aside.

David Yellin- Did you think they might?

David Caywood- I was worried about it yeah. But still most of the negroes, well nobody got into the liquor store once Blanchard and I got over there until the police came, I don't know what happened after that the police finally got there and they had it boarded up later. Other incidents, when I first got up to the minimum salary building they could get ambulances in that area and they had some negroes that were pretty well...they had their heads gashed and gashes I don't know what it cost but anyway they had people there in need of ambulances, they would not send ambulances in and I called Holloman and asked him to send some ambulances and he said the people were afraid to.

David Yellin- This is a private ambulance?

David Caywood- No this is the city firemen. So I told him to send ambulances up there, put two men on motorcycles and if he would send ambulances up that we would make some arrangements to see to it that nothing happened. Well we got the preachers busy and he ambulances came in that way with just a motorcycle escort got the people that had been hurt and got them out it was no trouble. The negroes had been trying to call up and they wouldn't send them and this was another thing

that helped out dealing with some of them later on the fact that I was able to get the ambulances in and they tried for 15 minutes and couldn't and said no we are not going to send them in and Holloman did send them in. And Lawson then knew that it was Holloman who did send them in there too he gave the order for them to go on in, so they did go on in. It was chaotic that whole afternoon, I guess I must have stayed down there from 12:00 to 3:30 or something like that and just many many instances of bricks being thrown, somebody getting their window busted in and policemen show up and have bricks thrown at them and more tear gas would be shot and misc. things. Finally about 3:30 I left the area because I frankly thought it was getting to a point where I didn't see anybody that I knew I the way of negros and when that came I didn't want to be around so I left and got out of there.

David Yellin- You walked out?

David Caywood- Yeah.

David Yellin- Did you walk through town?

David Caywood- I walked all the way back to my office, I was down at about the Parkman Project, the huge, the beginning of the huge department project.

David Yellin- Well then what was your next exposure?

David Caywood- Well I guess the next thing that occurred was the next day. Holloman said he wasn't going to let them have any march what so ever. And they said they were going to march and finally I went and got Holloman to agree to up to 400 march single file no teenagers, they had to start at a certain time and be back at a certain time. I went and told Lawson what the conditions were and he accepted them and the march came off all right. If you remember that was the march with the half tracks and the tanks and the armored personnel carriers all going up and down the street.

David Yellin- That was the daily march?

David Caywood- Yes but they weren't going to let them have any march the next day. Lawson said they were going to march and Holloman said they weren't going to march and then I just went down and got Holloman to agree to a limited march. Lawson did agree to that and they thought that was reasonable and...

David Yellin- They had the curfew the night before though.

David Caywood- That's right and they had to get them back there at least before 4:00 so they could be sure to disperse by the time of the curfew again, because it was going to be imposed. Then I left town after that the next Saturday morning, that was on a Friday. Then I left town and they had a march Saturday with no trouble except Evans was down there instead of Henry Lux and Evans went and pulled somebody from Vietnam out of the line that was getting ready to march said he was too young or some thing and he was supposed to be some Vietnam Veteran. I don't

know and I wasn't there I don't know about it but it got on the wires service where I was and made the page of several news papers.

Anne Trotter- The next week when King decided to come back. How did he decide that to get Birchfield and Johnson to represent him. Why did he go to you all as oppose to Lewis Sugarmon and...

David Caywood- Well the answer to that question is that Jerry Worth and Lawson decided that we should represent them. Also our firms, Mike Cody and I do American Civil liberties work, but also the NAACP ink fund had already retained Lewis Lucas and Walter Bailey to represent King and at the time Lawson called our office the American Civil Liberties union was calling me wanting us to get into it and Lawson was calling too. In fact, I got Birch is trying to get a hold of me while I was talking to (muffled) about the matter and I got somebody else to hold the phone and I went down there, I knew he was trying to get a hold of me for something. He said Lawson has just called we are going to represent King. So I put him on the phone to the American Civil liberties union in Atlanta.

David Yellin- Now is there anything that has happened however since when you came back in town Monday?

David Caywood- No I don't know how much time...no no no no.

David Yellin- Then Dr. King came Wednesday?

David Caywood- He came in town Wednesday that's right. They filed an injunction suit to about noon Wednesday, we read about it in the newspapers. They called us, I had lunch with Mr. Birch and Lawson called about 1:15. So we stayed up, well first we went out to see Birch, Mike Cody and Charlie Newman and myself from our office went out to see King. Met up with Lewis Lucas and Walter Bailey out there. We saw King up in his motel room and...

David Yellin- This was at night?

David Caywood- No this was that afternoon, Wednesday afternoon, before 4:00. And the upshot of it was that King agreed that we would try to get the march to go on with the restrictions. As to the law anyway the restrictions that ultimately in the court order were the restrictions that we drew and filed as part of our pleadings in an answers. I will get you copies of everything. But if you take a look (muffled) in the answer we file on behalf of King, you will see that the court in essence followed our suggestions for the guidelines for the march which is what King wanted. Dr. King was very much afraid that if this march went on and there was more violence that he was going to (muffled) for the damage. He had no suggestions to make. After we told him what we wanted to do he said I think that is the only thing to do. I don't want any trouble for lots of reasons and he didn't say too much but you could read between the lines that the whole country was going to be watching him as a prelude to Washington march.

David Yellin- So that he wasn't explicit about it, he didn't say...

David Caywood- Well let me put it like this. Mr. Birch talked to him for 5 minutes and told him how he assessed it that he would go down the drain if there was trouble and made these general statements and King never disagreed with him, and I think if King would have disagreed with him it would be there. The general upshot of it was that what King ought to do is to get as many restrictions as possible that would protect the march but would still let it go on. There was absolutely no objection by King about this. So we took that night, we all stayed there until about 2 or 3 o'clock in the morning because the case was sweet the next day. What we did was we went and took the guidelines from the summer Alabama march and adapted them to our own situation and added a few and said this is what we want. We had the hearing all day Thursday and I suggest if it is possible you should try to get a transcript from it, a very enlightened hearing, Jim Lawson testified and so did Andy Young who was on his staff.

David Yellin- Now how could we get that?

David Caywood- Remind me and I will get you a copy of it some place. We are in the process of somewhere of having it written up.

Holloman testified, Lux testified and Lou Donnell testified. And let me add that all 3 of them told the truth right down the line. Lux, Holloman and McDonald all had to testify as to facts that had occurred on the prior march when they had the trouble. I had been involved of course in a great many of the actual there when it happened and conversation with Holloman and I knew what was going on and they played it right down the line. They had their legitimate worries but they told it as it was.

David Yellin- That would be a review of the March 28th march.

David Caywood- They did they reviewed it in detail.

David Yellin- Now just you, that is Wednesday night April 3rd I want to go back a little bit. Wednesday night April 3rd you stayed down you and Lucius Birch and Mike Cody.

David Caywood- Charlie Newman, Walter Bailey, Lewis Lucas.

David Yellin- You stayed at the Lorraine?

David Caywood- No we stayed in our law offices.

David Yellin- You stayed in your law office, and was anybody from Martin Luther King's organization with you?

David Caywood- No.

David Yellin- Just you lawyers.

David Caywood- We absolutely were given the complete go ahead on what it was. Of course another thing just to get....the 6 people that were there even though they were lawyers they had some idea as to the practical overtones of this thing, and we knew what had to be and we knew also what the court was going to listen to, and what it wasn't going to listen to. We had absolutely no trouble with our clients.

David Yellin- It is customary for a court to issue an injunction? To allow you in order..

David Caywood- The order that the Judge Bailey Brown entered which was a temporary restraining order was proper that he entered. He also entered that he would resolve that order on one hour written notice, written oral notice to the city. That all it would take would be for somebody representing King to come in and say Mr. City attorney you have one hour to be in court we are going to have this order dissolved and he would go set up court. So what Judge Brown did under the circumstances, the affidavits that were presented to him he had no choice about it, well he immediately set the hearing the next day less than 24 hours later to dissolve.

David Yellin- Now this is the legal aspect of it, now just if I could because I think it is significant. Meanwhile there is a court injunction and we normal human laymen think of a court injunction as an order to stop somebody from doing something. Therefore, Martin Luther King and the march were by the court order being stopped. Martin Luther King said regardless we are going to march anyhow. This is reported in the paper, this is commented on in the paper and people have a reaction to it.

David Caywood- Well he did say that and as a lawyer practicing in the sterile confines of the court room I would wish that he hadn't said it. On the other hand legally if judge brown had said you would have no march, King, not King but Judge Brown would legally have been depriving King of his constitutional rights under his first amendment and King had been down this road often enough to know this, he knew that Judge Brown could impose restrictions on him, but he always had been through enough law suits to know Judge Brown couldn't tell him not to march.

David Yellin- Right but what I am getting at you see is that two of the people who read the paper, two of the young people who were at the Lorraine when Martin Luther King had a conference with them on Wednesday afternoon. He said I am going to march court order. Did they read it differently?

David Caywood- Well Mr. Yellin you got to understand his situation, not the word politics, but the power of command over your troops is something that he Dr. King it is a daily problem for him. And he could not or under any set of circumstances give any indication that he was going to give in to the illegal order of a white judge. Regardless of what he thought about Judge Bailey Brown or if he had known anything about his background. I don't think he did at that time. (muffled). But yet everybody who knows Judge Brown knows that he is not another southern judge and that is evidenced by what went on Thursday after court but before King was

shot. Because what we did was we went back into Judge Brown's chamber. And Judge Brown made this remark during the trial, the opening part of the trial, he said it looks to me like we are going to have one of two things down there next Monday. I am going to issue an order that says they can't march and they are going to march and there is going to be trouble. Or else I can issue an order of limitations on the march, restrictions and we have got a chance of having an orderly march. The city says no you can enjoin the march and they can't have it and Judge Brown says paraphrasing, we have got to deal in available alternatives and I don't think for one minute that I am so conceited that I am going to stop that march with one little order. Now Dr. King is going to march down there regardless and it's a question of how it is going to be handled. Now Judge Brown I think not only knew legally what he could and could not do but I also think he had a proven grasp for practicalities involved in it and one of the things that has to do with the equity of jurisdiction of court is that you ought not to issue an injunction that you flat out know has no chance in the world of being complied with. If it is that grave of a matter you ought to take another look to see if you can make some adjustments some place along the line and Judge Brown said, before King was shot but after the court appearance he told the city that afternoon I am going to let this march go on. I am going to let it go on with at least the restrictions that are set forth in Dr. King's answer. And if you have any others, have them here tomorrow morning. Now this was before King was shot, we all knew what was going to happen. The city says well we were not going to give you any because we don't think you are going to have a march. And what Judge Brown and somebody else said that is being kind of stupid.

David Yellin- Why did the city say you weren't going to have a march.

David Caywood- Well they said we are not going to have anything to do with setting up restrictions see. We are not going to be part of setting up restrictions and I said well have you talked to Mr. Holloman about this because if you are going to have a march I have enough confidence in Mr. Holloman that he would like to know something about the restriction. Well Mr. Gianatti and everybody were kind of irritated and Mr. Gianatti attitude was pretty hard nosed. (muffled) Graves who was down there another assistant city attorney, wanted to talk about the restrictions. He knew the march was going on and he did, they did go talk to Holloman about some of them and Holloman had a few suggestions and they were followed. Then of course Dr. King was killed that night, I was at dinner and heard about it and when down to the hospital and saw Fred Joyer who was a neuro surgeon and went in there, and Fred said he was dead. This was before they made the newspaper announcement and I went up to Holloman's office. When I got there Bill Morris the sheriff was there, Claude Armor was there and the guy from the Commercial Appeal was there, the only ones. They announced on the radio that King was dead and all hell broke loose on those two police stations, police radios on Holloman's desk. Within 5 minutes, it was a terrific crescendo of events that started occurring all over the city. Then Lawson came up there, John Spence had gotten Lawson to come up there and they asked Lawson to go out and go on television, him and Judge Hooks.

David Yellin- Who asked?

David Caywood- I have forgotten. The people who I already mentioned who were all there in Mr. Holloman's office. We finally had to get out of his office but the word was anything that can be done to calm the people down is going to be necessary because at this time it was very obvious what was happening. And then also the Sheriff had lost touch with King's staff, they had gotten away from them and they were trying to put them under guard. We wanted to try and find them and talk them into being under guard.

David Yellin- Now any reason why there weren't policemen around Dr., King.

David Caywood- Oh there were, there were plenty of policemen around. We had been up there the afternoon before but here is the situation. Dr. King's staff did not want any protection, he did not want any protection. You cannot protect a man that didn't want to be protected. Now the police were sitting there in those squad cars surrounding the street and whoever it was just shot over their head. But I throughout the whole thing I absolutely do not believe that Frank Holloman is in any way shape or form or anybody in the police department guilty of King being killed. Holloman did his best to do what he could and it was just not in the nature of King to accept it. But that night when I finally met up with King's staff and tracked them down they were having a terrific argument with some young negroes at Mason Temple this time. Trying to talk about burning the town down and all of King's staff had their hands full trying to prevent that and they did a fairly good job of it. It looked like most of those young negroes left there not running to go buy the gasoline, but they sure were getting ready too.

David Yellin- Can we go back a minute to the hospital? You went to the hospital and when you came to the hospital was Dr. King already dead?

David Caywood- He was an ecclesiastical case when he got there. When he got to that emergency room the man was dead as you and I lay men would know him. Medically he still had certain body functions going on where medically you couldn't classify him as being dead.

David Yellin- So in the ambulance, or even before the ambulance.

David Caywood- This is not entirely speculation Mr. Yellin but I think he was dead when he hit the ground.

David Yellin- (Muffled).

David Caywood- Yes sir I think he was dead the moment as far as the lay man is concerned he is dead on impact.

David Yellin- Now when they pronounce a person dead they give the time of death?

David Caywood- I don't know whether they did this instance or not. But I think when they do that they would give you the medical definition of being dead, that is

all body functions ceased. My understanding was that when he got to the hospital he still had certain body functions.

David Yellin- And so they took (muffled).

David Caywood- No but perhaps I can talk to Fred Jar and he might be willing to talk to you.

David Yellin- Yes could you because I think for history I cannot imagine a more significant....

David Caywood- I will ask Fred if he will talk to you about it, I don't know whether he will or not.

David Yellin- Now is he a doctor?

Anne Trotter- He is a neuro surgeon.

David Caywood- He is neuro surgeon, I don't know who was there when he got there but I know that Fred has information about it.

David Yellin- Fred Jordan?

David Caywood- Joyed.

David Yellin- Joyed oh yes of course, and Dr. Varasso?

David Caywood- I don't know, all I know is that over at St. Joe's Fred Jordan was the only one I saw and recognized.

David Yellin- If you would, well, is there anything (muffled).

Anne Trotter- No.

David Yellin- (Muffled),,

Anne Trotter- Can I ask you one personal thing? Since you met Mrs. King when she came for the memorial march what was your impression?

David Caywood- I didn't meet her I just saw her. Well the only other thing I can say about the march in relation to Mrs. King is this reflects on Holloman. Of course the day of the march there was no incidents, and really not much to say about it.

David Yellin- You are talking about the April 8th Memorial March.

David Caywood- But the thing of any significance is that Holloman came up there along again with Lux and Proctor and all along in the march anytime there was any building where it looked like there might be anyone up there Holloman dropped right back in the march and well Mrs. King was walking on his heels. And finally I noticed this and it was very obvious and I got Jim Lawson and somebody else and I got them to watch it and I asked them what they thought. And they all came to the

conclusion as somebody some astute form in the paper came later on that Holloman was going to have himself shot before Mrs. King shot. I later asked him about it and he just wouldn't talk about it.

David Yellin- It is interesting you mentioned that last because (muffled). Somebody who wasn't in this march that was in the first one said that on television that whenever they showed Mrs. King with Holloman marching right next to her was that all you could see was Holloman looking up at the buildings.

David Caywood- And when, when we were in a possible troublesome area he would fall back even more so. And this was very obvious.

David Yellin- So what you are saying is that he thought that they may go after him and the didn't want to endanger her?

David Caywood- No, Holloman whenever there was a building that might be some trouble some boy shooting, a sniper coming down for Mrs. King they were going to have to kill him Frank Holloman first. Holloman would drop back every time there was a big building particularly on the south end of town and when there was nay sign of trouble you could hear it coming over those radios see some window they hadn't secured they didn't know who was up there Holloman would drop back and be marching right in front of Mrs. King and if anybody was going to shoot they were going to shoot not over him they were going to have to shoot him first and knock him out of the way. When I asked him about this said something to him, he just wouldn't talk about it. That is why I don't think Holloman is to blame for King and the death and I know when King came to town you know he wanted to put the protection on him.

David Yellin- Do you know that he made the offer?

David Caywood- Oh he made it to me. He was trying to get me to get the information and then when Mrs. King was coming to town for the memorial march the night before they wouldn't give him the information and I found it and it was fouled up how she was coming in and finally I told him that FAA in Atlanta would know when she was taking off and he got to us the FAA Atlanta and they had that plane tagged from the time it came in. He was worried about her again.

David Yellin- But I mean not protection for Dr. King.

David Caywood- I know he did because the first time when he came for the first march they didn't tell him and Holloman was having a fit trying to find out because he was asking me to get the information.

David Yellin- They being Lawson not Dr. King's staff?

Anne Trotter- No.

David Caywood- That's right because King's staff was not in town, Lawson wouldn't give them any information. And then when King did get to town, well all of them I asked several of them later on and they said they didn't want any policemen around.

David Yellin- And had Holloman or anybody contacted them?

David Caywood- That's they had.

David Yellin- and they had refused.

David Caywood- That's right they had refused protection and they didn't want anybody up there on the balcony.

David Yellin- So than when Dr. King was shot and the police surged out and the question is why weren't the police closer this could be the answer?

David Caywood- It was the answer they did not want the police on the motel grounds at all and the police were out on the street.

David Yellin- No as an attorney could Mr. Holloman have insisted that for the safety?

David Caywood- No, he couldn't..

David Yellin- Also was it the fact again that you mentioned in regard to Lawson that they didn't want to make any peace with the police.

David Caywood- That is right they would have been assigned a weakness if they would have had to put a policemen up there to protect him.

David Yellin- So certainly all of this has to do with what happened. I mean you know and I, and this must be....are you aware or do you know anything about the fact of the relationship of the fire station across from the Lorraine?

David Caywood- I only know where it is, that is all.

David Yellin- Possibly there might have been some watching of coming and going from there did you ever hear about that?

David Caywood- I don't know where the windows are located, it is possible to watch it probably from the fire station but I don't know if there would be windows on the north side of that fire station which you have to have if you want to look back towards the rooming house where they shot King. Fire station is to the west of the Lorraine. On the east side of the street and there is the motel on the west side of the street was the fire station and the boarding house. Boarding house men was north of the fire station and I don't, the fire station was set closer to the street then the boarding house was.

David Yellin- Well now (muffled) so that from we could have the hearing of Judge Brown's the transcript of the hearing at some time and if you would talk to the doctor.

David Caywood- Fred Joyed.

David Yellin- and find out what the deal is there. (Muffled) When you talk to, one other thing that I am concerned about, when you talk to Dr. King Wednesday afternoon you say that was before 4:00 because you had to get something to court?

David Caywood- Well we had to meet with Judge Brown at 4:00 and we were also going to try to meet with the city officials after that meeting to see if we couldn't work out some type of arrangement on restrictions.

David Yellin- And where was Dr. King?

David Caywood- He was not with us, nobody from his staff were with us.

David Yellin- When you spoke to him was it in his room?

David Caywood- That's right.

David Yellin- He had just come from eating?

David Caywood- He had just come from eating down in the motel. It was about 3:00 and we were in a hurry to get to Judge Brown's chambers at court.

David Yellin- I see, and you were with Dr. King how long?

David Caywood- 15 to 20 minutes probably.

David Yellin- The whole idea was to explain to him what the legal position was?

David Caywood- That's right.

David Yellin- Was he aware of this?

David Caywood- Oh yes he had been through this before.

David Yellin- He is pretty experienced in...

David Caywood- Also the very practical thing was he needed restrictions. He needed police help, he needed for self discipline to be imposed on these marches.

Anne Trotter- Thank You.

(Tape End)