

DOCUMENT RESUME

ED 462 357

SO 033 608

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 TITLE Court Documents Related to Martin Luther King, Jr., and Memphis Sanitation Workers. The Constitution Community: Postwar United States (1945 to Early 1970s).
 INSTITUTION National Archives and Records Administration, Washington, DC.
 PUB DATE 2000-00-00
 NOTE 16p.; Photographic images may not reproduce clearly.
 AVAILABLE FROM National Archives and Records Administration, 700 Pennsylvania Avenue, N.W., Washington, DC 20408. Tel: 866-325-7208 (Toll Free); e-mail: inquire@nara.gov. For full text: <http://www.nara.gov/education/cc/main.html>.
 PUB TYPE Guides - Classroom - Teacher (052)
 EDRS PRICE MF01/PC01 Plus Postage.
 DESCRIPTORS *Activism; *Black Leadership; *Citizen Participation; *Civil Rights; Legal Problems; *Primary Sources; Secondary Education; Social Studies; Teacher Developed Materials; *United States History
 IDENTIFIERS Bill of Rights; First Amendment; *King (Martin Luther Jr); National Civics and Government Standards; National History Standards

ABSTRACT

During inclement weather in Memphis, Tennessee in February 1968, two separate incidents caused black sanitation workers to strike for job safety, better wages and benefits, and union recognition. Mayor Henry Loeb was unsympathetic and opposed to the union. Martin Luther King agreed to lend his support to the sanitation workers and spoke at a rally in Memphis on March 18, 1968. He promised to lead the large march and work stoppage planned for later in the month. Unfortunately, violent disturbances at the march prompted the city of Memphis to bring a formal complaint in the District Court against King and his associates in the Southern Christian Leadership Conference. This lesson relates to two clauses in the First Amendment in the Bill of Rights, which ensure individuals the right to assemble peaceably and to petition the government for the redress of grievances. As primary source documents, the lesson presents Defendants' exhibits 1 and 2 in "City of Memphis v. Martin Luther King, Jr. et. al," and the answer to Plaintiff in the same case, filed in the U.S. District Court for the Western District of Tennessee (wherein King and associates denied being engaged in a conspiracy to incite riots). The lesson correlates to the National History Standards and the National Standards for Civics and Government. It provides historical background (15 resources); and suggests diverse teaching activities, including document analysis, class discussion, brainstorming, constitutional connection, creative expression, dramatic reading, dialogues, and extension research. Appended are a written document analysis worksheet and the documents. (BT)



National Archives and Records Administration

ED 462 357



THE CONSTITUTION COMMUNITY

Postwar United States (1945 to early 1970s)

Court Documents Related to Martin Luther King, Jr., And Memphis Sanitation Workers

By Douglas Perry

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<http://www.nara.gov/education/classrm.html>

2000

The Constitution Community is a partnership between classroom teachers and education specialists from the National Archives and Records Administration. We are developing lessons and activities that address constitutional issues, correlate to national academic standards, and encourage the analysis of primary source documents. The lessons that have been developed are arranged according to historical era.

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THE CONSTITUTION COMMUNITY

Court Documents Related to Martin Luther King, Jr., and Memphis Sanitation Workers



Constitutional Connection

This lesson relates to two clauses in the First Amendment in the Bill of Rights, which ensure Americans the right to assemble peaceably and to petition the government for the redress of grievances. In very broad terms this lesson also relates to the Preamble of the Constitution, which lists to "establish Justice, insure domestic Tranquility, . . . promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity" among the purposes of the union.

This lesson correlates to the National History

Standards.

Era 9 -Postwar United States (1945-early 1970s)

- **Standard 4A** -Demonstrate understanding of the Second Reconstruction and its advancement of civil rights.

This lesson correlates to the National Standards for Civics and Government.

Standard III.D.2. -Evaluate, take, and defend positions on current issues regarding the judicial protection of individual rights.

Standard V.E.1. -Evaluate, take, and defend positions on the relationship between politics and the attainment of individual and public goals.

Cross-curricular Connections

Share these activities with your colleagues who teach language arts and American studies.

List of Documents

1. [Defendants'] exhibit 1 in *City of Memphis v. Martin Luther King, Jr., [et al.]*, 1968. This exhibit is a flyer distributed to sanitation workers in Memphis, Tennessee, asking them to "March for Justice and Jobs." Included are directions for the route to be followed and instructions to the marchers to use "soul-force which is peaceful, loving, courageous, yet militant."
2. [Defendants'] exhibit 2 in *City of Memphis v. Martin Luther King, Jr., [et al.]*, 1968. This exhibit is a flyer distributed in Memphis, Tennessee, requesting volunteer assistance and offering instructions to sanitation workers and their sympathizers for the duration of a strike.
3. Answer to Plaintiff in *City of Memphis v. Martin Luther King, Jr., [et al.]*, filed in the U.S. District Court for the Western District of Tennessee, Western Division, April 4, 1968. This document gives the response of Dr. Martin Luther King, Jr., Reverend Hosea Williams, Reverend James Bevel, Reverend James Orange, Ralph D. Abernathy, and Bernard Lee to allegations by the city of Memphis, Tennessee, that they had been engaged in a conspiracy to incite riots or breaches of the peace. They also denied that they had refused to furnish information concerning marches and explained the steps they had taken to ensure the march would be nonviolent and under control. Dr. King further stated that he had received threats against his personal safety, (page 1) (page 2) (page 3)

Historical Background

The name of Martin Luther King, Jr., is intertwined with the history of the civil rights movement of the 1950s and 1960s in the United States. The Montgomery bus boycott, the freedom rides, the Birmingham campaign, the March on Washington, the Selma march, the Chicago campaign, and the Memphis boycott are some of the more noteworthy battlefields where King and his followers--numerous in numbers, humble and great in name-- fought for the equal rights and equal justice that the United States Constitution ensures for all its citizens. King, building on the tradition of civil disobedience and passive resistance earlier expressed by Thoreau, Tolstoy, and Gandhi, waged a war of nonviolent direct action against opposing forces of racism and prejudice that were embodied in the persons of local police, mayors, governors, angry citizens, and night riders of the Ku Klux Klan. The great legal milestones achieved by this movement were the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

In the later 1960s, the targets of King's activism were less often the legal and political obstacles to the exercise of civil rights by blacks, and more often the underlying poverty, unemployment, lack of education, and blocked avenues of economic opportunity

confronting black Americans. Despite increasing militancy in the movement for black power, King steadfastly adhered to the principles of nonviolence that had been the foundation of his career. Those principles were put to a severe test in his support of a strike by sanitation workers in Memphis, Tennessee. This was King's final campaign before his death.

During a heavy rainstorm in Memphis on February 1, 1968, two black sanitation workers had been crushed to death when the compactor mechanism of the trash truck was accidentally triggered. On the same day in a separate incident also related to the inclement weather, 22 black sewer workers had been sent home without pay while their white supervisors were retained for the day with pay. About two weeks later, on February 12, more than 1,100 of a possible 1,300 black sanitation workers began a strike for job safety, better wages and benefits, and union recognition. Mayor Henry Loeb, unsympathetic to most of the workers' demands, was especially opposed to the union. Black and white civic groups in Memphis tried to resolve the conflict, but the mayor held fast to his position.

As the strike lengthened, support for the strikers within the black community of Memphis grew. Organizations such as COME (Community on the Move for Equality) established food and clothing banks in churches, took up collections for strikers to meet rent and mortgages, and recruited marchers for frequent demonstrations. King's participation in forming a city-wide boycott to support the striking workers was invited by the Reverend James Lawson, pastor of the Centenary Methodist Church in Memphis and an adviser to the strikers. Lawson was a seasoned veteran of the civil rights movement and an experienced trainer of activists in the philosophy and methods of nonviolent resistance.

At that time King was involved in planning with other civil rights workers the Poor People's Campaign for economic opportunity and equality. He was also zigzagging by airplane through the eastern United States meeting speaking engagements and attending important social events as head of the Southern Christian Leadership Conference (SCLC).

Nevertheless, King agreed to lend his support to the sanitation workers, spoke at a rally in Memphis March 18, and promised to lead the large march and work stoppage planned for later in the month.

Unfortunately the demonstration on March 28 turned sour when a group of rowdy students at the tail end of the long parade of demonstrators used the signs they carried to break windows of businesses. Looting ensued. The march was halted, the demonstrators dispersed, and King was safely escorted from the scene. About 60 people had been injured, and one young man, a looter, was killed. This episode prompted the city of Memphis to bring a formal complaint in the District Court against King, Hosea Williams, James Bevel, James Orange, Ralph Abernathy, and Bernard Lee, King's associates in the Southern Christian Leadership Conference (SCLC).

The outbreak of violence deeply distressed King. In the next few days he and fellow SCLC leaders negotiated with the disagreeing factions in Memphis. When assured of their unity and commitment to nonviolence, King came back for another march, at first scheduled for April 5. In the meantime, U.S. District Court Judge Bailey Brown granted the city of Memphis a temporary restraining order against King and his associates. But the SCLC's planning and training for a peaceful demonstration had intensified. Lawson and Andrew Young, representing the SCLC, met with the judge April 4 and worked out a broad agreement for the march to proceed April 8. The details of the agreement would be put into place the next day, April 5.

This was the message that Young conveyed to King as they were getting ready to go out to dinner. Moments later, on that evening of April 4, 1968, as King stepped out of his motel room to join his colleagues for dinner, he was assassinated.

Resources

Books

Branch, Taylor. *Parting the Waters: America in the King Years, 1954-1963*. New York: Simon and Schuster, 1988.

Branch, Taylor. *Pillar of Fire: America in the King Years, 1963-1965*. New York: Simon and Schuster, 1998.

Carson, Clayborne, et al., eds. *The Eyes on the Prize Civil Rights Reader: Documents, Speeches, and Firsthand Accounts from the Black Freedom Struggle, 1954-1990*. New York: Penguin Books, 1991.

Fairclough, Adam. *Martin Luther King, Jr.*. Athens: University of Georgia Press, 1995.

Garrow, David. *Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference*. New York: William Morrow, 1986.

Halberstam, David. *The Children*. New York: Random House, 1998.

Hampton, Henry, and Steve Fayer. *Voices of Freedom: An Oral History of the Civil Rights Movement from the 1950s through the 1980s*. New York: Bantam Books, 1990.

King, Martin Luther, Jr. *The Autobiography of Martin Luther King, Jr.* Edited by Clayborne Carson. New York: Warner Books, 1998.

King, Martin Luther, Jr. *The Essential Writings and Speeches of Martin Luther King, Jr.* Edited by James Washington. New York: HarperCollins, 1986.

Williams, Juan. *Eyes on the Prize: America's Civil Rights Years, 1954-1965*. New York: Penguin Books, 1987.

Videos and Software

Eyes on the Prize: A History of the Civil Rights Movement (12 one-hour videotapes). ABC Laserdisc.

Encarta Africana . Microsoft CD-ROM.

Web Sites

The Web site of the Martin Luther King, Jr., Papers Project at Stanford University (<http://www.stanford.edu/group/King/>) includes links to biography, articles, chronology, and reference sources about King. This site also has links to key King documents.

Celebrating Black History Month on the Web has a site, organized by the University of Colorado, with a broad range of information at <http://www-libraries.colorado.edu/ps/gov/us/blackhistory.htm>.

Civil Rights Museum has an Interactive Tour link at <http://www.midsouth.rr.com/civilrights/> that gives a survey of civil rights for African Americans from the colonial period to the present.

Teaching Activities

Document Analysis

1. Direct students to read about the civil rights movement in their textbooks, and share with them information about the Memphis sanitation workers' strike from the Historical Background section of this lesson. Make photocopies of Documents 1 and 2, and distribute them to students. Using questions from the Written Document Analysis Worksheet , lead the class in examining the flyers. Make sure that students understand the vocabulary used in the documents; the distinction between a strike (an action by workers) and a boycott (an action by consumers) is important.

Class Discussion

2. The organizers of COME (Community on the Move for Equality) suggest several actions as components of a boycott. Direct students to compile a complete list from Documents 1 and 2. Ask students how the religious beliefs of Memphis residents might affect their support of the boycott. Ask which of the suggested actions students think would be most effective. Direct them to list three choices in order of effectiveness and to give reasons for their choices.

Brainstorming

3. The city of Memphis went to court for an injunction to prevent the march planned for April 5. Lead students in brainstorming a defense. What arguments might the organizers

and leaders submit in defense of their actions? Suggest that students examine Documents 1 and 2 for advice the COME organizers might give to ensure the boycott and march are conducted in a nonviolent manner. Ask what principles of nonviolent direct action had been operative in the boycott and march.

Document Analysis

4. Distribute copies of Document 3 to students. Using questions from the Written Document Analysis Worksheet, lead the class in examining the defendants' affidavit. Discuss the main points the defendants make in answer to the charges brought against them. Do these defense arguments differ from the arguments students predicted in Activity 3?

Constitutional Connection

5. Direct students to examine Document 3 and to determine if there is evidence that the constitutional rights of the defendants were in jeopardy. Ask each student to present an opinion in a paragraph or a short essay.

Creative Expression

6. Lead a whole-class discussion of how nonviolent direct action can be a powerful tool for bringing about social, economic, or political change. Direct each student to identify a cause or issue in today's society that would be advanced by the methods of nonviolent direct action and to write a song or poem expressing hope and support for that cause. Ask volunteers to share their creations. Some students might prefer to work in pairs. As an alternative, direct students to design an aesthetically pleasing flyer or poster for a nonviolent event supporting a cause. Display the artwork in the classroom.

Dramatic Reading

7. Direct two students to locate a copy of the last speech of Martin Luther King, Jr., which he delivered at the Bishop Charles J. Mason Temple in Memphis on the night of April 3, 1968. Ask them to prepare a dramatic reading of selections from the speech and to present it in front of the class. The speech is available as "I See the Promised Land," chapter 45 of the *Essential Writings and Speeches of Martin Luther King, Jr.* ; as "Unfulfilled Dreams," chapter 32 of King's *Autobiography* ; and as "I See the Promised Land" on-line at <http://www.stanford.edu/group/King/Docs/promland.html>.

Imaginary Dialogues

8. Assign three pairs of students to research the philosophies of civil disobedience, nonviolence, and passive resistance developed by Henry David Thoreau, Leo Tolstoy, and Mohandas Gandhi. Ask them to present their findings to the class by composing and performing imaginary dialogues between Martin Luther King, Jr., and each of these thinkers.

Extension Research

9. Identify high points in the civil rights movement closely associated with Martin Luther King, Jr. Examples include the Montgomery bus boycott, the Birmingham campaign, the freedom rides, the March on Washington, the Selma march, and the Chicago campaign. (Additional events might also be selected.) Divide the class into small groups of five (or more) students and assign one student in each group one of the selected high points.

Direct students to use library and Internet resources to research the event. Researchers should focus particularly on the similarities and differences between the circumstances and King's role in the assigned event and in the Memphis sanitation workers' strike. Allow students to present their findings orally to their small groups.

10. Instruct students to use library and Internet resources to research the Poor People's Campaign before and after King's death. Direct students to present their findings informally in a whole-class discussion. Ask students to evaluate the short-term and long-term effects of King's assassination.

The documents included in this project are from the Record Group 21, Records of the United States District Court, Western District of Tennessee, Western (Memphis) Division. They are available online through the National Archives Information Locator (NAIL) [<http://www.nara.gov/nara/nail.html>] database, control numbers NRCA-21-TWMCVCA2-C68(80)-EXHBT1, NRCA-21-TWMCVCA2-C68(80)-EXHBT2, and NRCA-21-TWMCVCA2-C68(80)-ANSWPL. NAIL is a searchable database that contains information about a wide variety of NARA holdings across the country. You can use NAIL to search record descriptions by keywords or topics and retrieve digital copies of selected textual documents, photographs, maps, and sound recordings related to thousands of topics.

The portrait of Dr. King shown above is by Artist Betsy G. Reyneau, and is from Record Group 200, Donated Collections.

This article was written by Douglas Perry, a teacher at Gig Harbor High School in Gig Harbor, WA.



Written Document Analysis Worksheet

1. TYPE OF DOCUMENT (Check one):

- | | | |
|-------------------------------------|--|---|
| <input type="checkbox"/> Newspaper | <input type="checkbox"/> Map | <input type="checkbox"/> Advertisement |
| <input type="checkbox"/> Letter | <input type="checkbox"/> Telegram | <input type="checkbox"/> Congressional record |
| <input type="checkbox"/> Patent | <input type="checkbox"/> Press release | <input type="checkbox"/> Census report |
| <input type="checkbox"/> Memorandum | <input type="checkbox"/> Report | <input type="checkbox"/> Other |

2. UNIQUE PHYSICAL QUALITIES OF THE DOCUMENT (Check one or more):

- | | |
|---|---|
| <input type="checkbox"/> Interesting letterhead | <input type="checkbox"/> Notations |
| <input type="checkbox"/> Handwritten | <input type="checkbox"/> "RECEIVED" stamp |
| <input type="checkbox"/> Typed | <input type="checkbox"/> Other |
| <input type="checkbox"/> Seals | |

3. DATE(S) OF DOCUMENT: _____

4. AUTHOR (OR CREATOR) OF THE DOCUMENT: _____

POSITION (TITLE): _____

5. FOR WHAT AUDIENCE WAS THE DOCUMENT WRITTEN? _____

6. DOCUMENT INFORMATION (There are many possible ways to answer A-E.)

A. List three things the author said that you think are important:

1. _____
2. _____
3. _____

B. Why do you think this document was written?

C. What evidence in the document helps you know why it was written? Quote from the document.

D. List two things the document tells you about life in the United States at the time it was written:

E. Write a question to the author that is left unanswered by the document:

**Designed and developed by the
Education Staff, National Archives and Records Administration, Washington, DC 20408.**

Dr. Martin Luther King, Jr.

and

Community On the Move for Equality



INVITE YOU

To March for Justice and Jobs

FRIDAY, MARCH 22, 1968

9:00 A.M.

From Clayborn Temple A.M.E. Church
280 Hernando

We ask you to stay away from work or school and walk with more than 10,000 people who want Memphis once and for all to learn that it must be a city for all people. A man is a man. God requires that a man be treated like a man.

Memphis must do so in work, play, education, housing, by the police and in all other ways the rights of each man must be upheld. This will be a march of dignity. The only force we will use is soul-force which is peaceful, loving, courageous, yet militant.

MARCH INSTRUCTIONS:

1. Come to the church from Vance Street only.
2. THE ROUTE: Hernando to Beale
To Main
To Poplar
To Second
To Beale
To Hernando
To Clayborn Temple where we will disperse
3. Be ready to follow the instructions of the March Marshalls who will wear yellow arm bands.
4. We will march in the street.
5. Each organization can prepare a banner, no bigger than 6'x3' attached to at least two poles which can carry the sign up above the heads of the marchers.
6. Walk gently, do not crowd those in front, when those stop you stop.

Document 1: [Defendants'] exhibit 1 in *City of Memphis v. Martin Luther King, Jr., [et al.]*, 1968. This exhibit is a flyer distributed to sanitation workers in Memphis, Tennessee, asking them to "March for Justice and Jobs." Included are directions for the route to be followed and instructions to the marchers to use "soul-force which is peaceful, loving, courageous, yet militant."

Have Sanitation Workers A Future?

Yes, If You Will Help To Build It!

How? That's Simple—

WE NEED YOU!

1. Do not shop downtown, or with the downtown branch stores anywhere in the city or any enterprise named Loeb.
2. Stop your subscriptions to the daily newspapers. Get news about the Movement from the radio or television or by joining the mass meetings. Be sure to pay your newspaper carrier his commission.
3. Do not buy new things for Easter. Let our Lent be one of sacrifices. What better way to remember Jesus' work for us and the world?
4. Support the workers with letters and telegrams to the Mayor and the City Council.
5. Join us in the daily marches downtown.
6. Call others each day and remind them of the movement.
7. Attend the nightly mass meetings Monday through Friday.
8. Do not place your garbage at the curb. Handle it the best way you can without helping the city and the Mayor's effort to break the strike.
9. Whenever you associate with white people, let them know what the issues are and why you support this cause.
10. Support the relief efforts for the workers and their families with gifts of money and food. Checks can be made out to "C.O.M.E." and food taken to Clayborn Temple A.M.E. Church, 280 Hemando.

Community On the Move for Equality WORK CARD

Name _____ Phone _____
Address _____
I will march _____ I will picket _____
I can answer phone or do clerical work _____
I can serve on a committee:
 Work Committee _____
 Telephone Committee _____
 Transportation Committee _____
Hours I can best serve:
 9:00am-11:00am _____ 11:00am- 1:00pm _____
 1:00pm- 3:00pm _____ 3:00pm- 6:00pm _____
 6:00pm- 8:00pm _____ 8:00pm-10:00pm _____
 10:00pm-12:00pm _____
Signature _____

Document 2: [Defendants'] exhibit 2 in *City of Memphis v. Martin Luther King, Jr., [et al.]*, 1968. This exhibit is a flyer distributed in Memphis, Tennessee, requesting volunteer assistance and offering instructions to sanitation workers and their sympathizers for the duration of a strike.



IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

CITY OF MEMPHIS,
A Municipal Corporation,

Complainant

VS

MARTIN LUTHER KING, JR.,
HOSEA WILLIAMS, REVEREND
JAMES BEVEL, REVEREND JAMES
ORANGE, RALPH D. ABERNATHY and
BERNARD LEE, all non-residents
of the State of Tennessee,

NO. C-68-80

CHD
B + M.C.

Defendants

ANSWER

The defendants deny each and every allegation of
the complainant except as follows:

The defendant Martin Luther King, Jr. and members
of his staff were invited by local ministers to participate in
a march held on March 28, 1967. Said march was held under
the supervision of local ministers and the responsibility for
planning and supervision to maintain order did not rest with
these defendants.

The defendant King at the urgent request of local

Document 3: Answer to Plaintiff in *City of Memphis v. Martin Luther King, Jr., [et al.]*, filed in the U.S. District Court for the Western District of Tennessee, Western Division, April 4, 1968. This document gives the response of Dr. Martin Luther King, Jr., Reverend Hosea Williams, Reverend James Bevel, Reverend James Orange, Ralph D. Abernathy, and Bernard Lee to allegations by the city of Memphis, Tennessee, that they had been engaged in a conspiracy to incite riots or breaches of the peace. They also denied that they had refused to furnish information concerning marches and explained the steps they had taken to ensure the march would be nonviolent and under control. Dr. King further stated that he had received threats against his personal safety, page 1, 2, and 3

march leaders did leave the scene of disorder. At the same time, local leaders made immediate and successful efforts to turn the march back.

The defendants have organized and conducted in many communities utilizing the principals of non-violence numerous marches, none of which have resulted in civil disturbance. The defendants are not presently and have never been engaged in any conspiracies as alleged in the complaint. Defendants have in no way in their private or public statements sponsored, fermented, encouraged and incited riots, mobs or breaches of the peace as alleged in the complaint.

Defendants further state that they have never refused to furnish information concerning marches or plans as such information became available; that in fact said information has been furnished on a continuing basis to local law enforcement officers; that there is no statute or ordinance requiring the issuance of a parade or march permit by police authorities. However, to the extent that there is any custom or practice of submitting plans for parades or marches to police officials for discussion and review, the defendants have and will continue to do so as soon as practical after said plans have been made.

The defendants utilizing their experience have undertaken the following general steps to insure that the march will be non-violent and under control at all times. Limitations will be placed on the number of marchers in each line; parade marshals will be carefully selected and given training in their duties; liaison will be maintained with local law enforcement officers



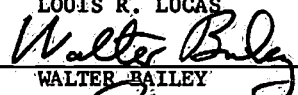


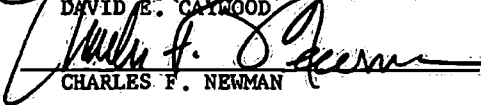
and the necessary protection and assistance will be requested; all groups in the community have been contacted to insure the parties in the march will participate on a non-violent basis; a route has been tentatively selected, together with tentative starting and ending times for the march and other necessary organizational steps have been and are continuing to be taken to insure a peaceful march. Steps have further been taken to prohibit the use of signs affixed to sticks or any other object which might be utilized in an improper manner.

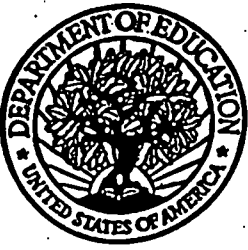
Defendant, Martin Luther King, Jr., further states that he has on numerous other occasions received threats or been informed of threats received by others concerning his personal safety; that while all due precautions have been taken, there have been no difficulties encountered as a result of such threats.

Defendants respectfully request that the application for an injunction should be denied or in the alternative that the Court permit the march to be held under such reasonable restrictions as may be necessary giving due regard to the defendants and their First Amendment rights.

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