

Interview on Arrest following Indictment
by Grand Jury of Montgomery County

[17 February 1960]

[Atlanta, Ga.]

Upon King's return from North Carolina, two Fulton County sheriff deputies appeared at his Ebenezer office and took him into custody on the afternoon of 17 February. A grand jury in Alabama had issued a warrant for his arrest on two counts of felony perjury for signing fraudulent tax returns for 1956 and 1958.¹ Accompanied to

1. The Montgomery County Grand Jury handed down the indictments on 12 February after state tax officials had conducted an audit of King's tax records (Indictment, *State of Alabama v. Martin Luther King, Jr.*, 12 February 1960). In a typed statement of the same date as this interview, King voiced his frustration at the tendency in the South "to misrepresent and frustrate the moves of persons working to achieve the ideal of freedom and brotherhood" (King, Statement on indictment by grand jury of Montgomery County, 17 February 1960).

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the Fulton County courthouse by his father and brother, King was arraigned and released on \$2,000 bond.² In the WSB-TV film footage from which this interview fragment was taken, King responds to the questions of a male reporter who remains off-camera.³

[King]: No, I didn't have the slightest idea that I would be arrested today. I had no idea that the grand jury would indict me. I have always said that if it is necessary for us to go to jail in the midst of this struggle we should do it willingly and we should do it with love in our hearts. And maybe through our willingness to suffer and accept this type of sacrifice we will be able to arouse and awaken the dozing conscience of many citizens of our nation.

[Interviewer]: You spoke in Durham, North Carolina, and said at that time that the Negro should be willing to go to jail, if necessary, to support his cause.⁴ Had you [recording interrupted] that you would be arrested? What do you believe lies at the root of the indictment against you?

[King]: Well, I feel that it is just a new attempt on the part of the state of Alabama to harass me for the role that I have played in the civil rights struggle. This seems to be a pattern in many areas of the South now as evidenced by the fact that the Highlander Folk School was closed a few days ago by an order, a court order.⁵ It seems to be a pattern to harass individuals working in the area of freedom and integration and brotherhood.

[Interviewer]: Are you ever afraid?

[King]: Well, I wouldn't say that I have totally risen above the shackles of fear, but I live every day under the threat of death almost and with constant harassment, so that I have had to develop something within to keep me going amid all of these difficulties. And I think that something has come from the realization that in the struggle we have cosmic companionship and that the cause is right. And there is a great spiritual power that comes to an individual when he feels that he's engaged in a struggle and in a cause that is right and that will ultimately win.

[Interviewer]: There was a published story that you moved into an eighty-five thousand dollar home when you moved to Atlanta.⁶

2. Two days later, Alabama governor John Patterson signed papers for King's extradition to stand trial in Montgomery. After turning himself in to Alabama authorities on 29 February, King posted an additional \$4,000 bond, and his trial was set for May.

3. According to one news account of the interview, King also denied any "pretense to absolute goodness" but maintained that if he possessed "one virtue, it's honesty" (Marion Gaines, "Rev. King Arrested in Perjury Case," *Atlanta Constitution*, 18 February 1960).

4. The interviewer refers to King's 16 February speaking engagement (see King, "A Creative Protest," pp. 367-370 in this volume).

5. A Tennessee Circuit Court judge revoked Highlander Folk School's charter on 16 February for violating state segregation and liquor laws ("Charter Is Lost by Mixed School," *New York Times*, 17 February 1960). King had signed a petition in 1959 to prevent Highlander's closure (Petition in support of Highlander Folk School, November 1959). The school officially closed in October 1961, but the institution's staff had already opened the Highlander Research and Education Center in Knoxville.

6. Speaking on behalf of the MIA executive committee, Ralph Abernathy dismissed the charge that King "purchased an \$85,000 home" in Atlanta and vouched for King's "honesty, sincerity, integrity and leadership" ("Montgomery Supports King," *Atlanta Daily World*, 20 February 1960).

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[*King*]: Yes, it is true that that came out. I own only one piece of property in the world, and that is a 1954 Pontiac. I am renting the house that we live in at the present time. And I have no plans to buy a house, and I have no plans to build a house in the foreseeable future.

[*Interviewer*]: Have your income tax returns been investigated before?

[*King*]: Oh yes, they have been investigated two or three times before. This is nothing new. Investigations have taken place before. And the last time the state came and said that since I was leaving the state they wanted to make this audit. And the man who made the audit made it very clear to me, over and over again, that my returns were thoroughly honest and as accurate as anyone could make returns, but he also admitted that he was under pressure from his superiors to bring some charge.⁷ This was one of the last things I heard from him when we were [*recording interrupted*]

F. WSBA-GU.

7. King refers to the investigation conducted by Alabama state revenue agent Lloyd Hale. Hale later testified that he did not believe King had committed fraud on his tax returns (Arthur Osgoode, "State Rests King Trial Testimony," *Montgomery Advertiser*, 27 May 1960).