

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARTIN LUTHER KING, JR., : 63 Civ. Action 2889

Plaintiff, :

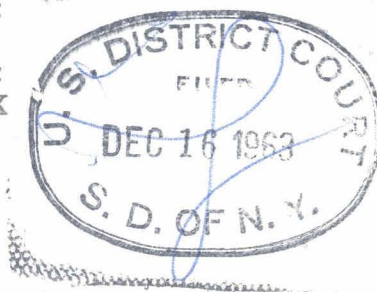
-against- :

MISTER MAESTRO, INC. and TWENTIETH :
CENTURY-FOX RECORD CORPORATION, :

Defendants. :

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STATE OF GEORGIA)
) ss.:
COUNTY OF FULTON)



MARTIN LUTHER KING, JR., being duly sworn, deposes
and says:

1. I reside at 563 Johnson Avenue, N.E. in the
City of Atlanta, Fulton County, in the State of Georgia.

2. I am the plaintiff in the above captioned
action and I am represented by my attorney, CLARENCE B.
JONES, ESQ., a member of the firm of LUBELL, LUBELL AND
JONES, with offices at 165 Broadway, in the Borough of
Manhattan, County of New York, in the State of New York.

3. I am submitting this affidavit on the advice
of my counsel, pursuant to a request therefor by the Honor-
able Inzer B. Wyatt, United States District Judge, Southern
District of New York, in a letter of October 29, 1963 to
counsel for all the parties in the action herein. A copy of
said letter is attached hereto as Exhibit A.

4. I am President of the Southern Christian
Leadership Conference (hereinafter referred to as "SCLC"),

whose principal offices are located at 334 Auburn Avenue, N.E. in the City of Atlanta, Fulton County, State of Georgia. As said President, I was, along with my organization, one of the organizers and participants, in conjunction with representatives of the National Association for the Advancement of Colored People (NAACP), American Jewish Congress, Congress of Racial Equality (CORE), Student Non-Violent Coordinating Committee (SNCC), National Urban League, Negro American Labor Council (NALC), National Council of Churches of Christ in the U.S.A. et al., of the MARCH ON WASHINGTON FOR JOBS AND FREEDOM, held on August 28, 1963 in Washington, D.C.

5. As President of the Southern Christian Leadership Conference and a participant organizer of the MARCH, as hereinbefore described, I wrote and prepared a speech for oral delivery by me during the official program of said MARCH. In the late afternoon of August 28, 1963, Eastern Daylight Saving Time, I orally delivered said speech to those persons participating in said MARCH and assembled before and around the Lincoln Memorial in Washington, D.C.

6. Said speech so delivered by me as hereinbefore mentioned was personally written by me partially in New York City, New York, partially in the City of Atlanta, State of Georgia, and partially in Washington, D.C. between Saturday, August 24, 1963 and Wednesday, August 28, 1963. I did not finish the complete text of my speech until 4:00 a.m. on the morning of August 28, 1963.

7. As a participant speaker on the program of said MARCH, I, along with other participant speakers, was requested by the national MARCH ON WASHINGTON Committee, New York, New York, to furnish to the press liaison or public

relations section of the Washington office of the March, a summary or excerpts of my intended speech. Said summary or excerpts was requested by said national MARCH ON WASHINGTON Committee and furnished by me for the express and limited purpose of enabling said summary or excerpts to be read and made available to members of the press only, at a "press" and/or "briefing" conference of the press held in the Statler Hilton Hotel in Washington, D.C. in or about the late afternoon or evening of August 27, 1963.

8. Inasmuch as I had not completed my speech by the afternoon or evening of Tuesday, August 27, 1963, I did not forward any portion of my remarks which I had prepared for oral delivery on August 28, 1963 to said press liaison section of the Washington office of the MARCH until the morning of August 28.

9. The excerpts or portions of my speech so requested for use at the press conference in the Statler Hilton Hotel as hereinabove described were only eventually made available to the press, on information and belief, in the late morning or the afternoon of August 28, 1963. Said excerpts of my speech were not intended by me to be generally distributed or generally made available to the public at large, but were specifically limited in use to assisting the press coverage of the MARCH by the press through the press liaison personnel of the Washington office of the MARCH ON WASHINGTON Committee.

10. On information and belief, some time between the period of 10:00 a.m., Eastern Daylight Saving Time, and the time of my actual delivery of said speech on August 28, the excerpts or portions of said speech so forwarded to the press liaison section of the Washington office of the MARCH

as hereinbefore described for the express and limited purpose of assisting the coverage of said MARCH by the press through said press liaison personnel of said Washington office of the MARCH were mimeographed and inserted, along with other materials, into a so-called "Press Kit" containing the advance texts and/or excerpts of the speeches of other persons participating in the official program of said MARCH as well as materials about the participating organizations, aims and purposes of said MARCH.

11. The mimeographing of the excerpts or portions of my speech prepared for oral delivery to the MARCH and the insertion of the same into the "Press Kit" hereinbefore mentioned for the limited purpose of informing the press and other representatives of news media at the MARCH was done wholly without my personal advance knowledge thereof or consent thereto.

12. That Archbishop O'Boyle had the advance text of the speech to be orally delivered by Mr. John Lewis of the Student Non-Violent Coordinating Committee was, on information and belief, for reasons wholly unrelated and inapplicable to me. Archbishop O'Boyle did not request of me nor did he receive from me an advance text of my address which had been prepared by me as hereinbefore described.

13. Insofar as point "2" of Judge Wyatt's letter, annexed hereto, I did not orally or in writing authorize or consent to any reprint and/or sale of my speech by any New York City daily newspaper, including the New York Post. On information and belief, said reprinting of my speech by the New York Post was accomplished by transcribing my speech, as orally delivered as hereinabove described, from sound

recordings thereof, because no copies of my speech, in excerpt or completed form, were given to the New York Post or forwarded to them by or pursuant to my authority or consent for the purpose of reprinting and selling copies of the same either for a limited purpose to a limited number of persons or to the general public at large.

14. I have neither requested nor authorized any person to request that any monies received, or any portion thereof, by the New York Post from the reprint of its own news article containing the text of my speech be paid over to me individually, to the SCLC, or the National March Committee, or any of the organizations comprising the same. In addition, neither I personally, nor the SCLC of which I am President, has received any monies from the New York Post because of its reprinting and sale of its news articles containing the text of my speech.

15. On June 23, 1963, following a peaceful walking assemblage of thousands of people through the streets of downtown Detroit, Michigan, I delivered a speech in an auditorium called Cobo Hall to the participants in said peaceful walk or "March". The speech which I gave in Detroit as hereinabove described was recorded with my consent by Berry Gordy Records, a division of Motown Record Corporation, 2648 West Grand Boulevard, Detroit 8, Michigan.

16. My speech so recorded by Berry Gordy Records was prepared by me for oral delivery as an untitled address and subsequently produced in part in the form of a commercial phonograph disc and sold, along with other speeches or excerpts thereof which I had made, under the title of "The Great March to Freedom, Rev. Martin Luther King Speaks-Detroit, June 23, 1963." During the course of said speech

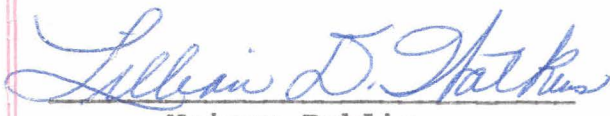
as recorded by said Berry Gordy Records, I used the phrase or words "I have a dream...." As hereinabove indicated, my speech in Detroit was not entitled by me "I Have A Dream." The use of said words as the title for the excerpt from my Detroit speech was done by Berry Gordy Records in the production of the album containing several of my speeches on various subjects after said Berry Gordy Records saw the widespread public reception accorded said words when used in the text of my address to the MARCH ON WASHINGTON as hereinbefore described.

17. My use of the phrase or words "I have a dream" in the text of my address on June 23, 1963 in Detroit was conceptually similar to the concept expressed in similar but different words and phrases used in my speech in Washington, D.C. on August 28, 1963. The concepts expressed in the latter part of my speech in Washington, D.C. on August 28 were written in words, the arrangement and interrelationship of which were generally similar to the actual words used in the latter part of my Detroit speech. The words "I have a dream" are identical in both speeches. Some of the words and phrases in the last paragraphs of both speeches are identical. My speech on August 28, 1963 in Washington, D. C. as a whole, however, in its complete text was a completely distinct and different address from my address in Cobo Hall in Detroit, as hereinbefore described. While many of the words and phrases in the latter part of my August 28th Washington speech were similar to those in the latter part of my Detroit speech, there are many words in the latter part of my Washington speech which are not identical to those in my Detroit speech. My consent to the recording, distribution

and the sale of an excerpt from my Detroit, Michigan address was and is not regarded by me as a sound recording of the text of the speech which I prepared for oral delivery as hereinbefore mentioned and as orally so delivered by me on August 28, 1963.


MARTIN LUTHER KING, JR.

Sworn to before me this
29th day of November, 1963.


Notary Public
Term Expires Feb 1967