

**Complete
Transcript of
the Martin
Luther King, Jr.
Assassination
Conspiracy
Trial**

<p>VOLUME I November 15, 1999</p>	<p>Jury selection begins. It is closed to the public. <i>The Memphis Commercial Appeal</i> is granted permission to file an appeal against the public being excluded for jury selection.</p>
<p>VOLUME II November 16, 1999</p>	<p>Testifying:</p> <ul style="list-style-type: none"> • Mrs. Coretta Scott King, wife of Dr. Martin Luther King, Jr., currently-Founder, The Martin Luther King, Jr. Center for Nonviolent Social Change, Inc. • Dr. Cobey Smith, founder, The Invaders (Black Organizing Project)-1968, educator consultant (current) • Mr. Charles Cabbage, Executive Secretary, The Invaders • Mr. John McFerren, founder, Fayette County Civic & Welfare League and local businessman • Mr. Nathan Whitlock, taxicab driver, musician • Captain Thomas Smith, Memphis Police Department, Homocide Detective (1968), currently retired • Mr. Charles Hurley, advertising manager, National Food Stores, Memphis (1968), Division Manager, Save-A-Lot Food Stores (current)
<p>VOLUME III November 17, 1999</p>	<p>Testifying:</p> <ul style="list-style-type: none"> • Mr. James Milner, taxicab driver • Mr. Floyd Newsom, Memphis Fire Department, retired • Mr. Norville Wallace, Chief, Memphis Fire Department, retired • Mr. Leon Cohen, special deputy at Juvenile Court, took photos around the Lorraine Motel the morning after the assassination, retired • Mr. Ed Redditt, Memphis Police Department, detective, Community Relations Officer, retired, volunteer high school coach • Mr. James McCraw (deceased), taxicab driver, via previous deposition • Mr. Jerry Williams, captain, Memphis Police Department (1968), real estate currently • Mr. Phillip Melanson, professor, political science, author “The Martin Luther King Assassination” • Ms. Kaye Pittman Black, reporter, The Memphis Press Scimitar (1968), via sworn testimony in 1993

<p>VOLUME IV November 18, 1999</p>	<p>Testifying:</p> <ul style="list-style-type: none"> • Rev. James Lawson, Jr., SCLC Board Member, Pastor, Centenary United Methodist Church in Memphis (1968), retired • Mr. Maynard Stiles, Division Superintendent, Department of Sanitation, retired • Ms. Olivia Catling, neighborhood resident around Lorraine Motel • Mr. Ed Atkinson, Memphis Police Department, Traffic Division, retired • Mr. Hasel Huckaby, South Central Bell, employee, via sworn statement in 1993 • Mr. James Lesar, lawyer, represented James Earl Ray (1970-76), currently specializes in Freedom of Information Act litigation • The Honorable Andrew J. Young, Executive Vice President of SCLC (in 1968), currently Chairman, GoodWorks International, LLC
<p>VOLUME V November 22, 1999</p>	<p>Testifying:</p> <ul style="list-style-type: none"> • Videotape of the meeting between Loyd Jowers, Dexter Scott King, Andrew J. Young and Lewis Garrison, Little Rock, AR • Mr. Arthur Haynes, Jr., James Earl Ray's first attorney (with his father), currently, Circuit Judge 10th Judicial Circuit, AL • Ms. Bobbie Balfour, Jim's Grill, employee, currently a cook • Mr. William R. Key, Clerk of Court, Shelby County • Mr. Joe B. Brown, Judge, 30th Judicial District, State of TN, Division 9, Criminal Court, Shelby County
<p>VOLUME VI November 23, 1999</p>	<p>Testifying:</p> <ul style="list-style-type: none"> • Dr. Jerry Francisco, professor of pathology, University of TN, Shelby County Medical Examiner (1968 and currently) • Mr. John Billings, surgical assistant, St. Joseph's Hospital (1968), private investigator (current) • Mr. Royce Wilburn, master electrician (1968-present), brother of Ms. Glenda Grabow • Mr. Sidney J. Carthew, merchant seaman, British Merchant Navy, via teleconference deposition in

	<p>1999</p> <ul style="list-style-type: none"> • Mr. Joe B. Hodges, Memphis Police Department, dog squad (1968), retired • Mr. James W. Smith, Memphis Police Department, special services (1968) • Ms. Barbara Reis, journalist, Publico newspaper, Portugal • Rev. James Orange, Executive Staff, SCLC, via previous affidavit
<p>VOLUME VII November 24, 1999</p>	<p>Testifying:</p> <ul style="list-style-type: none"> • Mr. Jack Saltman, television producer, BBC, Thames, HBO, and ABC- TV • Dr. Clayborne Carson, professor of history, Stanford University, Editor-The King Papers project
<p>VOLUME VIII November 29, 1999</p>	<p>Testifying:</p> <ul style="list-style-type: none"> • Mr. William B. Hamblin, taxi-cab driver (1968), part-time security guard (currently) • Mr. James Joseph Isabel, taxi-cab and charter bus driver (1968), retired • Mr. Jerry William Ray, brother of James Earl Ray • Mr. Willie B. Richmond, captain, Memphis Police Department-Internal Affairs, retired • Mr. Douglas Valentine, author, <i>The Phoenix Program</i> • Mr. Carthel Weeden, Memphis Fire Department (1968), construction company owner (currently) • The Honorable Rev. Walter E. Fauntroy, SCLC Washington, DC Chapter Director (1968), later chair of the Congressional Subcommittee investigating the Assassination, pastor • Ms. April R. Ferguson, attorney, one of the post conviction defense attorney for James Earl Ray. • James E. Adams, taxi-cab driver • Yolanda King, actress/producer, eldest daughter of Dr. Martin Luther King, Jr. and Mrs. Coretta Scott King
<p>VOLUME IX November 30, 1999</p>	<p>Testifying:</p> <ul style="list-style-type: none"> • Mr. Jack Kershaw, attorney, for James Earl Ray ('77) • Mr. Jack Terrel, Civilian Military Assistance, via

	<p>videotaped deposition</p> <ul style="list-style-type: none"> • Mr. Louis Ward, security police and taxi-cab driver (1968), part-time roofer (current) • Mr. Raymond Kohlman, attorney • Mr. Earl Caldwell, reporter, the New York Times (1968) via videotaped deposition • Mr. Roy Grabow, husband of Glenda Grabow • Mr. John C. Smith, member, The Invaders • Mr. William Schaap, attorney, military and intelligence specialization, co-publisher “Covert Action Quarterly”
<p>VOLUME X December 1, 1999</p>	<p>Testifying:</p> <ul style="list-style-type: none"> • Mr. Loyd Jowers, via deposition Nov. 2, 1994 • Mr. Mark Glankler, investigator, appointed by District Attorney General-December, 1993 • Mr. Dexter King, Chairman, President & CEO-The Martin Luther King, Jr. Center For Nonviolent Social Change, Inc., youngest son of Dr. Martin Luther King, Jr. and Mrs. Coretta Scott King
<p>VOLUME XI December 2, 1999</p>	<p>Testifying:</p> <ul style="list-style-type: none"> • Rev. Samuel B. Kyles, pastor, Monumental Baptist Church, Memphis, TN, (1968-present) • Mr. Frank W. Young, Shelby County Criminal Clerk’s Office • Mr. Eli Arkin, Memphis Police Department-inspection bureau (1968), currently-The Cottonwood Company • Ms. Rebecca A. Clark, ex-wife of Captain Earl Clark, Memphis Police Department (1968) • Mr. John Doe, via videotaped desposition of Novemebr 5, 1999
<p>VOLUME XII December 6, 1999</p>	<p>Testifying:</p> <ul style="list-style-type: none"> • Ms. LaVada Addison, restaurant owner (1968), self-employed, LaVada Estate Sales (current) • Mr. James Earl Ray, deposition of March 11-12, 1995 in the case of James Earl Ray versus Loyd Jowers

VOLUME XIII December 7, 1999	Testifying: <ul style="list-style-type: none">• Mr. James Earl Ray, deposition of March 11-12, 1995 in the case of James Earl Ray versus Loyd Jowers (continued)• Ms. Betty Jean Spates, waitress-Jim's Grill, deposition of November 3, 1999
VOLUME XIV December 8, 1999	Closing Statements and verdict

THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE
THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

CORETTA SCOTT KING, MARTIN
LUTHER KING, III, BERNICE KING,
DEXTER SCOTT KING and YOLANDA KING,
Plaintiffs,

Vs. Case No. 97242-4 T.D.

LOYD JOWERS and OTHER UNKNOWN
CO-CONSPIRATORS,
Defendants.

BE IT REMEMBERED that the
above-captioned cause came on for Trial on
this, the 15th day of November, 1999, in the
above Court, before the Honorable James E.
Swearengen, Judge presiding, when and where
the following proceedings were had, to wit:

VOLUME I

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RICHBERGER, WEATHERFORD & PARKER
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2

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3

P R O C E E D I N G S

THE COURT: Mr. Garrison, are

you all ready?

MR. GARRISON: Ready.

THE COURT: Let me see the

lawyers in chambers before we get started.

(Brief break taken.)

THE COURT: All right. Are we

ready to proceed?

MR. GARRISON: Yes, sir.

THE COURT: If there are any members of the media, we're going to ask you to excuse yourself until after the jury selection process. All right, Mr. Sheriff, you can get us some jurors.

THE COURT: All right, Mr. Pepper, who are these additional people with you?

DR. PEPPER: They're all with us, part of our team.

THE COURT: Are they going to participate in the trial?

DR. PEPPER: Only as assistants, that's all.

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4

THE COURT: I normally introduce those parties who are going to participate.

And if they are, I need their names.

DR. PEPPER: You want me to write them down for you, Your Honor?

THE COURT: That has dual purposes -- for my convenience and then, in addition to that, once we have called their names, we're in a position to ask the jurors if they're familiar with their names.

DR. PEPPER: Sure.

(Brief break taken.)

MR. PERA: Your Honor, for many years -- and I should first say, Your Honor, that all I know about this situation is what I've learned in the last 15 minutes. But as I say, for the record, I do represent The Commercial Appeal. I'm a little out of breath. But my name is Lucian Pera. And since at least 1984 when the Supreme Court decided the Press Enterprise case -- Press Enterprise versus Superior Court of California. And the cite on that I can give you which is 464 U.S. 501.

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5

In 1984 the Supreme Court has

made it clear, as has virtually every court in the nation -- has addressed the issue that there is a constitutional right on the part of members of the public and, therefore, members of the press to attend jury voir dire proceedings in court. I would add, Your Honor, that in Tennessee there have been at least two cases on this point -- I believe three.

The first one of which is State versus Drake which is a 1985 case which squarely follows the analysis in what are called the quartet of cases of which Press Enterprise is a part from the U.S. Supreme Court. And that case requires that if there is a closure of any part of a trial that there must be under the constitution specific findings by the Court on a motion by a party that there will be prejudice if there's not a closure and specifically how the closure is tailored as narrowly as possible to meet the compelling interest of preventing prejudice.

The Supreme Court of Tennessee

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6

requires written findings. There have been at least two other cases since then, Your Honor. I don't -- I can't cite you the precise name on this short of notice, but I will remind the Court of one the Court may be familiar with arising from this county. I believe it was in front of a criminal court judge across the street. And essentially what happened is that there was -- it was a rather horrible gang-related murder case. In fact, it was one in which I believe the victims were literally buried alive. There were claims of misconduct ongoing in the midst of the trial. In fact, the Court itself was under 24-hour armed guard at home and at the office -- at the court. During the course of that trial, the judge heard testimony from witnesses obviously. And one of the witnesses who had testified was to testify again.

The Court imposed a gag order
essentially closing the trial implicitly and
saying that the reporters might not print the
name of that witness who had already

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7

testified in open court and who was to
further testify as a rebuttal witness. The
Court expressed very specific concerns about
safety, that the witness might flee, that the
trial might be jeopardized for that reason.

And the Court of Appeals -- excuse
me, I think it was the Court of Criminal
Appeals -- specifically and flatly and firmly
reversed that ruling and said that what goes
on in open court is open, and the
constitution requires that it be so, and
again reaffirming State vs. Drake relying on
Press Enterprise.

So, Your Honor, with that thought in
mind -- again, I've not been privy to the
discussions here about what the problem were

that were sought to be addressed, and I apologize to the Court for not being prepared in that respect. But I would urge the Court to not close this hearing to members of media including my client, The Commercial Appeal.

THE COURT: All right.

MR. PERA: And, Your Honor, I might finally request that in compliance with

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8

State versus Drake, whatever the Court's decision there, that there be specific findings of fact tailored to address the issues under Press Enterprise.

THE COURT: All right. First of all, I would like to refer you to Supreme Court Rule 30, Media Guidelines, under Section C(2) which reads as follows: "Jury selection. Media coverage of jury selection is prohibited."

MR. PERA: Your Honor, it's my -- am I interrupting? I can look at the

rule, Your Honor, but it's my impression that Rule 30 addresses television coverage and similar media coverage. To the extent that that rule, Your Honor, either says or is interpreted to mean that voir dire may be closed by a court without constitutional foundation, the specifics which are very clear -- I can cite them to the Court if I can get my hands on State versus Drake.

If that rule says that or means that or the Court interprets it to mean that, then it is unconstitutional, Your Honor.

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9

THE COURT: Well, let me further refer you to Section D, and that section deals with limitations. And under 2 it says: "Discretion of Presiding Judge." That's me. "The presiding judge has the discretion to refuse, limit, terminate or temporarily suspend media coverage of an entire case or portions thereof in order to 1.) Control the

conduct of proceedings before the Court.

2.) Maintain the quorum and prevent distraction. 3.)" -- and this one I am concerned with --"Guarantee the safety of any party, witness or juror."

This case is such that I feel that the jurors should be protected from public scrutiny and that the public shall not be aware of who they are. I don't want -- and I'm going to assure them when we voir dire them that they will remain anonymous. And for that reason they will feel free to participate in the trial process. That's my ruling.

MR. PERA: Your Honor, may I be heard on this point?

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(901) 529-1999

10

THE COURT: No. I've ruled. I have ruled.

MR. PERA: Okay. Your Honor, meaning no disrespect, may I ask -- may I ask

a question?

THE COURT: Yes, sir.

MR. PERA: Has this Court considered or has it been proposed to the Court that the jurors remain anonymous and therefore that proceedings be allowed to take place in open court with, for example, members of the public and/or media present but nevertheless with the jurors remaining anonymous? Has that been considered, Judge?

THE COURT: No, sir, because I don't feel that that's a viable solution.

MR. PERA: May I ask a further inquiry, Your Honor?

THE COURT: Yes, sir.

MR. PERA: Is it the Court's ruling that the entire trial is going to be held in secret?

THE COURT: No, sir. Once the jury selection process is completed, then it

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will be open to the media as prescribed by court rules with cameras and with reporters and all of that. This court is not excluding the media from the trial proceeding, but it is excluding them from the jury selection process.

MR. PERA: Well, Your Honor, again -- the Court knows me, and the Court knows that I'm not inclined to argue with a ruling once it's been made. But since I'm getting into this so late, Your Honor, I have to inquire further. Your Honor, if -- I'm not at all sure I understand how this is tailored narrowly under the guidelines of the constitution.

I mean, for example, Your Honor, if -- if the identities of the jurors is what the Court is trying to protect, then -- and not, for example, their answers to the questions of one of the parties as to their particular biases or lack of biases, it seems to me that the Court might consider having the jurors, as has been done across the

country, I think the Court is probably aware

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12

of this -- having the jurors remain anonymous
and have the parties to the case and the
Court refer to them in whatever way would do
so anonymously but, nevertheless, allow the
questioning that goes to, for example,
bias -- their views on particular subjects to
be explored in open court as the constitution
requires.

I would urge that upon the Court as
a remedy that has been used elsewhere. And
it would not trample on the First Amendment
but it would, nevertheless, meet the Court's
concerns.

THE COURT: I'm going to deny
your request.

MR. PERA: Your Honor, when --
you're ruling then that until voir dire is
complete and the jury is sworn that this
hearing is closed both to members of the

press and the public?

THE COURT: I'm not excluding

the public, no, sir.

MR. PERA: So I can sit here for

example?

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13

THE COURT: You may, yes, sir.

But if you do, then you would be under a gag

order. As an officer of the Court you could

sit, yes, sir.

MR. PERA: But another member of

the public could be present and not be under

some sort of gag order?

THE COURT: I'm going to exclude

all members of the public, as a matter of

fact, during the jury selection process. I'm

not going to let reporters come in here and

say, at this time I'm not a reporter, I'm

just a member of John Q. Public.

MR. PERA: Okay, Your Honor. I

just wanted to make sure I understand your

ruling then. The hearing is closed to members of the press and the public until the jury is sworn.

THE COURT: And the public. And the public, yes, sir.

MR. PERA: May I -- I assume that what has transpired here so far, I'm under no gag order; is that correct, Your Honor? Because I may well be instructed by

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14

my client to pursue appellate relief.

THE COURT: You are free to do that.

MR. PERA: Okay. I just want to make sure that we understand each other.

Thank you. Appreciate it, Your Honor.

MR. GARRISON: In the Court's ruling I think Your Honor did the proper thing.

(Brief break taken.)

(By Order of the Court, the Jury

Selection portion of the trial was not transcribed.)

* * *

MR. PERA: I would like to apply for permission to appeal under Tennessee Rule of Appellant Procedure 9 from the Court's earlier ruling.

THE COURT: Oh, yes. Of course.

MR. PERA: Thank you, Your Honor. I assumed so. Your Honor, may I present an order on that either this afternoon or in the morning?

THE COURT: You may.

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15

MR. PERA: Thank you, Your Honor.

(Lunch Recess.)

(Jury Selection resumed.)

THE COURT: All right. Ladies and Gentlemen, we have completed our process. We have 12 jurors now and two are

alternates. So the rest of you I'm going to
excuse and thank you for your patience, and
you can report to the main jury room tomorrow
at 9:30.

All right. Now that we have
selected our jurors and alternates, we would
ask you please stand and take the official
oath as jurors in the case.

THE CLERK: Ladies and
Gentlemen, please raise your right hand.

(Whereupon the jury was sworn
in.)

THE CLERK: Okay. Please be
seated.

THE COURT: All right. Normally
at this stage we would begin our trial which
would be the rendering of an opening

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(901) 529-1999

16

statement by the lawyers. That is they would
tell you what they expect the proof to be as
it develops in the case, and then we would

start to hear the witnesses in the case. But because of the hour, I'm going to excuse you and ask you to be here tomorrow at 9:45 so that we can get started promptly at 10 o'clock, reminding you that you should not speak with the lawyers or the witnesses or anyone else involved in the case and that you should have no contact with the media.

I think -- I'll have some additional instructions for you tomorrow before we start to hear the proof. You should not go back to the main jury room for any reason. You come directly here from now on which means that you don't report at the regular 9:30 thing over there. Just come right here. Mr. James will show you our jury facility back here, and that's where you should congregate until you come out as a group.

We would ask you -- sometimes the jurors would sit out in the hall and do things of that sort before the trial begins

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17

in a normal case. But because of the nature of this one and because we don't want you to be exposed to the media, we would ask you to please not congregate in the hallways out there. If there are smokers in the crowd, then during our breaks, you can feel free to go down and do your smoking or whatever else just as long as you don't have any contact with the media.

If we -- if for any reason we need to take a comfort break on your behalf, we're very considerate, we'll do that. We want this to be a pleasant experience for you.

But it's a serious matter, and let's not forget that. All right.

(Court adjourned until 11/16/99

at 10:00 a.m.)

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18

IN THE CIRCUIT COURT OF SHELBY COUNTY,
TENNESSEE FOR THE THIRTIETH JUDICIAL
DISTRICT AT MEMPHIS

CORETTA SCOTT KING, et al,

Plaintiffs,

Vs. Case No. 97242

LOYD JOWERS, et al,

Defendants.

PROCEEDINGS

November 16th, 1999

VOLUME II

Before the Honorable James E. Swearngen,

Division 4, judge presiding.

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RICHBERGER, WEATHERFORD

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19

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20

- INDEX -

WITNESS: PAGE/LINE NUMBER

CORETTA KING

DIRECT EXAMINATION

BY MR. PEPPER:..... 53 22

CROSS-EXAMINATION

BY MR. GARRISON:..... 70 15

COBEY SMITH

DIRECT EXAMINATION

BY MR. PEPPER:..... 75 10

CROSS-EXAMINATION

BY MR. GARRISON:..... 96 16

REDIRECT EXAMINATION

BY MR. PEPPER:..... 101 4

CHARLES CABBAGE

DIRECT EXAMINATION

BY MR. PEPPER:..... 102 10

CROSS-EXAMINATION

BY MR. GARRISON:..... 121 7

REDIRECT EXAMINATION

BY MR. PEPPER:..... 127 18

JOHN McFERREN

DIRECT EXAMINATION

BY MR. PEPPER:..... 132 5

CROSS-EXAMINATION

BY MR. GARRISON:..... 155 10

REDIRECT EXAMINATION

BY MR. PEPPER:..... 159 9

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

21

NATHAN WHITLOCK

DIRECT EXAMINATION

BY MR. PEPPER:..... 160 9

CROSS-EXAMINATION

BY MR. GARRISON:..... 184 4

THOMAS SMITH

DIRECT EXAMINATION

BY MR. PEPPER:..... 185 14

CHARLES HURLEY

DIRECT EXAMINATION

BY MR. PEPPER:..... 192 15

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

22

PROCEEDINGS

(November 16th, 1999, 10:15 a.m.)

MR. PERA: Your Honor, good

morning. I have a couple preliminary matters related to the matter you have on trial.

May I address the Court this

morning?

THE COURT: Let me get my orders

first.

MR. PERA: Okay. I thought

that was done, Your Honor. That's why I approached.

THE COURT: Any additional

orders?

Okay. Go ahead, Mr. Pera.

MR. PERA: As you know, I'm

Lucian Pera. I represent the Commercial Appeal. First, your Honor, I have an order on yesterday's proceedings as to our motion for access -- I have served this on counsel for the parties -- that both grants -- both

denies my motion for access, grants our
status as an intervenor for our limited

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(901) 529-1999

23

purpose and grants the Rule 9 motion that you
orally granted yesterday.

THE COURT: All right.

MR. PERA: Does that meet with
your approval, your Honor?

There are two other matters, your
Honor, I want to present. One is a motion we
filed this morning.

As I understand it, although, of
course, I wasn't here and my client wasn't in
the courtroom, voir dire has been completed.

We have moved -- filed a motion with
the Court, I'm not sure if the Court has
received it yet, for access -- immediate
access as soon as practicable to the
transcript of voir dire proceedings. We have
filed a motion and would ask the Court to
grant us immediate access to the transcript

of the voir dire proceedings held in this case.

THE COURT: Denied.

MR. PERA: Denied?

THE COURT: Uh-huh.

MR. PERA: May I, Your Honor --

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24

I'll obviously give a moment to counsel. I'm anticipating one of two possible results.

I've actually prepared an order. Since I know my client may be interested in an appeal, I will share this with Mr. Pepper and Mr. Garrison.

There is one other matter, Your Honor. That is my partner Ms. Leizure is in a better position to address it than I. We know the Court has granted access to the trial to the broadcast media, but under Rule 30 we would also, as the Court knows, do use still photographers and would request and have filed a motion yesterday afternoon by

access by one of our still photographers to
the courtroom.

If the Court needs to hear that
addressed from a legal point of view under
Rule 30, my partner, Ms. Leizure, can address
that.

THE COURT: As for still
photography, I'll have to refer to the rule,
which does allow it, but it is limited.

MS. LEIZURE: Your Honor, I

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(901) 529-1999

25

believe the provisions are that you can limit
it to two still photographers.

THE COURT: Who are you?

MS. LEIZURE: I'm sorry, Your
Honor. I'm Kathy Leizure. I'm Mr. Pera's
partner. I represent the Commercial Appeal.

THE COURT: Kathy who?

MS. LEIZURE: I'm Kathy
Leizure. I believe the provision is, your
Honor, you can limit it to two still

photographers who are using no more than two cameras each.

THE COURT: I intend to abide by the rule.

MS. LEIZURE: Okay, Your Honor.

THE COURT: It says if there are more than two, if we're going to have still photography in the courtroom, you'll have to work it out among yourselves. If they can't work it out among themselves, then I'm going to disallow all of it.

MS. LEIZURE: I understand, Your Honor. There is a provision in here for pooling arrangements, which I would be happy

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(901) 529-1999

26

to try to work out if I know, you know, what other media have been granted access pursuant to this rule for still photography purposes.

THE COURT: I intend to abide by the rules. It is for that same reason that I disallowed the presence of media during the

jury selection.

All right. Assuming that there are no others who want to have still photographers in the room, I'll allow yours, but if it comes to a point where there are more than the rule allows, if you can work it out among yourselves, I'll do that. If not, as I said, I'm going to disallow all of them, because I'm not going to become involved in a dispute over who can and who cannot.

MS. LEISURE: I understand, Your Honor. I understand. So I will advise my client that they can bring the still photographer in within the provisions, the criteria and guidelines of the rules.

THE COURT: The other thing is that I have instructed all of them that they are not to photograph my jury.

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(901) 529-1999

27

MS. LEIZURE: That's right.

That's certainly a provision that is in the

rule. That's understood.

THE COURT: Yes.

MR. PEPPER: May I be heard,

Your Honor?

MR. PERA: I've provided this

order --

THE COURT: Just a moment. Go

ahead, Mr. Pepper.

MR. PEPPER: Thank you, Your

Honor. Your Honor, the family has its own

still photographer who would like to be

present in the courtroom and will abide by

all of the rules. It is Mr. Benedict

Fernandez, who for nearly forty years has

followed the history of Dr. King's work and

these proceedings.

THE COURT: All right. Those

two, then.

MR. PEPPER: Thank you, Your

Honor.

MR. PERA: Mr. Pepper, is this

order okay.

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(901) 529-1999

28

MR. PEPPER: Yes.

MR. PERA: Your Honor, if I could pass the order for immediate access to is the transcript. Mr. Garrison and Mr. Pepper have approved that order, although I haven't actually signed that original. Thank you, your Honor. I appreciate you hearing us.

THE COURT: Yes. Mr. Garrison, are you ready?

MR. GARRISON: Yes, Your Honor.

THE COURT: Mr. Pepper?

MR. PEPPER: Yes.

THE COURT: Bring the jury out, Mr. Sheriff.

(Jury in.)

THE COURT: Good morning, ladies and gentlemen. Glad to see that everybody made it this morning. Yesterday I inadvertently omitted one of the Court personnel. I should have introduced him. I

have to constantly remind him that I'm
elected by the residents of Shelby County and
that he is not my boss. It is my court

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

29

clerk, Mr. Brian Bailey over here. I think I
introduced everybody else.

Before we begin the trial, I'm going
to give you some preliminary facts that you
can refer to during the course of this
trial. Before the trial begins, I'm going to
give you some instructions to help you
understand how the case will proceed, what
your duties may be, and how you should
conduct yourselves during the trial.

When I have completed these
instructions, the attorneys will make their
opening statements. These statements will be
brief outlines of what the attorneys expect
to be evidence.

After the opening statements, you
will hear the evidence. The evidence

generally consists of the numbered exhibits and testimony of witnesses. The plaintiffs will present evidence first. The defendant will then be given the opportunity to present evidence.

Normally the plaintiff presents all of the plaintiff's evidence before the other

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(901) 529-1999

30

parties present any evidence. Exceptions are sometimes made out of this usually to accommodate a witness.

The witnesses will testify in response to questions from the attorneys.

Witnesses are first asked questions by the party who calls the witness to testify, and then other parties are permitted to cross-examine the witness.

Although evidence is preserved by asking questions, the questions themselves are not evidence. Any insinuation contained in a question is not evidence. You should

consider a question only as it gives meaning to the witness' answer.

Evidence may be presented by deposition. A deposition is testimony taken under oath before the trial and preserved in writing or sometimes it will be videotaped.

During the trial objections may be made to the evidence or trial procedures. I may sustain objections to questions asked without permitting the witness to answer or I may instruct you to disregard an answer that

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(901) 529-1999

31

has been given.

In deciding this case you may not draw an inference from an unanswered question, and you may not consider testimony that you are instructed to disregard.

Any arguments about objection or motions are usually required to be made by the attorneys out of the hearing of the jury. Information may be excluded because it

is not legally admissible. Excluded information cannot be considered in reaching your decision.

A ruling that is made on an objection or motion will be based solely upon the law. You must not infer from a ruling that I hold any view or opinion for or against any parties to this lawsuit.

When all of the evidence has been presented to you, the attorneys will make their closing arguments. The attorneys will point out to you what they contend the evidence has shown, what inferences you should draw from the evidence and what conclusions you should reach as your

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(901) 529-1999

32

verdict.

The plaintiff will make the first argument and will be followed by the defendant. Plaintiff will then respond to the defendant's arguments. Unless you are

otherwise instructed, statements made by the attorneys are not evidence. Those statements are made only to help you understand the evidence and apply the law to the evidence. You should ignore any statement that is not supported by the evidence.

After the arguments are made, I will instruct you on the rulings of law that apply to the case. It is your function as jurors to determine what facts -- what the facts are and apply the rules of law that I have given you to the facts that you have found.

You will determine the facts from all of the evidence. You are the sole and exclusive judges of the facts. On the other hand, you are required to accept the rules of law that I give you, whether you agree with them or not.

As the sole judge of the facts, you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

33

must determine which of the witness'

testimony you accept, what weight you attach to it and what inferences you will draw from it. The law does not, however, require you to accept all of the evidence in deciding what evidence you will accept.

You must make your own evaluation of the testimony given by each of the witnesses and determine the weight you will give to that testimony. You must decide which witnesses you believe and how important you think their testimony is. You are not required to accept or reject everything a witness says. You are free to believe all, none or part of any person's testimony.

In deciding which testimony you believe, you should rely on your own common sense and every-day experiences. There is no fixed set of rules to use in deciding whether you believe a witness, but it may help you to think of the following questions: Was the witness able to see, hear or be aware of the things about which the witness testifies?

How well was the witness able to recall and

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(901) 529-1999

34

describe those things? How long was the witness watching or listening? Was the witness distracted in any way? Did the witness have a good memory?

How did the witness look and act while testifying? Was the witness making an honest effort to tell the truth or did the witness evade questions? Did the witness have an interest in the outcome of the case? Did the witness have any motive, bias or prejudice that would influence the witness' testimony? How reasonable was the witness' testimony when you consider all of the evidence in the case?

There are certain rules that would apply concerning your conduct during the trial and during recesses that you should keep in mind. First, do not conduct your own investigation into the case, although you may be tempted do so.

For example, do not visit the scene
of an incident, read any books or articles
concerning any issue in the case or consult
any other source of information. If you were
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(901) 529-1999

35

to do that, you would be getting information
that is not evidence. You must decide the
case only on the evidence and law presented
to you during the trial.

Any juror who receives any
information about the case other than that
presented at the trial must notify the Court
immediately. Do not discuss the case either
among yourselves or with anyone else during
the trial.

You must keep an open mind until you
have heard all the evidence, the attorneys'
closing arguments and my final instructions
concerning the law. Any discussion before
the conclusion of the case would be premature
and improper.

Do not permit any other person to discuss the case in your presence. If anyone does attempt to do so, report that fact to the Court immediately without discussing the incident with any of the other jurors. Do not speak to any of the attorneys, parties or witnesses in the case even for the limited purpose of saying good morning. They are DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD (901) 529-1999

36

also instructed not to talk to you. In no other way can all of the parties feel assured of your absolute impartiality.

All right. There are a couple of additional comments I would like to make. I know that when you are over in the big room, the jury commissioner probably tells you don't ever leave anything lying around. I just want you to know that we have not had any unhappy experiences, that your personal affects are considered to be safe in the jury room.

So if you have sweaters or coats or lunches or whatever else, then you can feel pretty safe leaving them back there while you are here or while you are gone to lunch.

Also, if we need to take a comfort break, let us know and we'll be glad to accommodate you. We want to make this a pleasant experience for everyone.

We would ask you to be on time whenever we are supposed to congregate. We'd hate to have to be waiting on someone who is disrespectful of the others and for some

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

37

reason couldn't make it on time.

Finally, I know that sometimes, usually after lunch, but any time of day you can become weary and just can't keep your eyes open. So I am going to designate each of you and authorize you to nudge your neighbor if you catch them dozing on us.

All right. As I promised, the

attorneys will give their opening statements, that is, they will tell you what they expect the proof to be in this case. After they have done that, we will begin to hear the proof.

As I told you, this is a case on conspiracy. Conspiracy I guess in general terms would mean carrying out a design or plan where two or more have agreed to commit an act to do injury or damage. And the planning, of course, is not enough. They have to, in addition to the planning, do an act pursuant to that plan in order to be a co-conspirator.

All right. The plaintiff will begin. Then after the defendant has given

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

38

their opening statement, we will start to hear the proof in the case.

Mr. Pepper.

MR. PEPPER: Thank you, Your

Honor.

Good morning, ladies and gentlemen
of the jury. On the 3rd of April, 1968,
loving husband, father of four young children
kissed his family goodbye and left for
Memphis, Tennessee. He would never return.

They would never see him alive again.

On the 4th of April, 1968,
approximately one minute past six in the
evening as he stood on a balcony overlooking
a parking area of the Lorraine Motel, he was
felled by a single bullet, never regained
consciousness and died shortly thereafter.

That, ladies and gentlemen, is the
beginning of this story. The plaintiff in
this case, the victim, was a husband and a
father, but he also was a prophetic figure in
American history. He had been a civil rights
leader as a young man after school and in his
early pastor's years, but he moved beyond

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(901) 529-1999

that calling, beyond that calling on behalf of the poor in the southern part of this country, in this area of this country, to become an international figure concerned with the plight of poor people, economic injustice and with the issues of peace and war.

So as he grew in his leadership and his calling, he was awarded the Nobel Peace Prize. With that award he became truly an international figure, not a regional pastor fighting for justice on behalf of his people. He then turned his attention to the plight of poor people and the effect of war.

He came out strongly during the last year of his life to oppose the war in Vietnam because he saw it destroying an ancient culture and civilization that had so much in common with the plight of black people and the poor everywhere in the world. So he opposed that war.

He also turned his attention to the plight of poor people, the growing numbers of poor in the United States, and had put

together a poor people's campaign that was to

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(901) 529-1999

40

descend on Washington D.C. in the spring of

1968, the very spring in which he was

assassinated. That March an encampment did

come off but without its leader. As such, it

is history now that it did not have the

impact that it might have had on the Congress

of the United States. The victim was, of

course, Dr. Martin Luther King, Jr..

The defendant in this case, Mr. Loyd

Jowers, who owned Jim's Grill, which was at

the ground floor of a rooming house on South

Main Street in Memphis at the time. It no

longer exists, but the building is still

there. Your Honor has quite correctly

advised you not to go near the scene of this

crime because it has changed so much over the

years. It would only be very confusing for

you. That is the reason for that

instruction.

At that time and now that building
backed onto an area, like a vacant lot area
or a backyard. That backyard was covered
with brush and bushes, and beyond it was the
Lorraine Motel and the balcony on which

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(901) 529-1999

41

Martin Luther King stood when he was
assassinated. The defendant managed and
owned that grill, and the plaintiffs will
attempt to prove that the wrongful acts and
conduct of this defendant led to the death of
Martin Luther King from behind his very
premises, from the bushes, the brush in that
area.

Now, by way of disclosure to you,
counsel for both parties have agreed not to
conduct any interviews with the media, not to
talk to the press at all, during the course
of this trial. The Court has so instructed
you with respect to that.

We think that is a most important

instruction, and, in addition, plaintiffs would hope that you would think carefully about the issues of this case and the facts that are presented and the evidence that comes before you and not considering what is on television or radio or in the newspapers regarding this case.

We would ask you please consider staying away from any coverage of that sort

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

42

and make your decision solely on what you hear in this courtroom. It is most important.

Also by way of disclosure I have the obligation to tell you that I was a friend and a colleague of the victim in this case during only the last year of his life. Years later I began to look into the facts of this case and ultimately became convinced that the man accused of the crime was not guilty and undertook to represent him and was his lawyer

for the last ten years of his life.

He died in prison, never having a trial on the evidence in the case. And the plaintiff family decided that this man also was innocent of the crime and decided to come out and support a trial for him a few years before he died.

Now, the Court has properly instructed you with respect to the nature of the evidence. There will be mostly live witnesses, but there will also be some deposition evidence that you will hear, some affidavits, some public statements, and the

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(901) 529-1999

43

Court will advise you as to the range of voracity you should put on any evidence that is admitted in this Court. But it will not all be live testimony, although indeed most of it will.

With respect to the plaintiff's proof, it is -- the case will be divided into

a variety of sections. It is important to us that you consider those sections in the order as it appears. There will be a general introductory background area of the case that will familiarize yourself with what led up to this wrongful death so that will be hopefully as clear to you as can be.

There will then be evidence laid before you that will indicate that in fact the fatal bullet was fired from the brush area behind the rooming house, from a row of bushes that were very tall and thick where a sniper lay in wait and fired the shot. So that section will deal with the bushes.

There will be a section of proof that will deal with the rifle that is in evidence that is alleged to have caused the

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(901) 529-1999

44

death of Dr. King. And the proof that the plaintiffs will put forward will demonstrate to you that in fact the rifle in evidence is

not the murder weapon and that the murder
weapon was disposed of in another way.

Plaintiffs will advance proof that
there were a number of other people
involved. As Your Honor has correctly told
you, of course a conspiracy involves more
than one. Whilst this case is focusing in a
civil court on Mr. Jowers as the defendant,
there were other people involved. And some
of those individuals will be developed in
evidence.

In particular one individual will be
developed in evidence who was critical to the
coordination of a lot of these activities and
who is beyond the reach of this Court,
although will be invited, has been invited,
and will be invited to attend, but was a part
of this conspiracy, this collaboration with
Mr. Jowers.

Now, defendants have in their
answer, their amended answer, indicated that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

if liability results, and counsel has mentioned that yesterday, if liability results, attaches to his client, that it should also attach to other agencies and individuals.

Because that door is open, plaintiffs will advance evidence of the extent and the scope of this conspiracy so that you understand the umbrella under which the defendant was operating, so it is clear to you the kind of total picture in which he found himself as he carried out his wrongful acts which led to this death.

One indication of this conspiracy, why we are here thirty-one years later in this courtroom in Memphis, Tennessee, is the suppression of the truth, the cover-up that has lasted for so long and the effects of that cover-up in terms of people learning the truth and courts, such as this Court, being able to entertain proceedings designed to unearth that truth.

This cover-up itself and that
section of the case would show you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

46

indications of the wrong and will relate
directly to the wrong itself that we are
proving here and alleging here.

Now, because these witnesses will
come from various parts of the country and
various parts of the world, I must say, we've
had to adjust to various schedules of
people. So to some extent the evidence you
hear up there may be disjointed. But what I
ask you to consider is that each of the
witnesses who testify with respect to facts
will be putting forward to you a particular
piece of this puzzle. And they are being
called only for -- he or she will be called
only for that particular piece. So you must
discern what that is in each instance.

Yes, there will be an introductory
statement so that you get to know the witness

and who the witness is, get a feeling for whether he or she is credible. But beyond that there will be a piece of information.

It would be very useful in our view for you, if you could, to take notes in the course of these proceedings. I know the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

47

State I understand does not provide you with note paper or pads in this jurisdiction. But if you could provide yourselves with them just to make notes of particular facts that you think are relevant that a witness has testified to or an exhibit that you might want to look at further or later on during deliberations, that would be very helpful to you when you begin to refresh your own recollections, because there will be a lot of information coming out.

There will be a great deal of information coming out from a number of witnesses. You may very well expect to

forget some of it unless you have noted it down so you understand what they said. I urge you to consider using that, to use some mechanical way of recalling what has happened. I think that's basically it.

I think plaintiffs believe that as a result of the evidence you will hear in this courtroom, that finally the truth will emerge in respect of the assassination of Martin Luther King, Jr. He often said that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

48

truth-crushed earth will rise again. Well, I think plaintiffs sincerely hope that the truth will be resurrected in this courtroom.

And that as a result of the truth being resurrected in this courtroom, the events, those horrible events of April 4th, 1968, will be unearthed and seen and understood.

Ladies and gentlemen, prepare yourselves for the resurrection of truth with respect to that horrible day, April 4, 1968.

And I suggest to you that some of the evidence you hear may go to the essence of this Republic and may in fact shake some of the foundations of this Republic. So important is this case, so important is the evidence, please consider it carefully and well.

We seek a verdict of liability against the defendant because he played a critical role in these events. But it goes well beyond him. And we're prepared to acknowledge and to establish that.

Thank you.

THE COURT: Mr. Garrison.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

49

MR. GARRISON: If Your Honor please and Dr. Pepper and ladies and gentlemen, as you know, I'm Lewis Garrison. I represent Mr. Jowers, who is the defendant in this case.

I'd like to say this: I started

forty years ago in this practice of law in August, and on April the 6th, 1968, I was about three hundred feet from this very spot in my desk when Dr. King was assassinated. Now, Dr. Pepper and I agree on probably eighty percent of the things that he is advocating and stating to you. There are some areas that we do not agree upon. I'll touch on those now.

Ladies and gentlemen, April 4th, 1968, this city was racially divided. November 16, 1999, it is still racially divided. I'm sorry to tell you, it is. It is an error we need to work on, and I hope this trial will bring out some things that perhaps will have some bearing on that.

Mr. Jowers has been around the City of Memphis a long time. He is a former

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(901) 529-1999

50

police officer. When this occurred in 1968, he was operating a small restaurant called

Jim's Grill.

Now, you'll find that any part that

he -- he has conferred with Mr. Dexter King

and Ambassador Young and told them some

things that he knew and heard, but I think

you will find that he was a very small part,

if any -- if any -- in the assassination of

Dr. King. He was simply operating a little

restaurant down on South Main Street.

Anything that Mr. Jowers may have had to do

with this certainly was unknown to him.

He was never told that the target of

an assassination was Dr. King. Certainly his

feelings are that he was at sympathy with

Dr. King and certainly for the things that

Dr. King was seeking.

Certainly Ms. King and her family

have been made to suffer more than any family

should. There is no question about that.

They've had to go through more than a family

should have to go through. We're certainly

in sympathy with them and have always been,

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(901) 529-1999

51

always have been behind Dr. King and the things that he was seeking.

When I was growing up, not too far from here, we had separate rest rooms, separate water fountains, those type things, separate schools. It doesn't seem like it was very long ago. But after Dr. King came along, those things came to some extent, but we still take too much of our rights for granted. It has not always been the way it is now.

In this trial you will hear from different persons that will bring forth things that you probably never heard before. For instance, there will be a police officer that will testify here about the United States government sending in agents just before Dr. King's assassination. You'll hear a lady here testify about a police officer who was her husband who was very prejudiced against people whose skin was not white.

You'll hear, ladies and gentlemen,
from a gentleman who will also tell you that
he had a chance to be with Mr. James Earl Ray

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

52

for some months before the assassination, and
he'll provide information to you as to what
Mr. Ray disclosed to him as to how he escaped
from the Missouri prison, who helped him, and
the purpose of it.

I think, ladies and gentlemen,
you'll find in this case that Mr. Jowers was
a very, very small cog in a big wheel, if he
was a party at all. He never knowingly did
anything that would have caused the death of
Dr. King or brought any hardship on Ms. King
or her family.

Now, this has been a long process.

I've been involved it seems like forever. It
has been many, many years. Dr. Pepper has
been involved in this three times as long as
I have. But this is the final chapter.

Whatever historians may write, your verdict
will be the final chapter in this case.

So in this case I think when you
hear all the testimony here and all the proof
that Dr. Pepper will offer and I'll offer,

I'm going to be able to stand here and ask
you not only if you find that Mr. Jowers had

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

53

anything to do with it, but there are others
who are much more responsible than he was who
knew what they were doing and who brought
about the commission of this hate crime.

That's what it was. And that others
are responsible and that they should be held
liable instead of Mr. Jowers. It will be an
interesting trial. I think that you will
certainly find it interesting, and I hope
that you do.

If you will listen attentively,
because this is a very important case in the
history of this country.

Thank you.

THE COURT: Mr. Pepper, call

your first witness, please.

MR. PEPPER: Plaintiffs call

Mrs. Coretta Scott King to the stand.

CORETTA SCOTT KING

Having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good morning, Mrs. King.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

54

A. Good morning.

Q. Thank you for being here. I realize how stressful it is at the time, particularly because of the gauntlet of the media out there. We're grateful for your presence.

Could you just tell us by way of background what was the purpose of Dr. King's visit to Memphis, his involvement in Memphis and his coming here in 1968.

A. Martin came to Memphis to support the sanitation workers who were engaged in a strike for better wages and working conditions. He felt it was important to come to support them because they were working poor people.

Q. And how did the sanitation workers' strike and his support for that fit into the Poor People's March in Washington which had been planned for later on, the spring?

A. He felt that it was important that he give his support to them because they were a part of what he was really struggling to get the nation to understand, that people work full-time jobs but in a sense for part-time

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

55

pay. Even people who were poor who worked could not make a decent living. So they would then be invited to join the mobilization for the campaign which was to be held in Washington.

Q. Right. And was this support -- his support for the sanitation workers in Memphis and the plans for the Poor People's March in Washington to be covered by the umbrella of non-violence at all times?

A. Absolutely. He felt that -- as you know, his whole life was dedicated to non-violent struggle. Any time there was violence of any kind, it was very disturbing to him, and he disavowed it completely and whenever he had an opportunity to.

He dedicated his life to helping people to understand the philosophy of non-violence, which he lived it as a way of life. And so when he came to Memphis --

I don't know, Counsel, should I mention that he -- I don't want to get ahead of myself, but when he came to Memphis the first time and there was a march that he led

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

56

which his organization had very little to do

with planning, that broke out in violence.

It was very, very upsetting to him

because most of the marches, I would say all

of them, that he had led had always been

mobilized with the support of the National

Southern Christian Leadership Conference

staff. Therefore, they were aware of any

problems, any controversies that might exist,

conflicts between groups and among groups.

But he came that day from a trip,

got off the plane and went straight to the

head of the march. Of course, the march did

break out in violence. It was most

disturbing to him.

So when he -- when this happened, he

felt that it was very important for him to

return to Memphis to lead a peaceful,

non-violent march before he could go forth to

Washington. He had to demonstrate that a

non-violent march, a peaceful march, could

take place in Memphis because of the

criticisms that were being leveled at that

time.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

57

Q. So he returned to Memphis that last time because of the violence that broke out on the march of March 28th, and he was determined, from what you are saying, to restore the position of non-violence to the movement?

A. Yes, that's correct.

Q. Did he attribute -- did he have any idea why that march on March 28th turned violent? Did he have any notion of what caused that?

A. Well, I think he became aware that there was a local -- well, he thought at the time what was a local group of young people who really precipitated the violence. The feeling was that there were some forces behind them, that they were not just persons who decided that they would throw rocks and break windows.

Q. Now, what was behind or underlay his

decision to come out against the war in Vietnam and to take on such a public political posture, if you will, which was quite a different change for him?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

58

A. I must say that my husband had wanted to speak out against the war in Vietnam for many years before he actually did do so. He always -- he understood the conflict that existed in Vietnam from its inception. And he realized that it was an unjust war in the first place. Then it was being fought against, you know, people of color who were poor. And wars, of course, for him didn't solve any social problems but created more problems than they solved.

He felt that this particular war was not -- we could not win. Of course, history proved him right within a very short period of time after he spoke out. As a matter of fact, one year after he spoke out against the

war, he was vindicated in that the nation had reversed itself and its policy toward that war.

That was April 4th, 1968, when he actually spoke out against the war in his first public statement. But he said he had to do it because his conscience -- he could no longer live with his conscience without

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

59

taking a position. He felt that doing so, perhaps he could help to mobilize other public opinion in support of his position, which was, again, against the war.

Q. Do you recall the reaction of other civil rights leaders at that time when he came out against the war?

A. Yes, I do. Civil rights leaders, other opinion makers, all criticized him, both black and white. It was certainly -- certainly he expected it, but he probably didn't expect some of the people who

criticized him to do so publicly.

His way in the non-violent way was to privately disagree and to go and talk to persons which are having a disagreement, but to be attacked publicly was very difficult for him. He also knew that if he spoke out, it would probably affect the support, the financial support, for his organization, the Southern Christian Leadership Conference.

And, of course, it did very profoundly. He knew that before he took that risk and that position. So it wasn't

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60

surprising, but, nevertheless, it was painful.

Q. Was there much discussion at the time about him running for public office because he was being pushed forward as a third-party candidate with Dr. Benjamin Spock as an alternative to Lyndon Johnson's being returned to office at that time? What do you

recall about him moving in that direction of more serious political activity?

A. Well, I was aware of the fact that there was talk about his running for public office. It was interesting because from what I knew of him, I never thought that he would run for public office. Just knowing the kind of person he was, and because, you know, politics is very important and necessary, but he would be freer to make statements according to his conscience if he didn't run for public office, and because he was Christian minister and because he took his commitment so seriously, I felt that it would have been difficult for him.

But at the same time I remember him

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61

saying that because of the criticisms that he had gotten as he had spoken out against the war, the media had stopped carrying any of his statements and they didn't understand --

no one was getting his message, because the message wasn't being carried forth.

There were a number of critical articles and some cover stories that were very critical of him at that time. Time magazine, for instance, did one in 1967 that was extremely critical. He had been the Time man of the year in 1964 after the Peace Prize, and 1957 was the first time, so it was, again, very painful for him not to be able to get his message out.

So he said if I did run for office, it would be one way of getting my message out because I would have to be given equal time.

The interesting thing about my husband, he always considered, you know, every aspect of an issue, both the pros and the cons. And then he would make his mind up as to what he would do.

Q. Were there any comments that he made

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the night before his departure to Memphis, that last trip, any indications that he had of potential danger or the seriousness of the task that he faced in Memphis?

A. I don't remember specific comments in that regard. But he had -- after he returned from Memphis after the violence broke out, which was like on a Friday evening, he went back on a Tuesday -- he went back on --

Q. He arrived on a Wednesday, the 3rd.

A. -- on Wednesday morning. But in between that time I was aware of how heavily it weighed on him, the problem of -- this whole problem of the sanitation workers' conflict and what he could do to help by getting his staff united. Because some of the staff didn't feel he should go to Memphis in the first place. He was very strongly in favor of that.

So he came home late -- I guess it was Tuesday evening he came in. There was not time to talk. He got up very early Wednesday morning to go to Memphis. He

always called me, you know, almost every

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63

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whole lot about it, but I could tell that he

had a lot of anxiety and it was very heavily

weighing on his mind.

Q. Did he go through these times, and

particularly this last year, manifesting an

awareness that his life was in danger, that

he had taken a path of action now that might

have brought his life into danger?

A. Yes. I think he was aware of that

certainly. I might say he was aware from the

early days after Montgomery, Montgomery

forward, but I think as he got closer toward

this period of his life, he was even more

acutely aware.

Given the positions that he had

taken, he realized that, you know, he could

be killed at any time, but for him, his

commitment to what he believed and to a

higher authority was such that he didn't mind giving his life for a cause that he believed in.

He used to say that the end of life is not to be happy but to do God's will, come

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

64

what may. So for him being happy was when he could come out against the war against Vietnam. He said to a colleague, and I heard this on the telephone, I was the happiest man in the world when I could come out personally against this evil and immoral war, because I came to a point where I felt that silence was betrayal.

So that was -- I think that was his position.

Q. Mrs. King, on March 10th, 1969, one James Earl Ray entered a guilty plea and was sentenced to ninety-nine years in prison for the assassination of your husband. Mr. Ray stayed in prison until he died. But he tried

continually to get a trial.

At one point the family decided to support an effort for a trial for Mr. Ray.

Why did the family take that position that late in the day at that point in time?

A. Well, as a matter of fact, it was because he of new information that we had received and largely because of the efforts that you had put forth to investigate a

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65

number of these leads that had come out and found that they were reliable enough.

When we looked at it and investigated it, we felt then that we had to take a position. For years we hoped that somebody else would find out, find the answers. We wanted to know the truth. But the truth was elusive.

We wanted to go on with our lives.

We felt the only way we could do it was to really take the position that we did take,

because the evidence pointed away from Mr. Ray, not that he might have not had some involvement but he was not the person we felt that really actually killed him.

THE COURT: Just a moment. I see this man aiming a camera at my jury. I don't know that he has been told not to.

DEPUTY JAMES: I've instructed him not to take it of the jury.

THE COURT: All right. Go ahead.

Q. (BY MR. PEPPER) What was the general reaction to the family as a result of that

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66

position? Were there animosity? Were there attacks, lawsuits? What happened to the family, yourself and the children and the organization as a result of that position?

A. Well, there were a number of media articles that were negative toward the family. As a result of that -- there were

several really and over a period of months,
and as a result of it, we feel that there was
some -- it had affected some of the support
that we might have been able to receive for
the King Center.

Q. Financial support?

A. Financial support, yes.

Q. Contributions?

A. Yes.

Q. Is that similar to what happened to
SCLC back in 1967?

A. That's right.

Q. Mrs. King, why is the family bringing
this action now thirty -- almost thirty-one
years later against the defendant,

Mr. Jowers?

A. Well, it has only been recently that

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67

we realized the extent of Mr. Jowers'
involvement. So we felt that it was
important to bring it now. We're all getting

older, I'll say, and, of course, we wanted to be able to get the truth, as much of it as we can, out before it gets later.

I don't know how much longer any of us will be around. That's not given. But the fact is that my family, my children and I -- I've always felt that somehow the truth would be known, and I hoped that I would live to see it.

And it is important I think for the sake of healing for so many people, my family, for other people, for the nation. I think Martin Luther King, Jr., served this nation. He was a servant. He gave his -- he willingly gave his life if it was necessary.

It is important to know, actually not because we feel a sense of revenge -- we never have.

We have no feeling of bitterness or hatred toward anybody. But just the fact that if we know the truth, we can be free, and we can go on with our lives.

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Q. Mrs. King, is the family seeking a large monetary award from Mr. Jowers as a result of this action?

A. No, it is not about money. That's not the issue. I think what we're concerned about is the fact that certainly there is some liability by Mr. Jowers, but we're concerned about the truth, having the truth coming out, and in a court of law so that it can be documented for all. And we were hoping that this would be one way of getting to the truth.

MR. PEPPER: Mrs. King, thank you very much.

MR. GARRISON: If we could possibly take a short break before I ask my questions.

THE COURT: Very well. We will take a fifteen-minute recess.

(Jury out.)

(Short recess.)

THE COURT: Are you ready for

the jury?

MR. GARRISON: Yes, if Your

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(901) 529-1999

69

Honor please.

THE COURT: Bring the jury out.

(Jury in.)

THE COURT: All right, ladies

and gentlemen. I would like to read to you

before we begin here the Court rules on

taking notes. You are permitted to take

notes during the trial. You may take notes

only of verbal testimony from witnesses,

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personal reactions or comments but, rather, should be limited to a brief factual summary of testimony you think is important.

Please do not let your note-taking distract you and cause you to miss what the witness said or how the witness said it.

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pay. Even people who were poor who worked could not make a decent living. So they would then be invited to join the mobilization for the campaign which was to be held in Washington.

Q. Right. And was this support -- his support for the sanitation workers in Memphis and the plans for the Poor People's March in Washington to be covered by the umbrella of non-violence at all times?

A. Absolutely. He felt that -- as you know, his whole life was dedicated to non-violent struggle. Any time there was violence of any kind, it was very disturbing to him, and he disavowed it completely and

whenever he had an opportunity to.

He dedicated his life to helping people to understand the philosophy of non-violence, which he lived it as a way of life. And so when he came to Memphis --

I don't know, Counsel, should I mention that he -- I don't want to get ahead of myself, but when he came to Memphis the first time and there was a march that he led

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

56

which his organization had very little to do with planning, that broke out in violence.

It was very, very upsetting to him because most of the marches, I would say all of them, that he had led had always been mobilized with the support of the National Southern Christian Leadership Conference staff. Therefore, they were aware of any problems, any controversies that might exist, conflicts between groups and among groups.

But he came that day from a trip,

got off the plane and went straight to the head of the march. Of course, the march did break out in violence. It was most disturbing to him.

So when he -- when this happened, he felt that it was very important for him to return to Memphis to lead a peaceful, non-violent march before he could go forth to Washington. He had to demonstrate that a non-violent march, a peaceful march, could take place in Memphis because of the criticisms that were being leveled at that time.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

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57

Q. So he returned to Memphis that last time because of the violence that broke out on the march of March 28th, and he was determined, from what you are saying, to restore the position of non-violence to the movement?

A. Yes, that's correct.

Q. Did he attribute -- did he have any idea why that march on March 28th turned violent? Did he have any notion of what caused that?

A. Well, I think he became aware that there was a local -- well, he thought at the time what was a local group of young people who really precipitated the violence. The feeling was that there were some forces behind them, that they were not just persons who decided that they would throw rocks and break windows.

Q. Now, what was behind or underlay his decision to come out against the war in Vietnam and to take on such a public political posture, if you will, which was quite a different change for him?

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58

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60

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61

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62

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63

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64

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Q. Mrs. King, on March 10th, 1969, one James Earl Ray entered a guilty plea and was sentenced to ninety-nine years in prison for the assassination of your husband. Mr. Ray stayed in prison until he died. But he tried continually to get a trial.

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65

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THE COURT: Just a moment. I see this man aiming a camera at my jury. I don't know that he has been told not to.

DEPUTY JAMES: I've instructed him not to take it of the jury.

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Q. (BY MR. PEPPER) What was the general

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66

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67

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I don't know how much longer any of us will be around. That's not given. But the fact is that my family, my children and I -- I've always felt that somehow the truth would be known, and I hoped that I would live to see it.

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68

Q. Mrs. King, is the family seeking a large monetary award from Mr. Jowers as a result of this action?

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can be documented for all. And we were hoping that this would be one way of getting to the truth.

MR. PEPPER: Mrs. King, thank you very much.

MR. GARRISON: If we could possibly take a short break before I ask my questions.

THE COURT: Very well. We will take a fifteen-minute recess.

(Jury out.)

(Short recess.)

THE COURT: Are you ready for the jury?

MR. GARRISON: Yes, if Your

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(901) 529-1999

69

Honor please.

THE COURT: Bring the jury out.

(Jury in.)

THE COURT: All right, ladies and gentlemen. I would like to read to you

before we begin here the Court rules on taking notes. You are permitted to take notes during the trial. You may take notes only of verbal testimony from witnesses, including witnesses presented by deposition or videotape.

You may not take notes during the opening statements or closing arguments or take notes of objections made to the evidence. You may not take notes during breaks or recesses. Notes may be made only in open court while witnesses are testifying. Your notes should not contain personal reactions or comments but, rather, should be limited to a brief factual summary of testimony you think is important.

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70

Remember that some testimony may not appear

to be important to you at the time. The same testimony, however, may become important later in the trial.

Your notes are not evidence. You should not view your notes as authoritative records or consider them as a transcript of the testimony. Your notes may be incomplete or may have certain errors and are not an exact account of what was said by a witness.

All right. You may proceed,

Mr. Pepper.

Oh, would you like to cross-examine,

Mr. Garrison?

CROSS-EXAMINATION

BY MR. PEPPER:

Q. Good morning, Mrs. King.

A. Goods morning.

Q. Ms. King, you and I met before and we've talked a few times. I've talked to your sons several times.

Let me say this to you: I know it isn't easy for you to be the mother of four children, but they are all fine, honorable

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

71

sons and daughters, very fine, honorable people and I know you are pleased with them.

I know Dr. King would be.

Let me ask you, Ms. King, you've

never been afforded the opportunity to come into a court of law such as this and be able to be a witness as a part of it, have you?

When Mr. Ray had a hearing, you were not a party to that hearing, were you?

A. No.

Q. You never had an opportunity to come into a court of law before this to have a jury decide the issues in the case. Am I correct, please, ma'am?

A. That's correct.

Q. Let me ask you, did Dr. King before his assassination, sometime before he came to Memphis, did he receive a lot of threats that you are aware of that may be hearsay? Was he aware of a lot of threats?

A. Well, the morning that he was to come back to Memphis that second time, which was the final time, his plane was delayed because of threats that had come to him. I

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72

understand that -- well, of course, over the years there had been threats on his life many times.

Q. Do you recall, Ms. King, when Dr. King would appear at a place such as Memphis here who would plan his security? Do you know who was in charge of that or how they arranged for security for him? Did he have someone in his group that was responsible for it or did they rely on the local police department? Do you know how that was done?

A. I really don't know how that was handled except usually when he went into cities, the people who -- when he went to towns, the people locally, the committee locally that invited him, would handle the

security.

Q. Let me ask you, Ms. King, when Dr.

King returned from Memphis after the march,

do you recall -- was there any particular

group or any particular person that insisted

he come back here a second time? Did he ever

mention to you anything about any particular

person or any group that insisted on him

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

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73

coming back a second time?

A. I don't know about his coming back

specifically, but I know about his coming

initially. I think what he had said publicly

before he left was that he was planning to

come back. So I think there was that

understanding that he would be coming back.

How it came about I'm not sure.

Q. You mentioned earlier I believe that

he seemed to be agonizing over the fact that

he would return to Memphis. Was that because

of the threat or because of the conditions

here?

A. No, not because of the threats but just because it was so important that he lead a non-violent demonstration. Of course, there was an injunction. He had to get past the injunction as well. He took those -- his responsibility very, very seriously, because he knew that the nation and indeed the world was watching. In his own conscience he wanted to be clear that he was doing the right thing.

Q. Now, Ms. King, you are aware of the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

74

fact that Mr. Jowers had met and conferred with Mr. Dexter King, your son, on one occasion, then again with Mr. Dexter King and Ambassador Young on another occasion. You have heard about that, I'm sure?

A. Yes, yes.

Q. Are you aware of the fact that

Mr. Jowers stated to them each time he met

with them that he was not aware of any of the acts he did that would lead up to the assassination of Dr. King, that whatever acts -- there was no mention of that to him, that he had no idea that whatever acts he may have been called upon he had no idea would lead to the assassination Dr. King? Are you aware of that?

A. I'm not aware of the conversation as much as I wasn't involved with it. So I couldn't speak to the detail of that.

Q. I see.

MR. GARRISON: I believe that's all. Thank you, Ms. King.

THE COURT: Any redirect?

MR. PEPPER: Nothing further,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

75

Your Honor.

THE COURT: You may stand down,

Ms. King.

(Witness excused.)

MR. PEPPER: Plaintiffs call Dr.

Cobey Smith.

COBEY SMITH

Having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Dr. Smith.

A. Good afternoon.

Q. Thank you for coming here. Would you state your full name and address for the record, please.

A. Cobey Vernon Smith, 2240 Brown Avenue, Memphis, Tennessee.

Q. And what is your occupation?

A. I'm an educator consultant.

Q. Were you a member of a group called the Invaders back in 1968?

A. Yes.

Q. You were an active member of that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

group at the time of the assassination of
Martin Luther King?

A. Yes.

Q. At the time of the sanitation
workers' strike?

A. Yes.

Q. And when were the Invaders formed?

A. In 1967.

Q. Who formed that group?

A. I formed that group along with
Charles Cabbage and John Smith.

Q. What was the purpose of the
Invaders? What was their organizational
purpose?

A. The purpose was to provide an
organizational format for young people, for
people in the City of Memphis. We really
formed as a result of the Meredith march in
Mississippi, which is when I first met Dr.
King. Many of us who had gone down became
active in organizing and became proponents of
the black power movement. We saw ourselves
as agents for liberation of our people

throughout the country.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

77

I don't know whether people can really remember this, but in 1966 and 1967 it was extremely unsafe to walk the streets in cities like Memphis and southern cities across the country, cities all over. So we saw ourselves as an organizing tool to make people aware of the fact that we were a free people with all the rights and privileges of Americans, to operate and seek prosperity, equality and all the other things that were rightfully ours by law.

Q. So the Invaders were a local community-organizing group?

A. That's right.

Q. How were the Invaders funded? How were they financed?

A. Out of our own pocket. We received no real funding. We received one grant for the black organizing project, which is a

grant I wrote in 1967. We received some jobs
from the War on Poverty Commission.

Cab and I were hired as

thirty-dollar-a-week organizers in 1967, a

job from which we were fired because we had

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

78

affiliation with SNCC and other
organizations.

Q. Would you tell the jury what SNCC
stands for?

A. The Student Non-violent Coordinating
Committee.

Q. What was the Student Non-violent
Coordinating Committee?

A. It was a national organization which
spent -- which really developed out of the
civil rights movement which at its inception
provided the foot soldiers for the civil
rights movement, the young men and women who
went out and desegregated lunch counters,
students from all over the country, many from

Memphis, incidentally, who became the cannon fodder for the movement, as a matter of fact.

We would go out and do the organizing work, go into the rural areas, go into the cities, the colleges, the prisons, everywhere there was a need really to let people know the kinds of things that Dr. King and others had talked about were realities

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

79

for us.

Q. Did you see yourself in a sense as foot soldiers, community-based foot soldiers, in that movement?

A. Well, you know, now that I'm a gray-haired old man, I don't want to be vain enough to say that. We really thought that we were a chosen few on a mission. We really saw ourselves as helping fulfill the American dream.

We were idealists for the most

part. We were people born of desire to change the concept in America from its desegregated biased roots and its hatred for African-Americans to people who understood that we should enjoy the right to vote, the right to speak freely, the right to come and go as we please, to live where we wanted to, to seek an education, all those little things that people now seem to say we take for granted.

Q. With this background and this history and this organizational activity, was there a time when you associated -- became associated

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

80

with Dr. King's activities in Memphis?

A. Oh, yes. Oh, yes.

Q. When was that?

A. When the sanitation workers started their -- we did the basic street organizing, you might say, for the events that led up to the sanitation workers' strike. We went out

and got the -- we told grown men that they had a right to petition government, to question police, to do all kinds of things.

Then when the organization, the AFSCME, which is the American Federation of State, County, Municipal Employees, started to organize its membership, many of its leaders came to us and they accepted our efforts to go out in the communities and gain support for the kind of people who needed this help.

When you say this to somebody, it probably sounds -- I don't know how to really describe it because this was a very dangerous thing to do. You didn't have a right to go and talk to the city government about organizing its employees. That was against

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

81

the law. You did not have a right to question a policeman if they stopped you and talked to you or if they asked you a

question. And people were afraid.

We didn't have many lawyers, judges, anything else, who would actually stand up to the kind of abuse that we were subjected to here in Memphis.

So when the sanitation workers got together and decided they would organize, they offered a list of things that they wanted, to be recognized as a union, to receive the same pay as white employees, other kinds of things, that seem so mundane to us now. That platform that they used, we had been using it for a few years since a man who is now a judge ran for public works commissioner.

So we were involved in this process actively trying to get it together. And that year when we became -- when the union kind of put itself together, the real hell broke loose in Memphis. The mayor decided that it would never be recognized. A group of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

ministers got together and decided that they would work in support of the union.

We worked hard to get them to come in. And because we were having such great difficulty with the white community resisting this whole effort, with many people in the black community being threatened and who were afraid, the leadership of the strike itself decided to invite Dr. King here.

Dr. King was not only the greatest leader that we've ever had, he was a person who by his bearing and presence brought a kind of calm to the entire community, to those who were opposed to us. We understood because of our youth and our exuberance that sometimes we were not perceived as being ready to lead.

There were people who were afraid of us because we would stop and ask questions. Well -- or because we would even resist the kinds of pushing around that we received.

Several days after the start of the strike

itself, the sanitation workers had a march
down Main Street, and the police took their

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

83

cars and pushed them into the sidewalk.

Q. Do you know -- excuse me for
interrupting. Do you know the date of that
particular march?

A. No, I don't remember the exact date.

But it was --

Q. Was it in February of 1967 or March
of 1967?

A. It would have been in February.

Q. Early on in the strike?

A. Yes. Very early in the strike. A
number of sanitation workers were injured.
Before that happened, two men were killed,
were crushed, in a garbage truck, one that
automatically closed down and collected the
garbage. That set off a fierce to
resistance, a fierce resistance.

When they had to march down Main

Street and the police attacked them, dogs, clubs, guns, beat the hell out of a lot of them, we really decided to ask for a more militant stance from the union itself.

This probably sounds pretty mundane, but prior to that time the religious leaders

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

84

did not want to approach this as if it were a regular strike. Many of us had grown up in the -- with roots to the labor movement, just as we had to the civil rights movement.

We believed, for example, that

ASCFME should operate its strike just like the AFL-CIO or the Teamsters or anybody else and that we should stop the flow of trucks that were being driven by strike breakers, that we should end this garbage collection that was designed to break the strike. Well, we found ourselves in a greatly divided strike effort.

Many of the ministers and some of

the black leaders in town were much more interested in compromising and going along with the edicts of the city administration.

We did not want to see that occur.

We wanted a full and legitimate recognition of the union. We wanted to make sure that the rights of these employees were protected. Most of these men were from rural West Tennessee, had been driven off the farm, had come in from places like Fayette County

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

85

where they had been driven off the land in what we call the Tent City.

Q. The founder of Tent City will be testifying in these proceedings. So we can move from that. But let me move you onto the association with Dr. King. What was the relationship that emerged between the Invaders and SCLC, Dr. King's organization here in Memphis, related to the sanitation workers' strike?

A. Originally when Dr. King's people got here there was a kind of an uneasiness between the two organizations. In fact, there were -- there was a brief struggle, skirmish, that kind of occurred, some bad feelings, some other things. It took Dr. King's arrival here to ease those problems out, to kind of smooth that over. We insisted on following the same principles that we had learned from Dr. King during the Meredith march in Mississippi and other places.

Q. Did the Invaders with its relationship with SCLC play a role in the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

86

first march that Dr. King led here on the 28th of March, 1967, on behalf of the sanitation workers' strike?

A. We did not play an active role in that march because the night before, Reverend Jim Lawson and reverend H. Ralph Jackson came

to the steering committee and presented a letter with bullets in it and said that they had been sent by the Invaders and that we had threatened them. Consequently I ordered the members of our organization off the streets, not to participate.

Q. So the clergy-led steering committee received from somewhere --

A. From somewhere.

Q. -- a letter with some bullets in it?

A. Yes.

Q. And that was represented as having been sent by the Invaders?

A. That's right.

Q. It was taken as a threat by the more traditional civil rights groups here?

A. Yes. They were very annoyed with us. They didn't like our style. They didn't

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

87

like the blue jeans, the long hair. I used to have hair.

Q. Dr. Smith, style aside, did the

Invaders send that threat to --

A. No, no.

Q. -- to the organization?

A. Quite frankly, the protocol for groups like ours, if we intended on sending a message, we sent a message. We were not interested in showing --

Q. Let me move you on. You know the march on the 28th of March became violent?

A. Yes.

Q. That was perhaps the only violent march or march that turned violent that Dr. King ever led.

A. Yes.

Q. And you know that the Invaders have been blamed for causing that disruption.

A. Yes.

Q. And you know that Dr. King returned to Memphis to lead another march on his fatal trip here as a result of that violent march?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

88

Q. Now, let me ask you, did the Invaders disrupt that march?

A. No.

Q. How was that march disrupted? Who disrupted that march, to the best of your knowledge?

A. We received --

Q. Strike that. Let me rephrase that.

Did you conduct as an organization an investigation?

A. Yes. I personally conducted an investigation. I ordered a complete investigation to see if any of our people were involved. As I said, I put an order out that our people would not attend the march because we had already, once that letter had been sent with the bullets in it, we knew that we would receive the blame.

Our people started to report the influx of other individuals who were coming in with Illinois license plates who were seen

about town, who were seen on Beale Street by
our affiliates on Beale Street, and who were
members of several organizations, some the
DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

89

Black Egyptians out of East St. Louis, some
reported to have been Blackstone Rangers out
of Chicago.

Q. So these were strangers that came to
Memphis just prior to this march. Is that
what you are saying?

A. That's right.

Q. Why would they have come to Memphis?

A. We have no idea, because usually when
organizations came to town, they would
contact us. The Black Egyptians did. Chuck
Cohen and some other people did in fact
contact our people in an appropriate
fashion. The ones we were concerned about
were unidentified.

This is very unusual, because the
nature of the movement was such that people

relied on each other for housing, for accommodations, for transportation, for information, for all kinds of things. The nature of the movement was a very communal kind of thing. Everybody helped everybody if we could.

Q. What did you learn about the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

90

disruption of that march and what do you know about -- from personal knowledge do you know about how that march was disrupted?

A. That march was disrupted, in my opinion, by police and by agents from parts unknown who came here specifically to embarrass Dr. King and to disrupt the march.

The FBI reports, classified reports that have since been released, indicate to me that through the informants that they -- they always black out the name of the informants -- always indicate that there were plans to disrupt our activities, to single

out the individuals in my organization and several other organizations as the kind of fall guys.

We were supposed to be the ones who would be blamed. Some indication was that the march was supposed to be stopped at Main Street and turned south on Main instead of being allowed to turn north where we were supposed to have had a warehouse with weapons in it and we were going to start a race war.

Q. This was the kind of rumor that you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

91

heard?

A. Yes, yes.

Q. As a result of the violent disruption of the march, Dr. King decided to come back to Memphis?

A. Yes.

Q. And the Invaders established yet a closer working relationship with him?

A. Yes.

Q. This time?

A. Yes.

Q. Were you going to work closely in the preparation of the next march?

A. Yes, yes. There were some essential problems with that first march. There were no marshals. There were no people on the march route who would establish what the perimeters of the march would be. In a disciplined march, you always have to have someone organize the flanks to keep the people separated from the pedestrians, so to speak, who would stand there, even though we encouraged people to join the march, the idea is you have to have very disciplined people

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

92

who will not break windows, who will not run, who will not panic, who will not be afraid, in case we met force.

The marshals were instructed to protect people, to show them how not to panic

and cause themselves to be hurt. That didn't exist in the first march. In the second march, Dr. King made an agreement for the Invaders to participate in the march, to be marshals for the march, to protect individuals and to make certain that we were not blamed for things that ultimately happened in the first march.

Q. Just reverting quickly to the break-up of the first march, do you know which hotel Dr. King was taken to when that march turned violent?

A. Yes. He was taken to the Rivermont.

It was a Holiday Inn flagship, which is now an apartment building. But when our people went up there, he had no guards on his room, they went straight to the room and were able to see Dr. King without anybody protecting him. We thought that was horrendous. We

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

93

thought that that was -- we really were very

afraid for Dr. King at that time.

Q. In the planning in which you were engaged in the second march, the march that Dr. King never made, the march which in fact became a memorial march for his death, did you take up rooms under the -- with the financial support of his organization?

A. Yes. Yes.

Q. Did you take up those rooms at the Lorraine Motel?

A. Yes.

Q. The very place where Dr. King was assassinated?

A. Yes. As a part of the organization.

Q. Do you recall how many rooms the Invaders had there?

A. They had two rooms.

Q. And how many Invaders were in those rooms at that time?

A. The total numbers probably ran to about twenty, from ten to twenty Invaders.

Some would leave and come back. Other people would come. But around ten to twenty.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

94

Q. And this was a part of your working arrangement with Dr. King so you would be on site to plan with him. Is that right?

A. That's right. And to assist in SCLC's efforts in whatever fashion was required.

Q. Were the Invaders at some point summarily asked to leave the Lorraine Motel?

A. My field representatives called and reported they had been asked to leave the hotel, that they had been put out.

Q. When did that take place?

A. Just a little while before the assassination.

Q. On the day of April 4th?

A. On the day of April 4th.

Q. Close to the time of the assassination?

A. Yes. Within a few hours.

Q. Excuse me.

A. Within a few hours.

Q. Did the Invaders in fact leave the motel at that time?

A. Yes. It was a very difficult

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

95

situation. Some Invaders were still there, but once put out of the room, the main body of our group had to do what they were asked to do. At the time that I received the report from the people in the field, they were also concerned about a number of other things.

There was no police presence. It was a very confused situation. We did not know who was in charge. Some of -- I could not get a clear answer about who gave the order to put the Invaders out of the hotel.

Q. We may come to that with other witnesses. But were you surprised that you were asked to leave the hotel?

A. Yes. Yes.

Q. This was not in accordance with your arrangements with Dr. King?

A. No, it was not. Dr. King had agreed to involve the Invaders. He had chastised his people for making it difficult for the Invaders to operate along with them. We had a very good relationship.

Dr. King probably is the reason --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

96

James Lawson and Dr. King are the reasons that I have spent almost thirty-five years of my life in the movement.

MR. PEPPER: No further questions. Your witness.

THE COURT: Do you expect your cross-examination to be lengthy?

MR. GARRISON: I don't think it will be terribly long. I'll go on if you want me to.

THE COURT: I'll take about five seconds. Then you can continue with your

examination.

(Brief recess.)

THE COURT: Mr. Garrison.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Dr. Smith, if I may ask you a few questions, I would appreciate it. Let me ask you, during the time that you were working with Dr. King's group, were you made aware of any threats against Dr. King by any source?

A. No.

Q. And when Dr. King came in the first

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

97

time when there was a march and there was a riot and he had gone back to Atlanta, are you aware of the fact that he planned to come back or said I'll be back? How was that left?

A. I was aware that Dr. King was going to be back. We were extremely interested in making sure that the march worked, that the

sanitation workers' strike was successful.

Q. Among the group that you were with, Dr. Smith, the Invaders, was there a gentleman whose name was Merrell McCullough?

A. Yes.

Q. What part did he play in this?

A. Merrell McCullough was our director of transportation. He had the only car and the only gas. So we made him the minister of transportation. That should have made us leery right there. We're talking about some poor youngsters in a very poor town. I guess you can say that Memphis is still a poor town.

We didn't have anything. We didn't have any money. We got around the best we

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

98

could, which was usually to bum a ride. In fact, the police would sometimes have to give us a ride. The ones that were watching us would sometimes give us a ride.

McCullough was a very accessible person. He would come to my home every day, as he would go around all the Invaders. When I met him, he was introduced to me by what we call the Riverside Invaders, who brought him into the organization.

Q. Did you later learn that he at that time was working undercover for the Memphis Police Department?

A. Yes. I was invited down to the police department after Dr. King was assassinated, and I was introduced to him by inspector types of the Memphis Police Department as Officer Merrell McCullough.

Q. And would it surprise you to learn that he was brought into Mr. Jowers' restaurant by another officer and introduced as Officer Merrell McCullough?

A. I did not know about that until much later on, but I was extremely surprised. I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

think one of the reasons I was surprised is because we felt that there were people who would infiltrate our group, but we did not have any idea that the infiltration was of a nature broader than the local police department.

We knew that many members of the -- many men who are now members of the police department, in fact, the former police director who has just recently resigned, was also an undercover agent in our organization.

Q. Dr. Smith, the day that the assassination occurred, you were along with some other members of your group in a room or two rooms at the Lorraine Motel. Am I correct, sir?

A. The members of my organization were there.

Q. What floor were you on?

A. On the second floor.

Q. All right. Was there a time that day that you had occasion to look across the

street to see what was down on the street

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

100

below the motel and across over there on the other side? Did you have any occasion to do that that day that you recall?

A. I did not. On that day I had to leave to maintain what we call our information center. What I had to do was to receive the information from around the city from our various locations where we thought the strategic information that told us what was happening with the strike itself, with the plans for events and activities, in preparation for the strategy team's meeting and that sort of thing.

Q. All the time that you were at the hotel and the going and coming, do you ever remember seeing anyone in that brush area there across from the hotel? Do you ever recall any activity, seeing anyone in that area?

A. No, I did not see anyone in that area.

MR. GARRISON: Dr. Smith, I had hair once like you. Thank you.

THE COURT: Any redirect?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

101

MR. PEPPER: Very briefly, Your Honor.

THE COURT: Go ahead.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Dr. Smith, do you know where Merrell

McCullough is employed today?

A. I understand he is employed at the

Central Intelligence Agency out of Langley,

Maryland.

Q. Langley, Virginia?

A. Virginia.

MR. PEPPER: No further

questions.

THE COURT: All right. You may

stand down, Dr. Smith.

(Witness excused.)

THE COURT: All right, ladies

and gentlemen, we're going to take our lunch

break at this time. We'll resume at two

o'clock.

(Lunch recess.)

THE COURT: All right. Bring

the jury out, please.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

102

(Jury in.)

THE COURT: All right,

Mr. Pepper. Call your next witness.

MR. PEPPER: Thank you, Your

Honor.

Plaintiffs call in Charles Cabbage.

CHARLES CABBAGE

Having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Cabbage.

A. How are you doing, sir.

Q. For the record, would you state your full name and address, please.

A. Charles Laverne Cabbage, 1942 Florida Street, Number 6, Memphis, Tennessee.

Q. Thank you very much for coming down here this afternoon.

A. You are perfectly welcome.

Q. We've heard testimony earlier about the Invaders and the background and the purpose of the organization and all of that detail.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

103

What I want to do is I want to move on with you. Would you tell us what your position was in the Invaders around the time of 1968?

A. Around 1968 -- first of all, let me try to clear something up here as far as the name "Invaders" goes. My title was execute

secretary of the Black Organizing Project,
which was a project that we had put together
and made up one of the groups we organized.

The press actually just gave us the name
"Invaders" and it kind of stuck. You know,
it kind of stuck. A lot of people can kind
of relate to that.

Generally we were referred to as the
Invaders about, but actually my title was
executive secretary, Black Organizing
Project.

Q. What was your role in the Black
Organizing Project and that group in
particular?

A. Well, basically training street
organizers, going on to campuses, trying to
set up various and different groups,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

104

educating, trying to empower black people
basically, trying to make an impression on
the structure, the power structure, as it was

at the time, generally raising the
consciousness of black people at that time
period. We were basically facing difficult
times.

Q. Consciousness-raising activities?

A. Absolutely.

Q. Now, when the march Dr. King led on
the 28th of March broke up into a riot, did
you and any of the members of the
organization meet with Dr. King shortly after
that?

A. We did. We met afterward. We had
made an effort to meet with him before then,
before the march. There were many
indications that there was going to be a
serious problem, but we were unable to reach
him at the time.

After the riot occurred, we made an
effort to meet with him then. We knew he was
staying at the Rivermont. That was public
knowledge at the time. So a group of us we

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

met out at John's apartment out in south Memphis and we decided that we best go over there and try to get a chance to talk to him and let him know what the situation was, what he had walked into.

Q. Some of you went along to the Rivermont to meet with Dr. King. Would that -- when would that have been? Would have been the day after the riot?

A. You are going to have to help me here with these dates and times here. We're talking about a long time ago. As near as I can recollect, I think it was probably been the next day.

Q. The riot took place on the 28th of March. You would have met with him on the 29ing of March?

A. Probably. Probably.

Q. When you went to the Rivermont to meet with Dr. King after this disruption, did you notice any security at the Rivermont for him that the point?

A. No. It was nonexistent. It is kind of strange you should ask that question,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

106

because when we decided to go, that's the first thing we thought about, how were we going to get past the security, because we knew that there would be some.

So one of the fellows that was with us at the time, he said, well, we'll try and see if we can't get through the back door.

We walked through the back door. Lo and behold, the back door came straight open, I mean, no problem at all. We walked right into the door, upstairs to his room, knocked on the door, never saw a soul, no one.

Q. You went directly up to his room?

A. Directly.

Q. You knocked on the door?

A. Yes.

Q. Was there any security inside the room?

A. No security.

Q. Who answered the door?

A. I think Reverend Abernathy answered the door. No, wait a minute. Let me get this straight. Was it Bernard Shaw that was with him at the time. You have to help me

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

107

here. I think Bernard answered the door because I think Dr. King was in the bathroom putting on his tie. I think Reverend Abernathy was standing in the background.

I introduced myself, told Mr. Shaw my name is Charles Cabbage, I'd like to talk to Dr. King, I represent the Invader organization. Reverend Abernathy immediately said, stop, no, the doctor does not want to talk to you all now.

At this particular time I heard Dr. King call out from the bathroom, he said, no, let him in because I want to talk to him. So we went in the room and sat down and we had a

nice long talk.

Q. Basically what was the nature of that conversation?

A. We had brought along some literature, discussing, you know -- explaining our position on certain issues, describing our organization, its structure, some of our goals and objectives.

We were really trying to demonstrate to him that the rumors that had been spread

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

108

about us were untrue and unfounded, that we were really not out to create any kind of disruptive behavior in the City of Memphis, that we were really about basically, like I said, consciousness-raising, introducing the concept of the empowerment of black people at the time generally referred to as black power. That was almost a criminal offense at that particular time.

We felt there was some work that

needed to be done. In the process of presenting our literature to him, we also presented parts of a program that we had put together that we wanted to try to establish into the community called the Community Unification Program. We were seeking funding at that particular time.

But the conversation never really got into the literature itself. They looked it over and went immediately to the march and what happened.

Q. How did Dr. King react to this conversation that you had with him?

A. Dr. King was hot hostile. He was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

109

positive all the way. His first reaction was, and it kind of shocked me in a way, because I was expecting him to be hostile and I was expecting him to be a bit defensive, you know, because the information that he had received was that we were opposed to

everything he stood for, and the first question he asked me was, you know, Brother Cabbage, why did you all do this to me? I explained to him, I said, Doc, we did not do this to you.

Our intention from the very beginning has been, first of all, we did not want you to come here because we had been organizing around -- we had been organizing around not a non-violent theme at that particular time. For him to walk into Memphis trying to lead a non-violent demonstration on the occasion we're talking about was just walking into the jaws of a tiger. It was in our best interest as well as his for him not to be here. We wanted him not here.

So we weren't able to accomplish

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

110

that, because we really just didn't have the voice that we wanted in the meetings and

strategy sessions that were being held at the time that was controlling the sanitation strike and those events.

Q. There came a time as a result of this meeting and other discussions that your organization came to agree to work with Dr. King in terms of the following march, the next march that was planned?

A. All this was discussed -- all this came about that day in that meeting, because, know, after I had told -- I don't want to make it sound like I'm giving Dr. King advice, but I tried to inform him as best as I could of what the situation was, the volatility of the situation and some of the things that he could do to be able to come into Memphis and be able to have a non-violent demonstration.

I let him know that we had been organizing around counter-themes for at least a year, that a lot of people were aware of it, and in order for him to be able to pull a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

111

successful non-violent march off here in Memphis, that he needs to pull up all the way, go back to Atlanta, reorganize, send in some workers to begin to teach non-violent doctrines and discipline, because in order to be able to do and accomplish what they were setting out -- what they were attempting to do would take some serious training.

Q. When you met with him and were agreeing to work together, you took up residence in the Lorraine Motel as a means of a place for working with him for manning the second march. Is that right?

A. His suggestion was one of the things we need to do then was probably try to work together. He said, what I will do is we will go back and I'll send some people in and we're going to put you and maybe some of your people on the staff. We agreed immediately, you know.

From that point on we decided when

they came back, they were contacted. When they came back, I don't remember the exact time line on this, but we took up in the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

112

Lorraine Motel, we took the two rooms on the top floor, the right-hand side of the building.

Q. Do you know how many people were in those two rooms?

A. We just had the two rooms. At that time we were young. They just stayed full all the time.

Q. Those rooms were on the balcony level, the upper level?

A. Balcony level, yes.

Q. The same level on which he was assassinated?

A. Yes.

Q. Did there come a time when you were asked to leave those rooms?

A. Yes.

Q. When was that?

A. This was after the third meeting that we had had. Let me try and explain this.

After the organizers for SCLC had come to Memphis, had come back to Memphis after Dr.

King had left, Reverend Orange, Carl Reader

(Phonetic) and some of the others at that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

113

time, we began to go out into the community and have workshops.

So we began to get to be quite

friendly. We got along well. So when Dr.

King came back, we began to meet downstairs

in the dining room. We had two meetings

downstairs in the dining room. We had one in

his room. And in the meeting we were

discussing how we would be able to pull the march off.

And one of the things that we had

decided that would be necessary would be that

the Invaders would be involved in actually

marshalling the demonstration. I had problems with that initially because I didn't think I could sell that to the group. So when I took this back to our board up on the second floor where we were staying, we had heated arguments about it, but eventually got this over to the entire group and we agreed to marshal the parade. This is after the second meeting we probably -- finally came to a decision and we were on board to act as marshals.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

114

Q. You were on board after the second meeting?

A. After the second meeting we were on board.

Q. After the third meeting somehow you were told to leave the hotel?

A. Now, John had to remind me of this.

After the second meeting after we had come to the conclusion that we were all going to work

together on this, that we had as much at stake in it as they did, so, therefore, it would be the right thing for us to do, we had sort of an impromptu meeting in Dr. King's room where we had some final points to work out. That meeting lasted maybe about five to ten minutes. We go back to the hotel, to our rooms, and we discussed it a little bit, and we sat around, and here comes a knock on the door.

Q. There was a knock on the door?

A. Yeah.

Q. This was on the 4th of April?

A. Yes.

Q. On the day of the assassination?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

115

A. Yes, sir.

Q. What time was this knock on the door?

A. It took us about twenty minutes to clear the room.

Q. So it took you twenty minutes to

clear the room?

A. Uh-huh.

Q. What is the significance of that?

What time does that make it?

A. We weren't really keeping no watch or time on this. We weren't really watching the clock per se. But from some of the things that I read from some of the investigations that had been carried out since then, I think we left out about ten until six or eleven until six or something like this.

Q. You were told to leave?

A. Yeah.

Q. Sometime within a half hour, thirty-five minutes, of the killing you left?

A. Uh-huh.

Q. You left at ten minutes to six, which is about eleven minutes before the killing?

A. See, this is did --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

116

Q. Somewhere in there?

A. I always felt that as we were pulling out -- it took us a little while to get organized to get out of the room. There were quite a few of us there. We got out as quickly as we could. We weren't ready to go. We were there all day for meetings and everything.

There was only one car there, that was mine. We threw things in the car, got in the car. As soon as we got in the car and drove up Mulberry, this is when I heard the shot.

Q. Very shortly after you --

A. Before I could make it to Main Street.

Q. Why were you asked to leave the motel within minutes of the killing?

A. There is a lot of conjecture on that. I do not know. I mean, it is illogical. It doesn't make any sense.

Check-out time is the next day.

Q. Was your room paid for through that evening?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

117

A. Yes. I mean, SCLC was taking care of the entire bill.

Q. So they had paid for it through the evening?

A. I don't know what their records indicate, but I would assume if they had already rented the room, you know, then -- they don't rent them by the half day. It was just a totally illogical move. It didn't make any sense.

Q. Who gave the orders for you to leave the motel?

A. Izzy answered the door. I wouldn't have been the one to answer the door. Izzy answer the door. Izzy, from my best recollection, says that one of the maids had come by to clean the room and asked us to leave, they said that you all would have to leave.

Next came Reverend Orange and came

in and explained to us that, hey, man, you
all will have to leave. Nobody asked why
because -- you know, we had feelings that
there was something very, very wrong because

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

118

it was sort of a surreal kind of a day. But
we had no inkling that he would have been
assassinated that afternoon.

Q. He was assassinated within a very few
minutes of your being told to leave. Did
anyone ask the maid who gave the instructions
for you to leave?

A. Not to my recollection. Not to my
recollection. Nobody asked her that. I
asked Orange why we got to leave.

Q. And what did he say?

A. My best recollection -- I don't know
how to put this. Jessie said you got to go.

Q. Jessie?

A. Yeah.

Q. Jessie Jackson said you had to go?

A. Yes.

Q. Was Jessie Jackson a person who worked closely with your organization?

A. No, no.

Q. Who were the SCLC people who worked closely with you?

A. Carl Reader and Orange.

Q. Why would Reverend Jackson be the one

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

119

to give you instructions for you to leave?

A. I never questioned that. I assumed by him handling the money it was a clear-cut decision for him saying -- the way it came down, we were not paying for the room, Jessie was not authorizing payment for the room anymore, so you all have to leave.

Q. They already had paid for the room apparently?

A. This I realize now, but at that particular time we never knew how serious these minutes and seconds were, you know, to

a significant historical event. I mean, in hindsight we can see these things, but as they occurred, you know, who would take time to remember anything like that and write it down or jot it down.

Q. So, Charles, I put it to you your testimony this afternoon is that you were asked to leave late in the day close to the time of the killing, you did leave --

A. Yeah.

Q. -- and then you heard the shot within a short time after you left?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

120

A. As soon as I pulled off the lot and made a right turn, got beside the fire station, the shot rang out. We all ducked down in the car. Normally we would make a right turn to go down to Beale Street and turn left to get on the interstate. This time when we heard the shot we immediately began --

See, we had a different route from leaving the hotel. At night we would take a different route because of the police surveillance around the hotel at night. So we took a left turn, took Calhoun, went toward the river, took a back street to Florida street, got to Crump, went back over to Castle, I think it was, and went over the railroad tracks and back alleys and made it all the way to south Memphis.

Q. Did you notice any security, any police presence or security, in the motel late that afternoon before you left and after you left?

A. Not at any time.

Q. I'm sorry?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

121

A. Not at any time.

Q. You didn't notice any security?

A. There was none. There was never any security, never.

MR. PEPPER: No further questions, Your Honor.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Cabbage, I have two or three questions I would to ask you if you don't mind.

Before this date of April the 4th when you were asked to leave the room, did you ever learn of any threats against Dr. King? Was it common that you heard any threats against him?

A. Yeah.

Q. Was it a pretty much common day-to-day thing?

A. No, this was a direct knock on my front door to my house, which made it even more expedient for us to try and get to him and let him know. There was a gentleman that knocked on my mother's front door. We were

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

sitting in the house.

He came inside and introduced himself. He was from South Africa. He came in and sat down, sirens wailing, fires going off all over the city, curfew on.

This man came into our house, sat down and talked to me and told me, said, Charles, I'm going to tell you something, they are going to kill Dr. King in Memphis. I done about passed out.

Q. Is that the day before the assassination?

A. I can't recall that date. I really can't.

Q. Was it the general feeling of the Invaders that it was unsafe for Dr. King to come here to Memphis?

A. Absolutely.

Q. You didn't want him to come here?

A. No, we did not.

Q. Is that because it was not safe to come?

A. It was unsafe, and we knew that

because of the position that we had taken

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

123

politically that if anything went wrong, that

we would be the one to blame for it.

Q. They would blame it on your group?

A. Absolutely.

Q. Did you recall a gentleman in your group named Merrell McCullough?

A. Yes, I do.

Q. What part did he play with your group?

A. Merrell first came into the organization because of the activities that we were conducting out at Memphis State. We were organizing the Black Students Association out there. Merrell I think was attending classes out there. I think John B. Reddin told him.

He was interested and wanted to learn more about the condition of black people in this condition, so John brought him

to the apartment where we were generally holding these meetings, which were generally open to anybody who wanted to attend, they could come. And Merrell came.

Q. The day that you were organizing in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

124

the room before the assassination, Mr. Cabbage, was Merrell McCullough there, was he one of the ones?

A. No, he was not there. He was with Reverend Orange.

Q. Do you know where Merrell McCullough was when you left the room that day?

A. He and Reverend Orange gone out shopping or something like this. We knew that he was the police, but what can you do about this. You know you are going to be infiltrated. We made him minister of transportation. He had a car. We gave him something to do.

Then when we made the alliance with

SCLC and began to work with SCLC, he came along with the group. So now he is moving driving people around, some of the SCLC staff people around. It is just of the one of the quirks the way things happened. He ended up driving the SCLC staff around. We did not know he was as highly connected as he was.

Q. Let me ask you this: You said you were ordered to leave sometime late that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

125

afternoon before six o'clock?

A. Yes, sir.

Q. Did you see Reverend Jackson at the motel before you left?

A. Yes, he was at the meeting.

Q. Late that afternoon?

A. We met during the day. If you want to go into the event, we can talk about the meeting, but he was there at the hotel that day. As a matter of fact, he was the last person we saw as we left the meeting. He was

standing down by the pool.

Q. He was down on the parking level,
lower level?

A. Uh-huh.

Q. And did you see Dr. King talking to
reverend Jessie Jackson?

A. Not at that time, no.

Q. Mr. Cabbage, let me ask you this:

You were in the room facing the street over
across from the rooming house across there,
weren't you?

A. We were right by where the pool used
to be.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

126

Q. Did you ever look over there and see
in the brushy area where it was raised up off
the street with a concrete barrier, I think
it is, and a lot of trees, did you ever see
anyone in there moving around in the bushes
that you could tell?

A. No. I never really paid any

attention to it. We were constantly moving around, our people, because we provided our own security, and no reports ever came to me that we ever saw anything or anybody at that particular time.

Q. When you heard the shot the day that it occurred, did you go back to the scene or did you go ahead and leave?

A. We immediately went to Riverside Community. We got stopped once by a police officer, a young guy. I don't know who he was. He was nervous. He talked to us and he let us go. That took about five minutes.

We went directly to my mother's house. She come running. As I pulled up in front of the house, she is rushing down to the house crying, screaming to the top of her

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

127

voice, they just shot Dr. King, they just shot Dr. King.

I immediately began to think, oh, my

God, how far is this going to go, because we were aware that the assassination plot was on because of the fellow that had come to my house. So what I did was I got out of the car and turned the car over to some of the other people in our organization, sent it back down to the hotel to see in the event anybody else would be targeted, if we could be of any assistance security-wise. We weren't trained professionals or anything like that. Anybody in a situation like that would try to help.

MR. GARRISON: That's all I have. Thank you, sir.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Mr. Cabbage, do you know who the man was who came into your home and told you that Dr. King was going to be assassinated?

A. He introduced himself as John Laue.

Q. I'm sorry?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

128

A. He introduced himself as John Laue.

Q. John Laue?

A. Yes.

Q. How do you spell his last name?

A. I didn't ask for a spelling, but there was another John Laue present at the hotel who spelled his name L O U E, I think, but, you know, this man was an entirely different -- a totally different description.

Q. Was there man black or white?

A. He was Middle Eastern, long brown hair. I'd remember him again if I saw him.

I never saw him again.

Q. Did you know him previously?

A. No. Never seen him before in my life.

Q. Never seen him before in your life?

A. No.

Q. Could his name have been spelled L A U E?

A. Something like that. I may have the spelling wrong. I didn't ask him how to

spell his name is what I'm trying to say. I

do remember him saying that his name was John

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

129

Laue. I do remember that.

Q. Did you ask him how he knew there was
going to be an assassination?

A. He just said he knew.

Q. He just said he knew?

A. Yeah.

Q. You didn't ask him how he knew?

A. No.

Q. Do you know where he was employed?

A. He said he was a photographer a
freelance photographer, a journalist.

Q. Freelance photographer?

A. Freelance photographer journalist
from South Africa.

Q. Was his first name John or Joseph?

A. I'm saying that he said he introduced
himself as John Laue.

Q. Charles, was it routine practice for

some of the Invaders to carry weapons?

A. Yes, sir.

Q. And why would they carry weapons?

A. Basically for protection.

Q. Protection against whom?

A. Well, it was a hostile environment we

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

130

were working in. We had numerous confrontations with the police. There were armed bands of white citizens who rode around in the community with high-powered rifles in their car. Some of us had been shot at before. It was basically for self-defense.

Q. When you saw Reverend Jackson standing down at the swimming pool, was he doing anything?

A. Well, he said -- he had his arms folded and checking the time seeing how long it would take us to get out of the hotel.

Q. He was looking at his watch?

A. He was checking it.

Q. Lastly, did you have the occasion as a result of your suspicion of a white person who wanted to associate with the Invaders to go through some personal documents of that person?

A. That was an incident that occurred.

This was a year prior to. A gentleman with military intelligence -- we used to hang out at a place called the Log Cabin. This is where we used to meet on South Parkway. This

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

131

guy come stumbling in drunk, strange in the first place, because he had to be nuts being there in south Memphis at this particular time anyway.

He comes into our meeting room. He was immediately stopped, frisked and robbed. In the process of being robbed, somebody took his wallet. In going through the wallet, we found a military intelligence ID and three dollars.

Q. And three dollars?

A. Three dollars.

Q. You found an identification card with
military intelligence officer?

A. Yes, I did.

Q. This was about a year before the
killing?

A. Uh-huh.

Q. This would be then in 1967?

A. 1967, yes. Yes, sir.

MR. PEPPER: No further
questions.

THE COURT: All right. You may
stand down, sir. Thank you.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

132

(Witness excused.)

JOHN McFERREN

Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

THE COURT: Sit back and relax.

THE WITNESS: Yes, sir.

THE COURT: Thank you.

Q. (BY MR. PEPPER) Good afternoon Mr. McFerren.

A. Glad to be here.

Q. Thank you for coming. Would you state your full name and address for the record, please.

A. My full name is John McFerren, spelled J O H N, capital M C F E R R E N, McFerren.

Q. And your address, Mr. McFerren?

A. 7615 Highway 195, Somerville, spelled S O M E R V I L L E, zip code is 38068.

Q. Thank you. John, would you just tell the Court, please, and the jury a bit of your background, how you come to be where you are

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

133

today.

A. First of all, I'd like to say my

granddaddy was brought here five years before the Civil War in chains. He was a slave.

And lesser than a mile and a half from the store, the record will show in 1867 he gave seven dollars and a half for four hundred acres of land. We have some of that in the family yet.

Q. John, did there come a time in 1959 or 1960 that you became involved in civil rights activity, voter registration activity, in Fayette County and the area of Somerville?

A. Well, I'd like to please the Court to go back a little bit further than that how I got deeply involved. I met Gerald Estes in Camp Ellis, Illinois, and later I met him again in 1957. In 1957 he was a young practicing attorney. He came to Somerville to defend Burton Dotson.

Q. John, what opposition did you meet when you started, though, moving -- I'm moving forward -- when you started the voter registration project in Fayette County?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

134

A. According to the way I got the records together, before 1960 there was no negroes registered to vote in that county.

In 1957 me and Mr. Estes and the others got together. He was the legal counsel. We formed a league called the Fayette County Civic & Welfare League to set out to get negroes registered to vote.

At that time the negroes didn't have no chance, and the law, they would pick them up, sentence them, and put them out on the road, and a negro didn't have no chance. The only way we could figure out to change that landscape was through the ballot box.

Q. What did you do?

A. We formed this group. It was the first -- around about April or May in 1959 to get the negroes registered to vote. We got a small majority of negroes registered, and we had a local sheriff election. The local man that we was supporting was named L. T.

Redbanks. He run for sheriff against the local sheriff. The Democrat party refused to let us vote.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

135

That's how it got started. That's how it got started. When they refused to let us vote, on August the 12th, 1959, Gerald Estes filed a suit against the Democratic party asking for us to have the right to cast our ballot.

Q. What happened as a result of that action?

A. Well, that was in 1959. In 1960, the early part of 1960, we was still pushing to get negroes registered to vote, and the local editor of the Fayette Falcon was named Coaster. The wavy understand it, the Commercial Appeal man name here was named Coaster. They was kinfolks.

When we got it going, he put an ad in the Fayette Falcon and the Commercial

Appeal that they was going to make a thousand negroes move off the land in 1960, that winter.

During that time in 1960, if you registered, you had to move. The leaders of the movement, the citizen council and the Klu Klux Klan, they had a list that later

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

136

that we got ahold to it through by borrowing it from the Klu Klux Klan's secretary. Ebony magazine published the list. We got ahold of it, forwarded it -- we got a photostatic copy of it, and the made carried it back and put it in the safe and they never knew how we got the list.

The list in this Ebony magazine had all -- had A's behind it, that you couldn't buy nothing nowhere. I was the leader of the group, and they run me out of every wholesale house in Memphis.

Q. Now, this was an embargo list, this

was a list of people who no wholesale house should sell any products of any sort. Is that what you are saying?

A. Wouldn't sell them for money at no price.

Q. Moving on now, John, what kind of business were you in, what kind of business did you take over?

A. Well, my brother, he had the store.

And he had an education and always followed saw mills and such. He said, I'm going to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

137

move, I'm just going to leave. He thought he was the one that was behind the movement all the time, and I was the one who was spearheading the movement with the people.

He moved to Memphis and left them

out there. When he moved to Memphis, then

Gulf Oil Company, they jumped in the

squeeze. In 1960 no oil company would sell

no black farmers no gasoline, no oil and no

seed in 1960.

It was a liberal at Eades named Ben Roafer. He told all the farmers to come down there to him and he'd sell them what they want. He had more business than he could look at.

During that time I made friends with the underworld. What I mean by the underworld, they run me out of every wholesale house in Memphis but Malone & Hyde. The bread companies wouldn't sell nothing to me. There was a young bread man who said, tell you what you do, you meet me out there on Summer Avenue and I'll sell you off the bread off the truck.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

138

I would come to Memphis and meet him on Summer Avenue in Memphis in a 1955 Ford car. That's what I had. I would come to Memphis and meet him on Summer Avenue and get bread. They Klan would get after me every

night or two.

I had -- which I'm a top mechanic myself on the old models. To make a car run fast and turn curves faster, if you noticed, a 1955 Ford has got a solid frame in the front. We took the torch and cut two inches out of the frame in the front. That brought the front wheels in and let the back wheels be wider, and we had chains on -- see, a 1955 Ford has got straight springs behind it.

That let the car wheels up when it would go around a sharp curve, it would slide around.

At that time, which I could see a nail in the highway now, at that time my vision was better and I could drive just like I was standing still, and when they'd get after me, I'd cut over in them back roads, and them new cars couldn't turn good like me. At that time wasn't no two-way radios in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

139

cars. During that time we had Tent City

going.

Q. John, let me stop you there. Would you just tell the Court and the jury what Tent City was?

A. Tent City, we went to Washington, and me and my attorney, Carrie Porter Boyd and one other guy. At that time this was under the Eisenhower Administration, and they filed an injunction against the landowners from stop making the tenant farmers move. And this was under the Eisenhower Administration.

That was in 1961. President Kennedy got elected in 1961 in November, and he took office in 1962.

Q. Well, John, let's back up a minute.

It is a historical fact that John Kennedy was elected in 1960, took office January 20th of 1961. So it is a year back.

A. A year back. I'm just --

Q. That's okay. Continue.

A. And during that time that I was leading my folks and all this was -- we'd

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

140

have meetings to discuss it, and I decided the only way to be successful in political ranks would be independent from the citizen's council and the Klu Klux Klan.

What I mean by being independent, stay out of the Klan's pocketbook. When you borrow money from the Klan, he squeeze up on you in a minute.

Q. John, what kind of business do you run today?

A. I run a grocery store and oil company.

Q. How long have you run that business?

A. I've been running that business since 1960.

Q. That's when you took it over from your brother?

A. That's when I took it over from my brother. But now let me run back back just a second. Shaw, a fellow named Shaw, bought it

from my brother first. He stayed in it about a month and a half. Because of me going into the business after then -- there was an eighty-three year old man named John Lewis.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

141

He said, John, he says, they will starve us to death, we need somebody in that business who knows how to do and feed us.

At that time a test was going. If you get Jet magazine, you can see some of the people were so poor, they were starving. Of course, you take most of the people at that time, they had never been nowhere or no-how to maneuver out of oppression.

The Jet magazine published some pictures how poor the folks were at that time.

Q. In Fayette County?

A. In Fayette County.

Q. Let's move on. You have run this business all these years?

A. That's correct.

Q. How many days a week is your business open?

A. The onliest time -- at that time the business was -- we were running seven days a week. I had a family. But after I lost -- the Klan tore my family up. I only shuts it up when I go to pick up merchandise.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

142

Q. Now, where do you buy your merchandise?

A. All over Memphis.

Q. Where have you always bought your merchandise?

A. Well, I bought all over Memphis. I'd buy from Frank Liberto's Produce, I'd buy from the meat houses, Morrell Meat Company, Fineberg Meat Company. I know every one in Memphis.

Q. You sell produce and meats as well?

A. That's correct.

Q. And you sell fuel oil and gasoline?

A. That's correct.

Q. In 1968 where did you buy your produce?

A. From on market street.

Q. Was there a market there?

A. There was a market there when I first started coming there.

Q. What did you buy at this market?

A. I'd buy -- on that street, the street runs north and south, and on that street, the banana house, the tomato house, and Frank

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

143

Liberto sold most of the produce and sometimes bananas.

Q. So you bought produce from a warehouse run by --

A. Frank Liberto.

Q. -- a man framed Frank Liberto. In 1996?

A. That's correct. I did before then.

See, I knew him way before then. Around about 1960, 1960 or 1961, I got to know him real well.

Q. How many years had you been buying produce from Mr. Liberto?

A. Since 1906 or 1961.

Q. Since 1960 or 1961 he ran that warehouse?

A. He was there then, but I didn't know his name. When I first started going there, I didn't know his name like I did later.

Q. What day of the week -- do you recall what day of the week did you go to pick up your produce in the year 1968?

A. It was on a Thursday, around five-fifteen.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

144

Q. So you would -- why would you go there around five-fifteen every Thursday?

A. Well, you've got to understand how I made the runs. I first started with Malone &

Hyde on south -- Malone & Hyde was on South
Parkway.

Q. Right.

A. I'd make that run, the dry grocery
run. Then I would come on up and I'd have it
to put my meat on ice and produce on ice.
I'd make them's two places my last pick-ups.

Q. So Liberto's warehouse was your last
pickup?

A. Was the last pickup.

Q. You would get there around
five-fifteen?

A. I got there that day at five-fifteen
exactly.

Q. We're coming to that day. April 4th
was a Thursday, the day Martin Luther King
was assassinated was a Thursday.

A. That's correct.

Q. Did you go to Frank Liberto's place
that day?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

A. I went there that day.

Q. You arrived there at what time?

A. Around five-fifteen. Now --

Q. Would you describe what the layout of the place was and what you did when you arrived at that warehouse?

A. That warehouse faced east and west, but you enter in the gate on the south side, and when I drove around to the north side and come up about fifteen feet of the door, I stopped my truck. At that time I had a three-quarter ton pickup truck with a canvass on it, a cloth canvass over it.

Q. Okay.

A. When I drove up to the -- when I stopped the pickup truck out in front of the door, this door is on the north side, and there is a big door that could you rollback and back a truck up in.

Coming in from the north side on the right side there is a little small office, and when I got within ten to fifteen feet of this office, why, Latch was standing up.

Q. Who was Mr. Latch?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

146

A. Mr. Latch had a scar around his neck

like this.

Q. What was his relationship to

Mr. Liberto?

A. He was a handyman. I never did know,

because I was always scared of Mr. Latch.

You see, if you looked at him, he had a scar

from right here to right there, and he would

always be mean, but Mr. Liberto was always

friendly. I wouldn't fool with Mr. Latch. I

would stay away from him if I could.

Q. So you walked in that afternoon, into

the entrance and the office. You said you

were how far from the office?

A. Ten to fifteen feet.

Q. Ten to fifteen feet from the office?

A. That's correct.

Q. Then what happened next?

A. The phone rang. When the phone rang,

Latch picked it up. When Latch picked it up,

Latch said, that's him again. He give it to

Mr. Liberto. Mr. Liberto said, shoot the --

Q. You can just say what he said.

A. Shoot the son-of-a-bitch on the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

147

balcony. Well, at that time they didn't have

noticed me. I was just standing up a little

closer to them just looking.

I was a cash-paying customer. He

would always tell me, you go get what you

want and come by the office and pay for it.

If the warehouse hadn't been changed, the

doors, you have a line formed going in there.

Q. Let's go back over what you saw. You

heard Mr. Liberto talking on the telephone?

A. Telephone.

Q. Around what time of the day was this?

A. I'd say that was around five -- ten

minutes after, five-fifteen, around five

twenty-five, not quite five-thirty.

Q. Five twenty-five to five-thirty you heard him talking on the telephone?

A. Telephone.

Q. He received a phone call. What did you hear him say once again?

A. Shoot the son-of-a-bitch on the balcony.

Q. Shoot the son-of-a-bitch on the balcony. Then what happened after that?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

148

A. Then he looked around and seen me.

Then they said, go on and get your merchandise.

The locker is made with two doors, you open one door, then you walks in and open another door. I went on in and got my merchandise, come on back out. Then when I was coming back out, the phone rang again.

Latch picked it up and give it to

Mr. Liberto. And Mr. Liberto told him to go to his brother in New Orleans and get his

\$5,000.

Mr. Liberto wrote me a ticket. I never would buy nothing from nowhere without a bill. He give me a bill. I took the bill, put my merchandise in the truck, then I went on the back side of the company out on that street and I come around to hit Summer Avenue and hit old 64 home.

When I got home, my wife called and says, do you know Dr. King done got killed? I says, I know it. It all come back to me in my mind what I had heard. That's what I told her, I know it.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

149

Q. John, did you tell this story at that time to anyone?

A. I didn't tell it to no one until it got to worrying me, I wondered what they know I heard. You know, when you gets kind of itchy -- that was on a Thursday. So on a Friday or Saturday, no later than Saturday

morning, Mr. Baxton Bryant, who was a Baptist white minister that I know in Nashville, I called him and told him what I had heard.

So that Sunday evening he said, John, I'm in church now. Says, I'll be there about four o'clock tomorrow evening. When he came down about four o'clock that Sunday evening, we talked it over, and in meantime he had contacted Mr. Lucius Burch's son-in-law to meet me and him with the FBI down here in Memphis.

Q. And did you have a meeting with the FBI and any local law enforcement people in Memphis on that Sunday?

A. Well, that night, that Sunday night, we met with the FBI. Now, I didn't know whether or not that they was local police or

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

150

somebody else. But the only somebody I know was the FBI -- one was a tall and one was a lower.

Q. Did you tell them this story, these details?

A. I gave them the same details. They questioned me two or three hours over the same thing, the same thing. They questioned me two or three hours over the same thing.

Q. Did you give these details to them on any other occasion?

A. That Monday, two little young FBI come out to the store and stayed there half a day questioning me the same thing. So that Tuesday Robert Powell from New Orleans come there, which he used to run a store out there on 64 highway, and I wasn't at the store when he came, he -- the lady where I hide was named Ms. Ida Mae. The record will show that in my deposition with the FBI. She told them that I was at the house. So Robert -- I stayed about an hour and a quarter from the store.

Robert Powell drove on out there to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

the house, and when he come out this to the house -- I knowed him -- I never did have no dealings with him, but I knowed him, and he come out there to see me, and he talked with me, and at that time he had a big Gulf station in New Orleans tied up with the Mafias, I know it.

I wouldn't say much to him, but the onliest questions he asked me was how to get to my house from the back roads. It jumped curious in my mind that all this done happened and he wanted to know how to come to my house through the back roads.

Q. John, you told this story. What happened as a result of your giving this information to the officials?

A. Well, in the meantime, Hal Flannery, which I've got his phone in my pocket right now, he was in the Justice Department. Of course, he had been working with us on the landowners' case.

I called him that Tuesday and told

him about Robert Powell had been there and I
was scared of him. See, when you buy from

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

152

groups, you begin to know who is who.

Q. Who has happened as a result of the
information that you gave the officials? Has
anything happened in succeeding years?

A. First of all, Dean Milk Company run
my mama down, caught her on the road, run
over the truck. After then they hired Marion
Yancy and Rue Grady hired the Andersons to
beat me up, beat me to death. And they give
a 1961 Pontiac and three hundred fifty
dollars to beat me to death.

They got out at the courthouse and
run me in Ms. Fair Theater's yard. That's
the person who owns the theaters in
Somerville now. They still own it. When we
was fighting in the yard, she come out there
with her gun, said, if you all don't quit
beating him, I'm going to kill you.

Q. John, were you put in the hospital as a result of that?

A. Well, I come to my family doctor -- and I'd rather not discuss his name, because something else I'm going to bring out, I don't want any reprisals against him -- I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

153

come to my family doctor, and by my grandparents on my daddy's side come up in slavery, I learned a lot about nerve doctors.

When you take mullet and boil it down, which mullet has got a little stickers on, it looks like a catfish, you can boil it down and take Vaseline and make a salve and take iodine salt and lay in it and draw a sweat out. That's what I did. I come to the doctor. They examined me and said I didn't have no -- I didn't break no bones.

Q. John, I want to move along because of the time constraints we have.

A. I understand.

Q. Were you ever asked to go to Washington and testify before the House Select Committee on Assassinations and tell what you have told us here today?

A. Let me bring one other point up.

Q. John, no, stay, please, with me and answer this question.

A. All right. Gene Johnson came down investigating for the Select Committee. Me

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

154

and him went over all the records. I discussed what I know, what I knew with him.

And when the time come for me to if to Washington to testify before the Select Committee, he come out there with the papers for me to sign, and when he come out there with the papers for me to sign, I noticed that he had gotten a little hostile towards me.

Somebody had got, in my opinion, to

him and changed his attitude. That's my thinking. I signed the papers and got everything ready. I says, John -- he says, John, he says, I'll call you before you come up and testify before the Select Committee. And the Select Committee was going on. Two to three days before I was supposed to go, he called me up and said, John, we don't need you.

Q. So the answer to the question is that at the end of the day, you were not called to testify before the Congressional committee?

A. I was not called.

Q. That's what you heard.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

155

MR. PEPPER: No further

questions.

THE COURT: Let's take about

fifteen minutes.

(Jury out.)

(Short recess.)

(Jury in.)

THE COURT: All right.

Mr. Garrison.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. McFerren, you and I have talked before about all of the things that you know.

You knew Mr. Liberto quite a long time, did you, Frank Liberto, over a period of years?

A. I know him from 1960 up until 1996, I was in his business once or twice a week.

Q. Okay. After the assassination of Dr. King, did you ever see him anymore after that?

A. I never did see him personally after that.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

156

Q. Okay. And during the time that you were around Mr. Liberto, Mr. McFerren, did

you ever hear him mention the name of Loyd Jowers, ever hear him ever mention that name to you?

A. Not to me.

Q. All right. Let me ask you this, sir: After you saw Mr. Liberto when you would go for your produce to buy it -- am I correct, sir?

A. That's correct. Ninety percent of the time he would be there, but sometimes Latch would be there.

Q. All right, sir. You've lived in Somerville many, many years, in the town of Somerville, am I correct, sir?

A. I've been there all my life. The only time I've been away is when I was in the Army.

Q. Do you know Mr. Liberto visited Somerville -- are you aware that he visited Somerville on occasion?

A. He would -- I wouldn't say every Saturday morning, but he would visit John

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

157

Wilder's office, which is on the east side of the courthouse. Now, let me explain this to you so you'll understand. When the assassination committee of Dr. King was going on in Washington, getting ready to go on, he went to visiting John Wilder's office regular.

Now, the way I got ahold of it, I had some of our underground watching. Two to three weeks before James Earl Ray broke pen out of Brushy Mountain, I called Washington and told the Select Committee that they was going to kill James Earl Ray or something was going to happen to him.

I talked to Mr. Gene Johnson, which I've got his phone numbers, I've got Mr. Flanders' phone numbers in my pocket now, I've got Mr. Dole's phone numbers in my pocket now. I was in correspondence with all of them.

The Justice Department, what I said

before, the Justice Department covered it up. When I said they covered up the barnyard, I mean they covered it up. Now, if DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD (901) 529-1999

158

you look at the records, the assistant to the United States Attorney General at that time was -- it was under the Nixon administration. He had a heavy voice. I talked to him one time. I says, I know Dr. King's killings, who is in it, they trying to set me up to get me killed. Mitchell, that was his name. If you ever talked to him on the phone, he has got a gross voice like a bullfrog.

Q. All right. Let me ask you this, Mr. McFerren: Since all this started and you started the civil rights movement, have you ever been shot?

A. I've been shot, I've been beat up twice. The citizen council and the Klu Klux Klan hired a man named Benefield, gave him

eighteen hundred dollars to kill me. He got chicken and didn't kill me.

He sent word to me by Reverend Frank Jones. He came to my brother's house. He didn't even know which one of the houses I stayed in. Myself, Reverend Frank Jones and Mr. Benefield come down here on Vance. Our

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

159

lawyer's office was at 860 Vance Avenue.

That's Gerald Estes office on Vance.

He filed -- he made an affidavit with the law and sent it to the Justice Department that he was hired to kill me. It hit on a dead ear. Nothing come about it.

MR. GARRISON: I appreciate it.

Thank you, sir.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Is it true that almost thirty-one years ago you told the same story that you have told to this jury and this Court this

afternoon?

A. That's correct.

Q. And is that story true to the best of your recollection and knowledge today as it was then?

A. That's correct.

Q. And have you ever had an opportunity to tell this story before in a court of law?

A. This is the first time.

MR. PEPPER: John, thank you very much. No further questions.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

160

THE COURT: All right. You may stand down, sir. You can remain in the court room or you are free to leave.

THE WITNESS: Thank you.

(Witness excused.)

JAMES NATHAN WHITLOCK

Having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Would you state for the record,
please, your name and address.

A. My name is James Nathan Whitlock. I
don't want to give you my address to where
everybody can hear.

Q. That's all right. We will pass on
that.

A. Okay.

Q. Have you been a long-term resident of
Memphis?

A. Yes, sir.

Q. And, Mr. Whitlock, what do you do for
a living?

A. I'm a taxi driver, professional

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

161

musician.

Q. And how long have you been a
professional musician?

A. For twenty-five years. Twenty-five
years.

Q. What instrument do you play?

A. I'm a guitar player

singer/song-writer.

Q. Have you played in areas other than

Memphis and Tennessee?

A. Yes, sir. I've played in Las Vegas,

Canada, California, the Bahamas, from one

point all the way -- just everywhere.

Q. So you've traveled a good deal?

A. Yes, sir.

Q. Have you in the course of the time

you've been in Memphis, though, have you

received any commendations or any awards as a

result of civic activity?

A. Yes, sir, I have.

Q. Would you tell the Court and the jury

what those have been?

A. I received Tennessee's outstanding

achievement award from Governor McWhorter. I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

162

received the concern an Aide De Camp Award

from the other governor, the heavy-set guy.

I can't remember what his name is. I

received a commendation from the city from

Mayor Herenton, stuff from the senator,

letters from -- accommodating (sic) letters

from Vice-president Gore, another letter from

Jim Sasser, U.S. senator.

Q. Did any of these have to do with

saving an individual's life, one or other

persons' lives?

A. Yes, sir, they sure did.

Q. What were those occasions, those

incidents?

A. The first one was pertaining to a

passenger when I was driving a taxicab who

caught a cab up to the Sterick Building

downtown here and decided he was going to

jump off the roof and commit suicide.

A police officer -- I had radioed

for the police to come. It was on top of the

parking garage. The police officer came, and

there was a tussle involved, and they both

fell off the building and I climbed down the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

163

end of the building and pulled them both in.

That is the first time something like that --

I received some accommodation.

Then one of my neighbors was in a

fight and got his throat cut down the street

from where I lived, and I kept him from

bleeding to death. I captured his assailant,

too. So that was some more involved with

that.

Q. You've been in the right place at the

right time, or depending on how you look at

it, maybe the wrong place at the wrong time.

Did you in the course of your time here in

Memphis in your younger years back in the

1960's come to know a man named Frank

Liberto?

A. Not in the 1960's, no, sir.

Q. When did you come to know

Mr. Liberto?

A. In the late 1970's, approximately

1978, 1979 and 1980.

Q. So you knew him at the end of the 1970's, that's when you came to know him?

A. That's right, yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

164

Q. Would you describe to the Court and the jury how you come to know him, what the circumstances of your relationship were?

A. Mr. Frank and myself were friends.

He would come to my mother's restaurant on a daily basis early in the morning and late in the evening he'd come back. I spent most of my time with him in the evening time.

Occasionally he would come there at lunchtime.

We had a restaurant, an Italian restaurant, a pizza restaurant, and he would come and eat breakfast with my mother and spend the rest the day with me occasionally.

Q. Was the restaurant located somewhere between his work and his home?

A. Yes, sir, it was. It was located approximately -- Mr. Frank's -- the Scott Street Market was about a mile from my restaurant. The way I understand it, he lived off of Graham somewhere, and we were kind of in between.

Q. He had a produce house at the warehouse at the Scott Street Market?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

165

A. That's what I understand, yes, sir, tomato house.

Q. Right. When he -- when you came to know him, he would stop at the cafe, at your mother's restaurant, and what would you talk about? What was there between the two of you that developed, this relationship?

A. Well, at the time I'd been performing in Las Vegas, and Mr. Frank, he would come in and drink beer a lot. I knew how to play a song, an Italian song, on the guitar called Malaguena. I used to play him this song. He

used to like what I would play him and he would tip me money.

Then it got to where Mr. Frank was -- I had a little small three-piece combo, and he would book -- he would give me jobs, such as that, performing. He liked for me to play music. He would talk about the old times and where he came from.

He would talk about my relationship with my mother. I reminded himself of -- myself of him when he was young, how I treated my mother and how we lived.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

166

Q. When he talked to you about the old times or his earlier years, did he tell you where he lived or -- what experiences did he describe?

A. He called it the old country. I remember playing him that song, he used to lay his head back and would say, yeah, it is just like I was in the old country, that's

the way they would play it, I like that song.

That's the only mention of his origin he ever -- where he came from he ever made to me directly that wasn't pertaining to the United States.

Q. Pertaining to the United States, did he ever discuss any experiences or life when in the City of New Orleans?

A. Yes, sir.

Q. What did he tell you about his life there?

A. Well, I asked him some stuff that led up to him telling me that he had come from New Orleans, but I had heard that he was in the Mafia. And I asked him if he was in the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

167

Mafia. And he didn't say yes or no. He answered me by saying, I pushed a vegetable cart in the French Quarter with Carlo Marcello when I was a boy.

I didn't know what that meant. I let that go. It went over my head. Years later I saw the movie the assassination of RFK or JFK with Oliver Stone, and Mr. Frank, he talked Italian, and he said, I push a vegetable cart with Carlo Marcello when I was a boy. Carlo Marcello, I didn't know what that meant. Then I saw that movie, and it said Carlos Marcello, the kingpin of the Mafia from New Orleans. I said, that's Carlo, that's not Carlos, that's Carlo. That's what threw the two together.

Q. So he confided or told you about his earlier life experience with Carlos Marcello, the New Orleans Mafia boss?

A. That's correct.

Q. But did you when you first met him and you heard he was associated with the Mafia, did you know what the Mafia was at that point?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

A. No, sir. I asked Mr. Frank what it was.

Q. What did he say?

A. I asked him, I said, what is the Mafia? Is it a bunch of bad guys that sit around and table and scheme up something mean to do? He said, no, it is a bunch of businessmen that take care of business.

Q. Now, did there come a time, Mr. Whitlock, when you heard about a conversation that Mr. Liberto had with your mother?

A. Yes, sir. Pertaining to Martin Luther King?

Q. Yes, sir. Pertaining to Martin Luther King.

A. Yes, sir.

Q. And did that conversation on the day of the assassination of Martin Luther King that he had with your mother, did that upset you in some way?

A. Yes, it did, in a way it did. Because that he would talk to my mother

directly about gangsterism, that is what I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

169

was predominantly upset about. It wasn't the subject matter of what it was about, it was the fact that he would think that he could, you know, go to that level to talk to her about that. That's what upset me more than anything.

Q. When you heard about this, what did you do?

A. I went directly to Mr. Frank about it when he showed up at the pizza parlor and just asked him, I said, hey, Mr. Frank, did you kill Martin Luther King?

Q. Because what had you heard that he had said to your mother?

A. He told mama that he had killed Martin Luther King -- had Martin Luther King killed. I didn't like him talking that to my mother. I thought he was out of line for coming forward with that, talking to her. He

could talk to me about it. But he stepped over the line. So that's when I approached him.

Q. You became offended and you actually just went up to him and confronted him?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

170

A. That's right.

Q. How old were you at that point,

Mr. Whitlock?

A. Eighteen.

Q. As an eighteen-year-old young man, you went up to this fairly formidable individual, wasn't he?

A. Define "formidable."

Q. He was good sized, he had an aura of power about him?

A. He was a big man, yes, sir.

Q. You confronted him by asking him the question, did he kill Martin Luther King?

A. Uh-huh.

Q. What did he say to you?

A. He glared at me, he says, you've been talking to your mother, hadn't you? I said, yeah. He said, you wired? I didn't even know what he meant by that. I went, no, I'm not wired.

Q. He asked if you were wired, and you didn't know what he meant by that?

A. I thought he was talking about -- I thought he meant am I taking amphetamine

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

171

pills and wired up. I said, no, I'm not crazy. He sat there for a second.

He says --

THE WITNESS: Your Honor, I don't want to offend anybody, and I don't know how many people are watching this television, but I'm going to have to use some --

Q. (BY MR. PEPPER) Just speak clearly and plainly, just what he said.

A. I'm going to use that N word nobody

wants to hear. I don't want to offend anybody by saying this.

Q. Mr. Whitlock, just say what you know.

A. He told me, he said, I didn't kill the nigger, but I had it done. I said, what about that other son-of-a-bitch up there taking credit for it? He says, ahh, he wasn't nothing but a troublemaker from Missouri, he was a front man.

I didn't know what that meant.

Because "front man" to me means something different than what he was thinking about. I said, a what? He said, a setup man. I said,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

172

well, why did you kill the preacher for? He says, ahh, it was about the draft.

He says, boy, you don't even need to be hearing about this. He said, don't you say nothing. He stood up and he acted like he was going to slap me up upside the head.

So I stood up there. Me and him are looking

at each other. He has got this glare look on his eye. I could tell he was thinking about hitting me.

It run through my head, you old son-of-a-bitch, you hit me, I'm going to knock a knot upside your head, I don't care who you are. He is standing there glaring at me.

He says, you fixing to go to Canada, aren't you? I said, yeah. Then about that time the phone rang. I just walked over there and answered the phone and was busy with the pizza stuff, I looked up, and he is gone. He left his beer sitting there on the table. It was about half full.

Q. Did you ever have any other discussion with him about this matter?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

173

A. No, sir.

Q. And do you recall what year this was?

A. 1979.

Q. 1979?

A. Uh-huh.

Q. You went off to Canada, then?

A. Yes, sir.

Q. Played your gig?

A. Uh-huh.

Q. Did you ever see or talk to

Mr. Liberto again?

A. My time frame -- he called me, okay, on the phone, right after that, and he says, Nate, I've got a job for you. I went, oh, man, he is going to want me to -- well, let me back up just a little bit here.

Mr. Frank -- there was something that happened over at the pizza parlor prior to this conversation I had with him about him having Martin Luther King whacked. Something took place right prior to that at the pizza parlor that left him open to talk to me in these kinds of ways.

It was a pretty nasty situation, but

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

I had to do what I had to do over there. I don't tell everybody what I did. About a week or two prior to this conversation I had with Mr. Frank, some guy came in, he looked kind of like John Wayne. He was a big guy, a redneck guy, walked in my mother's restaurant drinking a beer.

Mama runs over there to the door and she says, you can't bring a beer in here but I'll sell you one. He just -- once again, I'm going to have to use some nasty language to make it how it was. He says, I just might buy this mother-fucking place, and he back-handed my mama.

When he did, I walked around from the counter with a nightstick and knocked fire from his tail end and knocked him through the front door, hit him across here and busted his eye open real bad, busted his head open, knocked him out on the front doorstep out there and whacked him again with that stick.

There was a man that was working out

there named Louis Bonsella. He come running

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

175

out there and said, don't hit him no more,

Nate, you are going to kill him. I said, I'm

trying to kill this MF. Some other guy come

running out the door and says, oh, wait a

minute, come on, Red, talking about the guy I

hit with the stick, come on, Red, they are

going to kill us. So I hit him in the GP.

So the last I saw these two

knuckle-heads, they were dragging each other

down the sidewalk. Meanwhile, Mr. Frank had

got me up in a truck a couple days later, he

got me up in there. Mama called the cops.

They come over there. She filed a report on

the guy causing such a disturbance.

The lieutenant shows up over there.

He gets me out on there on the sidewalk and

says, Nate, you are going to have to watch

yourself because there is going to start a

war over here. I whacked this guy good with that stick.

Mr. Frank got me in the truck. He started asking me about this fight. He says, were you going to kill him, Nate? I said, yeah, I was, but Louis stopped me. He said,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

176

who? He said, the guy over there working at the place. He said, oh, that old dago son-of-a-bitch.

Then he says, well, it is a good thing you didn't kill him, you would have been in a whole lot of trouble if you would have. You got out of it, but I would have helped your mama. He said, could you do it again? I said, I guess so, if somebody come up in the pizza parlor acting the fool and hit mama, I said, yeah, I'll tear them up.

He says, no, would you do it just in general? I said, to who? He said, mostly dope niggers over there on around Hollywood,

going up around the Hollywood over Plough
Boulevard. He motioned over there towards
Hollywood.

I said, I don't know. He said,
could you do it for some money? I said how
much money? He said, five or ten, it
depends. I said, who is it? He says, these
dope boys get these white girls over there,
the families still care something about them,
either the police can't or won't do anything

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

177

about it and he said that's it, that's who we
want to get right there.

I said, who exactly is it? He said,
there is always some nigger around here needs
to be killed. I don't know. I'll let you
know.

Well, when he called my back after
we had this conversation about Martin Luther
King, he told me about that, he said, oh,
I've got a job for you, Nate. Oh, God, he is

going to want me to kill some dope idiot over here somewhere.

He says, get your nigger. I had a guy, a black man, that played drums for me, and another man. He says meet Billy down at the Cook Convention Center. He was talking about a music job.

Q. It wasn't a contract to kill somebody?

A. Yeah. He wanted me to play for Sheriff Bill Morris' Christmas party. I was to go down there to the Cook Convention Center, play this Christmas party and I get paid a check. Then he shows back up over

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

178

there at the pizza parlor. That's what the conversation was about.

Q. Did there come a time years later when you wrote a letter to a government official in which you discussed or in which you stated what you have told this Court and

jury today?

A. I didn't go into detail, but I had written the governor of Tennessee with a copy written to John Wilder, the lieutenant governor, and to the -- I sent one to the person at the Board of Responsibility and to another Memphis attorney, yes, sir, I did.

Q. And were there any repercussions on you as a result of that letter and what you said about this case?

A. Yes, sir, it was.

Q. What happened you to?

A. Well, I started having this guy follow me around in a car that was undercover car that had a bunch of antennas on it. I was working my taxicab. He was constantly following me for about two days.

Then I got down here at Poplar and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

179

Cleveland and I called my mother-in-law, ex-mother-in-law up on the phone in Shelby

Forrest, and I had a bunch of cops roll down on me, a bunch of police. I said, heck, there is a robbery somewhere, I better get out of here. I hung up the phone and took off.

I didn't know they was there for me. I get around the corner and I'm pulled over. I had three squad cars with loads of police with guns to my head. They hit me in the groin twice, smashed my face up against the back of the car, stretched me out.

One of them cops -- I used to wrestle a couple years ago at the Coliseum, and one of the cops recognized me from when I wrestling. He said, wait a minute, this is Nate. They was working on the hood smashing my face down in that thing, you know. I was just taking it. They didn't put anything on me that I hadn't hardly had before.

So I'm just taking it however I can take it. But the one cop stopped it. The guy had a gun to my head while the other one

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

180

was working on me. He said, wait a minute, Nate, what is this about? I said, I don't know, man, I guess it is my ex-wife or something. I didn't know what it was about.

Q. You didn't put it together at that point?

A. Not at that moment, no, I didn't.

The top cop that knew me, he put me in his squad car and looks back at me, he said, Nate, have you been making phone calls to Nashville? I said, ug-huh, not me.

They jerked me out of the car again. They said, how much change you got on you? I had like eighty cents in change.

They are all looking like he ain't got enough money to make a long-distance phone call. I said, what are you talking about? He says -- the cop asked me, he says, do you -- have you been making bomb threats? I said, I can't even set my VCR much less make a bomb. I don't know what you are talking about. This

is the cop I know.

He says, have you been trying to
embezzle money out of anybody, some

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

181

government guy? I said, no, ma'am, what the
heck is this? Then all of a sudden this guy
that has been following me, he pulls up there
real quick in this unmarked car, because they
are on the radio saying -- I said, if this is
all what is going on, you've got the wrong
guy, you need to go back over there wherever
he is on the phone and see if you can find
him, because you've got the wrong person
here.

Well, when that took place, the cop
that put all the regular Memphis police on
me, the undercover guy, he come wheeling up
and blocks his face so he can't see me and
walks by the car and said, here is the number
he is calling. I'm listening out the window
to them. I call him a lying SOB when he

walks by the door because that's what he was
was. I ain't called anybody in Nashville.

Q. Well, the upshot of it all was that
this was serious harassment that happened you
to?

A. That's an understatement. Then they
got me downtown, read me my Miranda rights.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

182

I said, am I under arrest? He said, boy, you
in a lot of trouble. He said, you can't get
no lawyer, you can't get no bond. He said,
why does the Secret Service have a hold on a
cab driver?

This is that cop up there named
Johnstone, eleventh floor, bomb unit. I
says, I can't tell you. He said, well, you
going to have to tell me. I said, I'll talk
to the AG about it because he told me not to
say a word to nobody about this.

He said, you ain't talking to nobody
until you tell me why the Secret Service has

ahold on this cab driver right here. I said,
okay if you really want to know it, I'll give
it you. There are entities within the
government -- he is taking a statement. They
give my give me my Miranda rights. I'm not
sure if I'm under arrest or not. Then I give
the statement. You can't make a statement
unless I done read you your rights, he said.
I said, fine. Okay. I guess I was
arrested.

I give the statement. I said, the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

183

reason why they doing this to me is there are
entities within the United States government
that don't want me to say what I know about
the assassination of Martin Luther King. He
almost fainted. He walked out of the room.

I saw him through the window. He
was on the FAX machine and he was working the
FAX machine. I read the heading of the paper
he had. It had something on there that said

Washington. He walks back in there with the FAX. Him and Larkin, the other major up there, they read it, and they said, get the hell out of here.

I was arrested with guns to my head, hit in the groin, read my Miranda, then un-arrested and kicked loose all at the same time.

Q. My goodness. Nate, thanks very much for coming down here this afternoon.

MR. PEPPER: No further questions.

THE WITNESS: Dr. Pepper, you don't have to thank me for telling the truth.

MR. PEPPER: No further

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

184

questions.

THE COURT: Mr. Garrison might have some questions for you, sir.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Whitlock, I've known you and your family for quite a few years, haven't I?

A. Yes, sir.

Q. Let me ask you this: How long have you known Mr. Loyd Jowers seated over here?

A. Since 1985, Mr. Garrison.

Q. You worked when he was in the cab business, did you?

A. Yes, sir.

Q. You've been around him quite a bit?

A. Not in the last ten years I haven't, no, sir.

Q. You'd been around him quite a bit before then?

A. A long time ago, yes, sir.

Q. Has he ever made any mention to you about the assassination of Dr. King?

A. No, sir.

Q. He never said any word about that?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

185

A. I never drew the two together until I

saw Mr. Jowers and yourself and Mr. Akins on one of them television programs. I called mama up on the phone. I said, does that sound familiar?

MR. GARRISON: That's all I have.

THE COURT: All right. You may step down.

(Witness excused.)

THOMAS H. SMITH

Having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Captain Smith, good afternoon.

A. Hi.

Q. Thank you for coming here this afternoon.

A. You are welcome.

Q. Would you state for the record, please, your name and address?

A. Thomas H. Smith, 2997 Knight Road, Memphis, Tennessee.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

186

Q. Captain Smith, were you employed by the Memphis Police Department?

A. No longer. I've been retired for eleven years now.

Q. How long did you work for the Memphis Police Department?

A. Thirty-three years.

Q. What was the rank that you achieved?

A. Well, at one time I was captain in charge of homicide.

Q. Were you assigned to homicide at the time of the assassination of Martin Luther King?

A. Yes, sir, I was. I was assigned to homicide in 1960.

Q. So in 1968 you were a homicide detective involved in that investigation?

A. Yes, sir.

Q. In the course of that investigation did you first of all arrive on the scene

around the time of the killing?

A. Yes, sir. My partner and I, Roy

Davis, were the first ones on the scene at

the time of the killing.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

187

Q. At some point in time did you go over

and into the rooming house on the opposite

side of Mulberry?

A. Yes, sir, I did, during the time of

my investigation after I did what I had to do

at the scene. I was going around looking for

witnesses and went over to the rooming house.

Q. Did you go up to the second floor of

that rooming house and into a room occupied

by a man called Charles Stephens?

A. Yes, sir, I did.

Q. And his common-law wife Grace

Stephens?

A. Grace, yes.

Q. How long after the killing did you go

into that room and see Mr. Stephens?

A. Well, it couldn't have been all that long, because we tried to expedite matters.

It was still daylight. I talked to Mr. Stephens. I could not talk to Grace.

Q. You could not talk to Mr. Stephens?

A. No.

Q. Why couldn't you speak with Mr. Stephens?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

188

A. She is drunk, passed out on the bed.

Q. He was drunk and passed out?

A. Yes, sir.

THE COURT: He said "she" was.

Q. (BY MR. PEPPER) I'm sorry, Mrs. Stephens was drunk and passed out. What about Mr. Stephens?

A. He had been drinking heavily.

Q. Did you talk to him?

A. He was leaning up against the door and talked with me briefly, yes, sir.

Q. And what kind of condition was he in?

A. He was also intoxicated but not as bad as Grace.

Q. Were you aware of the fact that Mr. Stephens gave a statement that was used in the extradition proceedings from London against James Earl Ray?

A. I wasn't for a long time. I know he was.

Q. And that as a result of Mr. Stephens' identification of a profile in the distance that he saw, Mr. Ray was extradited from London and brought back to the United States.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

189

A. Yes, sir.

Q. In your opinion at the time when you interviewed him, within minutes of the killing, after the killing, would he have been capable of making that kind of identification?

A. No, sir. No way.

Q. Because of his intoxication?

A. No, sir. I don't think he could. I didn't think enough of his statement that I took to take him downstairs, downtown and take a formal statement from him and so put it in my arrest report that he was intoxicated to the point there was no sense in bringing him downtown.

Q. You put that in your report?

A. Yes, sir.

Q. Was that report ever reflected in the Memphis Police Department investigation report?

A. Yes, sir. It is quite full of the investigation. We all wrote our little part that we had in it.

Q. But did you read the official MPD

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

190

report and did you ever see the comments that you have made just now included in that report?

A. No, sir. I have never read the

report. I never had my hands on it. Well, I did have my hands on, it but I never had time to read it. When I was promoted in charge of the homicide squad, there was a report in the office, and I took it out of the desk -- out of the file and put it in my desk drawer where I could securely lock it up.

Q. All right.

A. And it was later taken from me by Chief John Moore. He called me one day and asked me if I had it. I said yes, I did. He said, bring it to me. I carried it down there. I haven't seen it since.

Q. Do you know what happened to it?

A. No, sir.

Q. One final line of questioning. Were you over in the hospital at the time when the body of Martin Luther King was present in a morgue room?

A. Yes, sir, I was there.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

Q. And did you put your hand on the back of Dr. King under his lower left shoulder blade and feel an object?

A. Yes, sir.

Q. What was the object that you felt just beneath the skin?

A. Well, it felt just like a bullet to me, the lead jacket of a bullet.

Q. Did it feel as though it was one piece?

A. Yes, sir, it was still round.

Q. It felt as though it was one piece?

A. Yes, sir.

MR. PEPPER: Nothing further,

Your Honor.

MR. GARRISON: Your Honor, I

have no questions. Thank you, sir.

THE COURT: All right. Thank

you very much, Captain.

(Witness excused).

MR. PEPPER: Your Honor,

plaintiffs have another witness who has made

a special trip here. The entire testimony

will not take more than about seven to ten

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

192

minutes.

THE COURT: We'll hear it.

MR. PEPPER: Thank you.

MR. PEPPER: Call Mr. Charles

Hurley, please.

THE COURT: Ladies and

gentlemen, let me probably admonish you. You

probably have heard some things you have

never heard before about this case. You are

not to discuss this evidence, not with your

family, not among yourselves or anyone else.

CHARLES HURLEY

Having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Hurley. It has

been awhile.

A. It has.

Q. Would you please state your name and address for the record, please.

A. Charles Hurley, 2595 Cedar Ridge Drive, Germantown, Tennessee.

Q. Mr. Hurley, what do you do for a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

193

living?

A. I'm division manager for Save-a-lot

Food Stores.

Q. How long have you held that position?

A. That position, about four years.

THE COURT: H U R L E Y?

THE WITNESS: Yes, Your Honor.

THE COURT: All right. Go

ahead.

Q. (BY MR. PEPPER) At the outset let me thank you very much for coming down here at considerable inconvenience to yourself.

Mr. Hurley, what position did you hold -- what was your work back in 1968?

A. I was advertising manager for

National Food Stores in Memphis.

Q. What did your wife do at that time?

A. She worked for the Seabrook Paint Company. She was a buyer at Seabrook Paint Company down on South Main Street.

Q. Physically where was the Seabrook Paint Company located in respect of the rooming house?

A. It would be immediately across the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

194

street, virtually right across the street.

Q. Virtually opposite the rooming house in question?

A. Right, uh-huh.

Q. And therefore virtually opposite Jim's Grill, the restaurant at the bottom of the rooming house?

A. Yes, I believe that would be correct.

Q. What was your practice on a usual day when you finished work?

A. Well, what I would do is I would go

downtown and pick up my wife. I worked down on South Florida Street, which is not really very far from there, and we had one car at the time, so that's what our usual practice was to do.

Q. On the 4th of April, 1968, Thursday afternoon, did you go downtown to pick up your wife?

A. I believe, yes.

Q. Do you recall what time of day that was?

A. I normally got off about four-thirty. It is probably fifteen or

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

195

twenty minutes to where she was. I would just normally drive down and pick her up.

Q. And so around a quarter to five --

A. About that, I would say.

Q. -- ten to five, you drove to South Main Street?

A. Yes.

Q. And you were facing north as you go?

A. I would be facing north, yes.

Q. And would you pull over to the side of --

A. Yes. I would -- if she wasn't downstairs, I would pull over and park.

Q. Was she downstairs on that day?

A. I believe she had come down and I was not downtown, so she had gone back up to her work space.

Q. So when you arrived, she wasn't down there?

A. No, she wasn't down there.

Q. What did you do?

A. I just sat in the car and waited for her.

Q. Where did you park your car?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

196

A. I parked, you know, facing north.

That would be the east side of South Main right there almost opposite the rooming

house.

Q. Was there an automobile parked immediately in front of you?

A. Yes, there was.

Q. And what kind of car was parked immediately in front of you?

A. It was a white Mustang.

Q. It was a white Mustang?

A. Yes.

Q. How far back, can you estimate, was that Mustang from Jim's Grill or the rooming house?

A. It was right there. That has been a long time.

Q. Sure.

A. But it was right there.

Q. Did you notice the license plates on that white Mustang?

A. Yes, I did. Yes, I did.

Q. What kind of license plates were there on that white Mustang?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

A. As I recall at the time and still believe, it was an Arkansas license plate, because the numerals were red and the background was white.

Q. Do you believe the license plate on that car was a white Mustang?

A. Yes, I am.

Q. Are you aware of the fact that James Earl Ray was driving a white Mustang in Memphis on that day?

A. I've heard that subsequently, yes.

Q. Are you aware of the registration of that Mustang that James Earl Ray was driving?

A. You know, only what I've been told or heard subsequently. I think it was the FBI or someone had told me it was an Alabama license, they believed it to be an Alabama license.

Q. He was driving an Alabama license-plate-registered car. You saw a white Mustang with Arkansas plates?

A. I believe them to be Arkansas plates.

Q. On that street?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

198

Q. Was there anyone sitting in that car?

A. There was one person sitting in the car.

Q. When your wife came down and you picked her up and you drove away, was that person still sitting in that car?

A. Yes, uh-huh.

Q. Could you describe that person?

A. The only thing I could see was the back of someone's head sitting in the car. I couldn't identify him from that, I'm sure.

MR. PEPPER: That's fine. Thank you very much, Mr. Hurley. Nothing further.

MR. GARRISON: I have no questions of Mr. Hurley, thank you.

THE COURT: All right, sir. You may stand down. You are free to leave.

(Witness excused.)

THE COURT: Any more

out-of-towners?

MR. PEPPER: Well, we do have on

call outside two more witnesses whose

testimony will be very brief. We can have

them return, if Your Honor wishes, tomorrow

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

199

to begin in the morning. One has come from

Florida, but he is prepared to stay over. It

is at Your Honor's discretion, whatever you

wish.

MR. GARRISON: Your Honor, his

testimony may not be quite as brief. I will

have some cross-examination on him.

THE COURT: Very well. You've

answered the question I might have asked.

Ladies and gentlemen, we're going to

stop at this point. We will resume tomorrow

at ten o'clock. Again, please don't discuss

the testimony with anyone.

That also goes for the witnesses who

have testified here. You are not to discuss
your testimony on the stand here with any of
the reporters or anyone else.

All right.

(Jury out.)

(The proceedings were adjourned
at 4:30 p.m.)

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(901) 529-1999

200

IN THE CIRCUIT COURT OF SHELBY COUNTY,
TENNESSEE FOR THE THIRTIETH JUDICIAL
DISTRICT AT MEMPHIS

CORETTA SCOTT KING, et al,

Plaintiffs,

Vs. Case No. 97242

LOYD JOWERS, et al,

Defendants.

PROCEEDINGS

November 17th, 1999

VOLUME III

Before the Honorable James E. Swearngen,

Division 4, judge presiding.

DANIEL, DILLINGER, DOMINSKI,

RICHBERGER, WEATHERFORD

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201

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202

- INDEX -

WITNESS: PAGE/LINE NUMBER

JAMES MILNER

DIRECT EXAMINATION

BY MR. PEPPER:..... 204 21

CROSS-EXAMINATION

BY MR. GARRISON:..... 224 5

REDIRECT EXAMINATION

BY MR. PEPPER:..... 227 22

FLOYD NEWSOM

DIRECT EXAMINATION

BY MR. PEPPER:..... 230 16

CROSS-EXAMINATION

BY MR. GARRISON:..... 240 9

REDIRECT EXAMINATION

BY MR. PEPPER:..... 242 16

NORVILLE WALLACE

DIRECT EXAMINATION

BY MR. PEPPER:..... 245 12

CROSS-EXAMINATION

BY MR. GARRISON:..... 254 15

REDIRECT EXAMINATION

BY MR. PEPPER:..... 257 16

LEON COHEN

DIRECT EXAMINATION

BY MR. PEPPER:..... 260 23

ED REDDITT

DIRECT EXAMINATION

BY MR. PEPPER: 293 12

CROSS-EXAMINATION

BY MR. GARRISON..... 310 10

REDIRECT EXAMINATION

BY MR. PEPPER:..... 313 14

JAMES McCRAW

BY DEPOSITION..... 271 15

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

203

JERRY WILLIAMS

DIRECT EXAMINATION

BY MR. PEPPER: 315 15

SOLOMON JONES

BY WRITTEN STATEMENT(S)..... 327 13

PHILLIP MELANSON

DIRECT EXAMINATION

BY MR. PEPPER: 338 13

KAYE PITTMAN BLACK

BY PRIOR TRANSCRIBED TESTIMONY..... 348 10

EXHIBIT PAGE/LINE

Exhibit 1..... 269 22

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

204

PROCEEDINGS

(November 17, 1999, 10:20 a.m.)

THE COURT: All right. Bring

the jury out, please.

(Jury in.)

THE COURT: Good morning, ladies

and gentlemen. We're going to resume our

trial at this time.

Mr. Pepper, will you call your next

witness.

MR. PEPPER: Good morning, Your

Honor.

THE COURT: Good morning.

MR. PEPPER: Your Honor,

plaintiffs call as their first witness this

morning Mr. James Milner.

JAMES E. MILNER

Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good morning, Mr. Milner. Thank you
for coming here this morning. I know you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

205

have a bit of a hearing problem.

A. Right.

Q. If you can't hear me, would you ask
me to come forward to speak louder.

A. Please, just come forward.

Q. All right.

MR. PEPPER: Is it all right to
approach, Your Honor?

THE COURT: You may.

Q. (BY MR. PEPPER) Would you state your
name and address for the record, please.

A. My name is James Edward Milner, Jr.
I live in St. Petersburg, Florida.

Q. Where did you live before you resided

in St. Petersburg, Florida?

A. Here in Memphis, Tennessee.

Q. What do you presently do for a living?

A. I drive a taxicab.

Q. And what did you do in Memphis, Tennessee, for a living?

A. Drove a taxi.

Q. How long did you drive a taxicab?

A. Approximately around about

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

206

twenty-five years.

Q. Always in Memphis, Tennessee?

A. Yes, sir.

Q. Which company did you drive for?

A. I drove for Veteran Cab and Yellow Cab.

Q. How many years for Veteran's Cab?

A. Eighteen of it was Yellow. The rest of it was Veteran?

Q. In which order, Yellow first?

A. The Veteran first and then Yellow.

Q. Then Yellow. In the course of your work in your taxi-driving work here in the City of Memphis, did you come to know the Defendant Loyd Jowers?

A. Yes, sir.

Q. When did you first meet Mr. Jowers?

A. The first time I met him was back there after I first started driving, back when he was with Yellow Cab. I'm not sure exactly what year it was.

Q. But approximately.

A. I probably met Loyd probably I'd say after I'd been driving about two years or

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

207

something like that.

Q. About two years you had been driving and you met him. Did you come to know him pretty well?

A. Well, I didn't really come to know him real well until I went to work for

Veteran Cab when he bought the company out.

Q. So when he owned Veterans Cab, when he bought that company and you drove for him, then you came to know him better?

A. Right.

Q. Roughly what time frame is that?

What years would those be?

A. I'm not really sure the year, but it was right around 1979, 1980, something like that, as far as I can remember, something like that. I'm not for sure of the dates.

They pass off too fast for me.

Q. How often did you see Mr. Jowers during that period?

A. I'd see him every day. I was a supervisor down there. I helped run a lot of things down there. I'd see him every day.

Q. In the course of your days work, how

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

208

much time would you say you actually spent with him?

A. Oh, I'd say anywhere from at least eight hours a day. Maybe even ten hours a day. Loyd sometimes would stay down there five, six o'clock, something. I'd get down there usually about seven o'clock in the morning.

Q. All right. So you had extensive contact with him?

A. Right.

Q. How many days a week would that be?

A. Well, I don't really remember if he took off on weekends or not. I know it was at least Monday through Friday and some Saturdays. I can't really remember if I worked six days a week or seven days or what. I worked quite a few days a week.

Q. Okay. So you had this contact with Mr. Jowers over a period of time about twenty years ago?

A. Right.

Q. Now, in the course of this quite extensive contact with him, did you ever

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

209

discuss the assassination of Martin Luther King with him?

A. Yes. It was one day they was having a -- I believe it was some kind of a march downtown about it. I don't know if it was on the anniversary of his death. I'm not sure just the circumstances of what was going on downtown. There was talk about James Earl Ray in the paper and on the news and everything. We just got to talking one day down there.

It was just me and him in the office there. I told him, I says, you know, I just don't think James Earl Ray done it. Loyd made a comment, you know, he said, no, Lordy, Memphis police officers. Well, he said law enforcement officers done it. He said, you can take that to the bank.

Q. I'm sorry. Would you repeat that?

A. He said, you can take that to the bank, you can bank on that or something.

Loyd used to have some phrases when he used to talk. He'd always say, you can take that to the bank, you know.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

210

Q. What was he saying you could take to the bank?

A. The truth of what he was saying, anything he would say, you know, in other words like money, if he give you money, you could take it to the bank. If he told you something, he would guarantee it would be true. He never --

Q. What was the specific statement he was referring to in your mind?

A. When he was talking about Ray doing the killing, he mentioned, no -- I think he said something he didn't think he done it or he didn't do it, you know. He said, a law enforcement officer done that, you can take that to the bank.

Q. He said a law enforcement officer did

it, you can take that to the bank?

A. Sir?

Q. He said a law enforcement officer did it?

A. He said law enforcement officers.

Q. Did he say what agency this law enforcement officer might have worked for?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

211

A. I'm not sure if he said Memphis police department or what. I can't be for sure about that. It has been so many years ago now, I don't remember a whole lot about that conversation. We was just talking about different things, you know. He did say law enforcement officers.

Q. That's fair enough, Mr. Milner. You just must tell the Court and the jury what you honestly remember at this point in time these years later. Did he say anything about the planning of the assassination?

A. No, sir.

Q. Did he say anything about the involvement of anyone else in the assassination?

A. No, sir.

Q. Just that one statement?

A. Just that one statement.

Q. Did you ever at any other time discuss this matter with him?

A. Yes. I heard through the news media and stuff like that that Loyd was trying to come out about the truth about the killing.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

212

But I didn't know the circumstances about it or anything. So I didn't know who he talked to about it.

So I talked to a lawyer up in

Tennessee that was representing James Earl

Ray. He contacted me, had me talk to

Mr. Billings, a private investigator here.

He told me about Loyd's lawyer. He told me I needed to go up there and talk to him. So I

said, okay. He had a Mr. Hamblin went up there and talk to me.

Q. I want to stop you there, because the question was did you have any further conversations with Mr. Jowers, not the history of your --

A. Yes.

Q. You had a further conversation with Mr. Jowers?

A. Right. After that.

Q. When did that conversation take place?

A. That was in April -- I believe it was April the 2nd of last year, 2nd of last year, 1998.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

213

Q. Where did that conversation take place?

A. Right here in Memphis. He was in Arkansas at the time. He called me on the phone. I left word through his attorney to

call me because I wanted to talk to him.

Q. So he called you?

A. Right.

Q. You spoke with him at that time?

A. Right.

Q. What did he say to you at that time?

A. Well, we just made a little bit of conversation about we hadn't seen each other in quite awhile, you know. I was asking him what was going on with him and the King killing. He told me, you know, that he was trying to bring it out but he didn't know how to bring it out.

I remembered the conversation back we had before, and I heard rumors through the cab drivers, you know, how a lot of cab drivers would talk, that had heard a lot of things, you know. I heard that Loyd was involved in it but I didn't know if that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

214

would be -- just to be sure. Different

things like that. I just asked him, I said,
listen, what's your involvement in it?

That's when he told me.

Q. What did he tell you?

A. He told me he was involved in it to a
certain extent. I asked him, I says, first
thing I asked him, I said, listen, you tell
me the honest truth. He has always been
truthful with me. I said, listen, did you --
first thing I asked him, did you pull the
trigger? He said, no, no, Lordy. He said, I
was involved in it to a certain extent, but
did I not pull the trigger.

I said, well, that's the main thing

I was concerned about. I didn't want nobody
talking to me about killing somebody, you
know what I mean. So we talked over two, two
and a half, three months there just talked
every day.

I'd call him on my cell phone. We
would talk and he would tell me things that
happened to him because he said he would like
to bring it out, you know, but he didn't want

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

215

to take the chance of maybe being indicted for something, being involved in it to a certain extent, or what. So he just come out and just told me basically the whole story about it.

Q. Well, how did these new admissions differ from what he had told you almost twenty years ago?

A. How much difference?

Q. Yes.

A. Well, he just told me more or less not every little detail, but he just told me exactly how it come about, who was involved in it.

Q. Let me stop you, Mr. Milner. How did it come about? How did you come to understand that it came about?

A. He said he was offered I think it was a hundred thousand dollars or something by Frank Liberto had offered him the money if he

thought he could find somebody to do a killing.

He didn't know what kind of a killing it was at the time or nothing. He

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

216

says, I don't know. Then Loyd just said he didn't think no more about it until Frank Liberto called him, and he said, I'm sending a great deal of money. In other words, Loyd would buy his produce from this Frank Liberto, and I think they was real close friends.

He said, I'm sending a great deal of money. It would be wrapped up. He said it was wrapped up in a paper sack with two rubber bands on it. He said, I'll be sending it inside the produce, up under his produce that he was sending to him.

Loyd said on the day he said he would send it, that he received the money. I think he said he stuck the money inside of a

stove, an old stove he had there. He was told that somebody would come back and get the money.

Q. So he was given this money to hold for someone else to pick up?

A. Right. At the time, from what I understand, he didn't know what the money was about or what it was for or nothing. He just

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

217

said, I'm sending you some money there, be careful, it is a great deal of money, just hold it for me and somebody will be there to come and get it.

Q. Then what happened?

A. Well, he said this -- I'm not sure how to pronounce his name -- Raul come and picked the money up. We got to talk. I said, how did you know of anything about the killing if you didn't know about the money? He said, well, over a couple of days some law enforcement officers that he knew

real well, one of them was his partner back years ago when he was on the police department, he said him and two other law enforcement officers planned this thing out over two days.

He said he didn't know what -- he said he knew they was planning -- what he could understand, they was planning to kill someone, but he didn't know who or what it was about or nothing. He just assumed it was something of that nature. He told me that -- do I have to tell their names?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

218

Q. Mr. Milner, let me -- it is useful if you tell any names that you know. But let me back you up. Where did this planning take place?

A. In his cafe. He owned -- he had a cafe down below the boarding house, across the street from the Lorraine Hotel.

Q. In Jim's Grill?

A. Sir?

Q. In his cafe, Jim's Grill?

A. Right, Jim's Grill.

Q. Who did he say was involved in the planning of this assassination?

A. He said there was five men that planned it out. Two of them he didn't know who they were. But he knew three of them. One of them was a good hunting buddy of his that he hunted with all the time. The other one was a law enforcement officer that he used to ride with years ago when he was on the police department. The third one was a guy that this man, this officer that he used to ride with, brought in to introduce Loyd. He brought him in there and introduced him to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

219

him. That's how Loyd knew about the third one. He didn't know him personally.

Q. He didn't know the third one personally?

A. Right.

Q. Who was the one he did not know personally?

A. Who was he? He said he was a law enforcement officer by the name of Merrell McCullough.

Q. Merrell McCullough?

A. Uh-huh.

Q. Who were the officer he knew personally?

A. The officer's -- I think his name was -- I believe he was a supervisor by the name of Johnny Barger. That was his partner that he used to ride with years ago. And the second one was Earl Clark. That's the one he used to hunt with down in Mississippi.

Q. I see. Did he say how long these planning sessions lasted?

A. He just said over a couple of days before the killing, but he didn't say how

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

long, how long a stint of time or anything like that. If he did, I don't remember what he said.

Q. Did he say what his role was in terms of the actual killing? What Loyd's role was?

A. At the time he wasn't involved in it at all. He was overhearing what they was talking about. He said -- he was told at six o'clock the day of the killing by Frank Liberto, who called him, he said to be at the back door at six o'clock and receive a package for him. He didn't say what it was going to be or nothing else. Loyd said he didn't have no idea what it was. He was just told to be at the back door.

Q. Be at the back door of his cafe, his grill?

A. His cafe.

Q. Which faced on toward the Lorraine Motel?

A. Yes.

Q. Was he at the back door?

A. He said at six o'clock he went to the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

221

back door, you know, and was just standing

there. All of a sudden he heard a big bang.

He said when he opened the door right away

when he heard it, because he -- he said as

soon as he opened the door, one of the

officers handed him a rifle. It was still

smoking from the barrel.

Q. Which officer handed him the rifle?

A. Sir?

Q. Did he say officer handed him the

rifle?

A. He said it was Earl Clark.

Q. What did he do with the rifle?

A. Loyd said he brought the rifle in. I

believe he said he broke the rifle down, took

the shell casing out of it. He said he tried

to flush it down the commode and it stopped

his commode up to where the commode wouldn't

flush.

So he said he had to tear his
commode down to get the shell casing out of
it. So he put the rifle I think under a
cupboard. He wrapped it up I think he said
in something and put it under the shelf or

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

222

something.

I not sure where he said he put it,
but it was somewhere back in the kitchen. He
said later on that night after he closed the
grill down, he threwed the shell casing away
in the Mississippi River.

Q. Did he say what was done with the
actual murder weapon?

A. He said the next day that this Raul
came to pick the rifle up. He said that was
the last he seen of Raul or the rifle. I've
asked him what he thought happened to it. He
said he didn't have no idea what happened to
it. He didn't want to know where it was at.

Q. All right.

A. He said until all this was over with, he found out that Mr. King had been killed, he didn't even know, you know, who they was trying to kill or anything, you know. He didn't have no idea who it was.

Q. Mr. Milner, Mr. Jowers opened this page with you, this story with you, some twenty years ago. Is that right? He started --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

223

A. You are talking about this twenty years ago?

Q. He started to discuss this with you twenty years ago?

A. He didn't tell me this twenty years ago.

Q. Not the details. I'm saying he started the story, the discussion of this?

A. Yes, about twenty years ago.

Q. But it was only more recently that you were able to get these kinds of details?

A. Right. I just remember what he told me back the way he would talk about it was law enforcement that done it, and I just thought -- at first, you know, for a long time I thought he was just thinking somebody else done it besides James Earl Ray, like I thought somebody else done it.

It never really occurred to me until after he started telling me the details about it that that is what he meant years ago when he was telling me. I didn't have no idea that really law enforcement officers was involved in it.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

224

Q. Nor should you.

MR. PEPPER: Thank you very much, Mr. Milner.

Your witness.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Milner, you and I have talked

about this matter many --

A. Speak up a little bit.

Q. You and I have talked about this many times, haven't we?

A. Right.

Q. Let me ask you something, when you worked at the cab company, you worked for Mr. Jowers when he owned the Veteran's Cab company is that correct?

A. Right. He owned Veteran's Cab.

Q. He was not prejudiced in any way, you had no idea he had was prejudiced against the races, had no animosity?

A. Oh, no. He had no prejudice at all.

I would say over half the drivers that worked there worked for him inside, you know, helped as supervisors and everything else, with the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

225

money. As far as I know, Loyd never been real prejudiced that I know of.

Q. He was fair to everybody, no matter

what color they are. Am I correct, sir?

A. Right.

Q. Now, all this information that you have given, you said it was by telephone that you obtained this by telephone in talking with the later conversations with Mr. Jowers?

A. Right.

Q. Did this take place over more than one day?

A. Oh, no. He would tell me just a little bit of it every time I would call him, we would just talk a little bit. Because I had to work, you know, and I just couldn't be just talking to him. I'd talk to him over possibly two and a half, maybe three months or whatever it was. Then he would just tell me a little bit about it.

Q. He always told you, even back years ago and up to then, that he was sorry Dr. King was assassinated here in Memphis. Isn't that correct?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

A. Right.

Q. He also told you that he never knew anything that he may have been called upon by Mr. Liberto -- there was never any mention that it would be Dr. King?

A. He was told what, sir?

Q. He was never told that Dr. King would be the target of any assassination in anything that he was asked to do?

A. No. Frank Liberto, according to what Loyd told me, Frank never told him what the money was for or anything about the killing or nothing like that.

Q. Okay. Mr. Milner, mostly what you told the Court and jury here today has been in the news media about the same things you have already told, that has been on the newspaper and on the TV, isn't it? It has pretty much been the same?

A. I've heard some things. I haven't really kept up with what everybody has said.

Q. Okay.

A. I just know what Loyd told me.

MR. GARRISON: That's all, Your

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

227

Honor.

THE WITNESS: As a matter of

fact, even the books and stuff on it, I read

a book, and, you know, I didn't even -- I

never even read a book until after all this

stuff he told me, because I was interested

about it.

Q. (BY MR. GARRISON) Did you ever know a

Mr. McCraw, a gentleman named McCraw?

A. Yes, sir.

Q. Did you ever talk to him about this?

A. I never talked to him about it. But

he was the one back years ago that was

talking about -- thought Loyd was involved in

it, you know, and he knew who killed Martin

Luther King. I knew McCraw pretty well, but

I never talked to him about this.

Q. All these were rumors going around?

A. Just rumors. You hear everything in the cab business.

MR. GARRISON: Thank you, sir.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Mr. Milner, this is very important.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

228

Did you get any of this information, any of these details, from any other source --

A. No, sir.

Q. -- but Mr. Jowers?

A. What I have told you is exactly what Loyd told me. I've read some books on it afterwards, you know, about the killing and stuff like that, but a lot of stuff I read, you know, was nothing like what Loyd was talking about, you know.

Loyd, what he told me was completely different. Everything I read, James Earl Ray done it, or they thought the military was involved in it or different things like that,

you know. Which I don't know anything about that. Loyd never even mentioned nothing like that. Loyd just told me what he knew about it.

Q. So you -- have you not gotten any of these details from any newspaper article, any book, any other writing at all?

A. What I've told you today?

Q. Yes.

A. No, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

229

Q. Solely from Mr. Jowers?

A. Sir?

Q. Only from Mr. Jowers?

A. Only from Mr. Jowers.

Q. There have been a number of people who have written books on this case, one fairly recently who calls himself an expert on the case. Have any writers interviewed you for their work?

A. No, sir.

Q. And asked you what you knew?

A. Has anybody asked me questions?

Q. Has any writer interviewed you?

A. No, sir. No writer has talked to me about doing a book on it or nothing.

MR. PEPPER: No further questions.

THE COURT: All right, then.

You may stand down, Mr. Milner. You are free to go or you can remain in the courtroom if you want to.

THE WITNESS: I'll just go outside.

(Witness excused.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

230

THE COURT: Call your next witness, please.

MR. PEPPER: Your Honor, plaintiffs call Mr. Floyd Newsom.

THE COURT: Does Mr. Milner know he is not to discuss his testimony with the

media?

MR. PEPPER: He has been

advised, Your Honor.

THE COURT: All right.

MR. PEPPER: They fall pray when

they walk outside this room.

FLOYD E. NEWSOM

Having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good morning, Mr. Newsom.

A. Good morning, sir.

Q. It has been a long time.

A. Yes, it has.

Q. Thank you for coming down here this

morning. Let me ask you to state for the

record, please, your name and address.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

231

A. My name is Floyd E. Newsom, Sr. My

address is 1203 North Lion's Gate Drive.

Q. Memphis, Tennessee?

A. Memphis, Tennessee, the zip is 38116.

Q. Mr. Newsom, would you tell us what you presently do?

A. I'm retired.

Q. And how long have you been retired?

A. Since 1989, ten years.

Q. And did you at one point earlier in your life work for the Memphis Fire Department?

A. I did, sir.

Q. When did you join the Memphis Fire Department?

A. 7/11/1955.

Q. How long were you in service?

A. I retired 7/11/1989, sir.

Thirty-four years.

Q. So you were a serving fireman for thirty-four years?

A. Yes, sir. There was a break of about five years in there.

Q. When would that have been?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

232

A. That was 1968.

Q. When in 1968?

A. I resigned on May the 18th, 1968.

Q. You resigned on May the 18th, 1968?

A. Yes.

Q. I want to cover some of that period
of time when you worked for the Memphis Fire
Department. It is a part of the plaintiff's
case that we have sectioned off to call
"local conspiracy."

You, Mr. Newsom, were at a critical
point in time stationed at Firehouse Number
2, weren't you?

A. Yes, sir.

MR. PEPPER: Your Honor, if it
please the Court, I think we'd like to put up
a graphic description of the area at this
point so that the jury doesn't just hear
words about the place we're talking about so
they might be able to visualize it.

THE COURT: I'll allow it.

MR. PEPPER: Thank you. Your Honor, I've shown the drawing to counsel for the defense. He has approved it as basically

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

233

accurate.

Q. (BY MR. PEPPER) Mr. Newsom, can you see that board?

A. Yes, sir.

Q. Do you recognize that area?

A. Pretty much, yes.

Q. This is South Main Street. It parallels Mulberry Street. Is that right?

A. Yes, sir.

Q. And is this the fire station where you were?

A. Yes, sir, it is.

Q. Where you were stationed?

A. Yes.

Q. So it on the corner really of Butler, Mulberry and South Main Street?

A. That's right.

Q. And the Lorraine Motel where Dr. King was staying was on the opposite side of Mulberry Street facing sort of at an angle the fire station?

A. That's right.

Q. Now, how long were you stationed at Number 2?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

234

A. Two years.

Q. What was the periods of time that you were there?

A. What do you mean, sir?

Q. How long -- from when to when during that two-year period?

A. The shifts?

Q. No, just which two years?

A. 1966 to 1968.

Q. Were you assigned to that station in April of 1968?

A. Yes.

Q. Now, was there a -- to the best of

your knowledge, was there a police intelligence surveillance operation being conducted out of that station at the time of Martin Luther King's visit to Memphis?

A. Yes, sir.

Q. And how many officers were involved in that surveillance?

A. Well, that's a long time back.

Q. Yes.

A. I know of two that I was familiar with. There could have been others.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

235

Q. And who were the two that you knew of?

A. Officer Redditt and -- I have the other person's name written here, if I'm allowed to look and see. Richmond.

Q. Officers Redditt and Richmond?

A. And Richmond.

Q. And from which area of the fire station did they actually conduct the

surveillance, do you recall?

A. Well, it was basically done from the locker room.

Q. That was in the rear?

A. Yes.

Q. Were there windows there?

A. Yes. Windows up at the top part of the locker room.

Q. Did those windows afford a good view of the Lorraine Motel?

A. Yes.

Q. Now, were you on duty on the 4th of April, 1968, at Fire Station Number 2, at the time of the assassination?

A. I was on duty, but I wasn't at the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

236

Number 2, sir.

Q. You were not at the Number 2?

A. No. I was supposed to be at the Number 2.

Q. You were supposed to be at the Number

2, but you weren't at the Number 2?

A. Right.

Q. Would you tell the Court and the jury why you were not at the Number 2?

A. Well, I was not there because on April the 3rd, the night of April the 3rd, I received a call at home from a lieutenant at that time, Lieutenant Smith, who instructed me not to report to the Number 2 on my regular duty to my regular company but instead report to Number 31. That was out on Overton Crossing at the opposite end of town.

Q. What time of night did you receive this call?

A. After ten.

Q. After ten o'clock at night you received a call and orders to go to another fire station?

A. That's right.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

237

Q. The next day. What was the emergency

that caused you to be changed, you to be moved to another fire station?

A. Sir, there was no emergency that caused me to be changed.

Q. There was no emergency?

A. No, sir.

Q. Mr. Newsom, how many black firemen were assigned to Number 2?

A. Two. N. E. Wallace was assigned to the opposite shift from me on a different company but at the Number 2's engine house.

Q. So there were two black firemen assigned to Number 2's?

A. That's right.

Q. And you were one of the two?

A. That's right.

Q. And sometime after ten o'clock that night you were assigned to another station?

A. That's right.

Q. When you went to that other station the next day, did you find that you were needed?

A. No, sir, I was not needed. I was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

238

needed on my company because my leaving my company left my company out of service unless somebody else was detailed to my company in my stead.

Q. So you are telling this Court that you were surplused to requirements where you were sent, and that undermanned your home company?

A. That's right.

Q. Mr. Newsom, did you ever inquire why you were assigned away from your station?

A. Yes, sir, I did.

Q. What did you learn?

A. Not much. When I first inquired. Time after time after time I was eventually told that I was transferred by officers of the police department or by request of the police department.

Q. So finally you got an answer to your question?

A. Yes.

Q. And you were told that you were transferred at the request of the Memphis Police Department?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

239

A. That's right.

Q. Have you thought about this over all these years?

A. Well, yes.

Q. Have you formed any opinion of your own about why you were transferred?

A. Not really. I just know that it was very unusual and unnecessary. So it had to be done for some reason. I don't know the reason.

Q. What happened to the other black fire officer?

A. He was also detailed out. He was detailed out on the 3rd. He was working the 3rd. I would have been working the 4th. He was detailed out to the airport on the 3rd,

that night of the 3rd.

Q. So on the night of the 3rd he was also detailed out?

A. That's right.

Q. So both black officers at this fire station were removed from duty?

A. That's right. Not from duty but from that engine house.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

240

Q. From duty at that station. I'm sorry.

A. Right.

Q. On the day around the time of the killing they were both absent?

A. Right.

MR. PEPPER: Thank you, Mr.

Newsom. No further questions.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Newsom, were you familiar with the area behind the rooming house where there

is a lot of brush and trees growing back there all the time you worked the fire station, had you seen that, sir?

A. Yes, sir.

Q. Okay. Had you ever seen any activity in there of any one walking or any activity in there where there appeared to be someone was back there that you can recall?

A. In the trees?

Q. Yes, sir.

A. Not that I can remember.

Q. I believe you said now you resigned

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

241

from the Memphis Fire Department in May of 1968?

A. That's right.

Q. And did this have anything to do with your resignation, the fact that you had been removed and you felt you had been wrongfully removed, did it have anything to do with your resignation?

A. The fact that I was wrongfully moved didn't necessarily have anything to do with it. What had something to do with it was that due to the effects of Dr. King's assassination, my wife got -- was ill, and she at that time was working for International Harvester. And the doctor at International Harvester recommended that she change sceneries.

So she -- they sent her to California, which left me with two children at home. I went and asked for a leave of absence. I was denied the leave of absence.

So I chose to leave.

Q. You had to resign in order to do what you wanted to do?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

242

A. Right. To do what I needed to do, to do what my duty was to do.

Q. Who was the person -- was it Commissioner Holloman over the fire and

police department?

A. That's right.

Q. At that time? Who denied your request for a leave of absence? Do you know who that person was?

A. Chief Hamilton.

MR. GARRISON: That's all.

THE COURT: Anything further.

MR. PEPPER: Yes. Just briefly, Your Honor.

THE COURT: Go ahead.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Mr. Newsom, were you involved at all in any supportive activities of the sanitation workers' strike?

A. Yes, sir, I was very active in the sanitation workers' strike.

Q. What did you do? How did you attempt to support the striking workers?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

A. Well, I'll tell you -- I attended their meetings, supported them orally, also acted as a monitor when they had different demonstrations, et cetera, at which time I was under surveillance, I guess by the Fire Department, because they wrote reports on me like every other day as to my whereabouts and what I was doing.

Q. And those were surveillance reports on you?

A. Yes.

Q. Is it fair to say that you were not trusted by the police and fire authorities in Memphis because of your activities?

A. I guess you could say that.

Q. Did anyone ever tell you that they thought you were untrustworthy or unreliable?

A. No, sir.

Q. But there was no secret made of your community activities?

A. No, sir. But I never was disciplined for it.

Q. Would there have been any reason for

you to be disciplined for those activities?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

244

A. Well, if it was wrong, then I figured

I would have been.

Q. But you fulfilled all of your work requirements as a fireman?

A. I did. I never was late during the whole time I worked there.

Q. When did you return to active duty at Fire Station Number 2?

A. I didn't.

Q. You never went back there?

A. (Nodding.) No, sir.

Q. So from the night of April 3rd when you were told to go away to another station, you never returned to that station?

A. No, sir.

MR. PEPPER: No further questions. Thank you very much.

THE COURT: Mr. Garrison.

MR. GARRISON: Your Honor, I

have nothing further.

THE COURT: All right, sir. You may stand down, Mr. Newsom. You are free to leave or you can remain in the courtroom.

(Witness excused.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

245

THE COURT: Anyone need to take a comfort break? Mr. Garrison?

MR. GARRISON: I'm okay today, Your Honor. I won't be the only one.

THE COURT: Me, too.

MR. PEPPER: Plaintiffs call Chief Norville Wallace to the stand, please.

THE COURT: All right.

NORVILLE WALLACE

Having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good morning, Chief Wallace.

A. Good morning.

Q. Thank you for coming this morning.

Would you state your name and address for the record, please.

A. Norville Wallace, 2365 Perry Road,
Memphis, Tennessee.

Q. Chief Wallace, you were employed by the Memphis Fire Department for a number of years. Is that true?

A. That's correct.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

246

Q. What do you presently do?

A. Loaf. Nothing.

Q. Wonderful occupation, Chief. How long did you work for the Fire Department?

A. Thirty-seven years, six months.

Q. Thirty seven years and six months.

What did you do for the Fire Department and what was your -- what ranks did you go through?

A. I started out as a fire fighter, made lieutenant, captain, investigator, deputy

fire marshal. When I left, I was assistant
fire marshal.

Q. Did you serve at a number of the
stations around Memphis?

A. Yes, several of them.

Q. Which were the ones you served at?

A. 8, 2, 24 and the Fire Prevention
Bureau.

Q. When, Chief Wallace, did you serve at
the 2's?

A. I first went there in 1966.

Q. How long were you there during that
period of time?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

247

A. I left November of 1968.

Q. So you were serving at the 2's at the
time of the assassination of Martin Luther
King?

A. That's right.

Q. Chief Wallace, would you just take a
look at this drawing here. Do you recognize

this area?

A. Oh, yes.

Q. Do you recognize Mulberry Street that ran behind the fire station?

A. Uh-huh.

Q. South Main Street that ran in front of it?

A. Right.

Q. Butler Avenue that ran to the south of it and, of course, Huling Avenue at the north end of this particular block?

A. Right.

Q. Is this, to your recollection and current present recollection, is this where the Fire Station Number 2 was located?

A. Yes.

Q. It backed onto Mulberry and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

248

overlooked the Lorraine Motel where Martin

Luther King was staying?

A. Right.

Q. Chief Wallace, were you on duty at that fire station on the 4th of April, 1968?

A. Was that the day before?

Q. That was the day of the 4th when Martin Luther King was assassinated?

A. I was on duty there until somewhere around eight p.m. that afternoon.

Q. Were you -- you were on duty, but were you in that station at that time?

A. Right.

Q. Were you at any time transferred out of that station?

A. Yeah. About eight p.m. that night I'm saying eight p.m. It was night.

Q. Were you transferred -- let's understand this. Were you transferred out on eight p.m. the night of the killing or the night before the killing?

A. The night before.

Q. It was the night before the killing.

And how were you transferred, how did you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

receive your orders to be transferred out?

A. Well, I received them from my

captain. He said I was going to be detailed

to 33's, which is out at the airport. I

thought it was just for the rest of -- the

remainder of the day or night. That night we

had an airplane run off the runway out there,

and I thought somebody back in those days,

you make a run like that, somebody gets

suspended. So I thought I was filling in for

somebody that got suspended. But once I

got -- and it was raining hard. You couldn't

see to drive.

Q. This was the night of April 3rd?

A. Uh-huh.

Q. It was raining hard. You were told

by your captain to go out to the airport?

A. Engine 33.

Q. Sorry?

A. Engine 33.

Q. 33. Did he tell you this

face-to-face?

A. Yeah.

Q. So you were sent away?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

250

A. Right.

Q. Did that surprise you?

A. Well, not at the time it didn't. The surprises came later.

Q. What were the surprises that came later?

A. I ended up staying out there over a month.

Q. Right.

A. I just had the uniform I left there with, and the next day, well, I was told that morning when I got off at seven a.m. to report back there. So I left and was going back to home base to pick up some uniforms, and they wouldn't even let me off of Main Street.

Q. Let me understand this. You were told at seven a.m. the next morning --

A. To report back to 33's.

Q. -- to report back to the airport station?

A. Right.

Q. And how did you get that message?

A. From the officer in charge of the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

251

piece of equipment there.

Q. Face-to-face?

A. Yes.

Q. Again you came in to go to work? I'm trying to understand because you were on a different shift. Did you actually report to the 2's and were sent away again?

A. No. I just went to the 2's to get a uniform.

Q. You just went there to get uniforms.

How did you actually learn that you were not to report to the 2's on your shift but to go back to the airport?

A. I learned that that morning of the

4th when I got off to come back the next
workday -- you know, it is an every-other-day
thing. The reason I went back to the 2's
was to get clean uniforms.

Q. Who told you not to come to the 2's?

A. The officer in charge of 33.

Q. The officer in charge of 33 told you
you were to report back out there and not go
to the 2's on April 4th?

A. That's right.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

252

Q. So then you went to get some clean
uniforms?

A. Yes.

Q. What happened?

A. They wouldn't let me go to the engine
house. They said couldn't anybody come up
there.

Q. What do you mean they wouldn't let
you go? What did you do? Did you come up to
the fire station?

A. No. I think I got stopped at Butler and Main.

Q. Somebody stopped you here?

A. Uh-huh.

Q. This corner here. Who was it that stopped you?

A. They had it blocked off. Police had barricades and everything else.

Q. This is -- this was the next day you were reporting to work?

A. Really that was the morning of the 4th.

Q. So you are saying on the morning of the 4th that they had some --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

253

A. Well, it was the same day that Dr. King was assassinated.

Q. They wouldn't let you into the station?

A. They wouldn't let me up there to get uniforms. They wouldn't even let me up the

street.

Q. Chief Wallace, did you ever ask what this was all about?

A. Yes.

Q. What were you told?

A. Told that I had been threatened.

That was the reason I was out at the other engine house.

Q. Oh, you were threatened?

A. Uh-huh.

Q. Why would you be threatened?

A. I don't know. Of course, I was putting out fires, I guess.

Q. So there was a threat on your life.

I see. So they had to get you out of the area?

A. I guess. That's what they done.

They got me out of the area.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

254

Q. How many black firemen were assigned to Number 2?

A. Just two.

Q. You and --

A. Floyd Newsom on the other shift.

Q. Floyd Newsom. We're learning that neither one of you were allowed to be on duty on that day?

A. That's right.

Q. You never received a satisfactory explanation?

A. No. Never did. Not to this day.

MR. PEPPER: Thank you, Chief Wallace. No further questions.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Chief Wallace, you worked there at this station how long, sir? How long were you there altogether at this station?

A. About two years.

Q. Two years did you ever report back to work there after the assassination of Dr. King?

A. Oh, yeah.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

255

Q. You did report back?

A. Yeah.

Q. Are you familiar with the area behind the rooming house that is raised up from the street where there is a lot of trees and bushes and things?

A. Right.

Q. Did you ever see anyone walking back in there, any activity back there all the time you worked there?

A. When are you talking about?

Q. Any time during the time of the assassination did you ever see anyone walking back in that area?

A. Yeah.

Q. Okay. More than once?

A. Well, I'll put it like this: If it was ninety-nine policemen on duty, ninety-eight of them was out in that area.

Q. In that brush area?

A. In the area, in the engine house, all

up and down that fence there. That fence had
a tree line that would separate the city

property from the area over there which had

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

256

heavy equipment parked in there.

Q. This area on the map where it shows
behind the rooming house where it shows the
shaded area, that's the tree area. You saw
police officers all in there?

A. They was all parked over there
looking on the ground and everything.

MR. GARRISON: Okay. Thank

you, sir.

MR. PEPPER: No further

questions, Your Honor. Thank you, Chief

Wallace.

THE COURT: Chief, I want to be
sure that I understand your testimony.

THE WITNESS: Yes, sir.

THE COURT: Are you saying that
Main Street was blocked off the morning of

the day that Dr. King was killed.

THE WITNESS: No, no.

THE COURT: Oh.

THE WITNESS: It was blocked off afterwards. I tried to get up there to get a uniform so I could have something clean to wear to work the next day.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

257

THE COURT: So this was the day after Dr. King was killed.

THE WITNESS: It was after, because I was in my car when I heard the news. I just made an effort to get by there to get some uniforms before the time to go to work the next morning. So it was in the afternoon late.

THE COURT: But it was the day after he was killed.

THE WITNESS: Right.

MR. PEPPER: Your Honor has raised an interesting point of clarification.

May I ask a further question?

THE COURT: Yes.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Chief, Your Honor is clarifying your testimony. It is a very important point.

What time would you have reported for work on the afternoon of the 4th? What time did your shift start?

A. I wouldn't have reported on the 4th.

Q. You were off on the 4th?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

258

A. I worked the 3rd. So that would mean I would have reported back to work on the 5th.

Q. So you worked the 3rd --

A. Mr. Newsom would have worked the 4th.

Q. Mr. Newsom would have worked the 4th?

A. Uh-huh.

Q. You would have reported back on the 5th. But you came by sometime in the evening

of the 4th after the assassination to get your clothing?

A. Right.

Q. You weren't allowed anywhere into that area?

A. Right.

Q. And then on the 5th when you were to return to work you were told not to go back to your regular base, Number 2?

A. I was told that the morning of the 4th, though.

Q. You were told that on the 4th, that you were not going to be allowed back there?

A. Right.

Q. How long had you served at Number 2

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

259

in uninterrupted fashion to that point?

A. Well, my total time at the 2's was roughly two years. I went there in 1966.

That was when the Fire Department first integrated. I left November -- I made

lieutenant in November of 1968 and I left and
was assigned elsewhere.

Q. When did you eventually go back to
Number 2?

A. About thirty days after the --

Q. You stayed out there for a month?

A. Uh-huh.

Q. Were you surplused to requirements at
that other station?

A. Do what now?

Q. Were you surplused to requirements?
Were you needed at the other station?

A. No.

Q. You weren't needed?

A. No. I was just an extra man.

Q. You were an extra man.

MR. PEPPER: No further
questions.

THE COURT: Mr. Garrison.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

260

MR. GARRISON: Your Honor, I

have nothing further.

THE COURT: All right. Then you may stand down, sir. You can remain in the courtroom or you are free to leave. You should not discuss your testimony with the news media or anyone else.

THE WITNESS: Okay.

THE COURT: Let's take about fifteen minutes.

(Jury out.)

(Short recess.)

THE COURT: Bring the jury out, Mr. James.

(Jury in.)

THE COURT: You may call your next witness, Mr. Pepper.

MR. PEPPER: Yes, Your Honor.

Plaintiffs call Mr. Leon Cohen.

LEON COHEN

Having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

261

Q. Good afternoon, Mr. Cohen.

A. Good afternoon.

Q. Thank you for coming down here today.

A. You are welcome.

Q. If you have any difficulty any hearing me, would you please signify that so I can come closer.

A. I certainly will. Thank you.

Q. Would you state your name and address for the record, please.

A. Leon Cohen. I reside at 1859 Poplar Pines Drive, Number 201, Memphis, 38119.

THE COURT: Would you please spell your last name?

THE WITNESS: C O H E N.

THE COURT: Thank you, sir.

Q. (BY MR. PEPPER) Mr. Cohen, how long you have lived in the City of Memphis?

A. Just under thirty years.

Q. Where did you live before that?

A. New York City.

Q. What did you do in New York City?

A. I was a member of the New York City
Police Department. For twenty-three years.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

262

Q. Did you retire from your position?

A. Yes, I did.

Q. When did you retire?

A. In 1965.

Q. And when did you come to Memphis?

A. Shortly thereafter.

Q. So you've been in Memphis sometime
since 1965 to the present?

A. Yes, sir.

Q. It has been your home?

A. Yes.

Q. And when you came to Memphis, was it
strictly as a retiree or did you become
engaged in any activity?

A. For a short time I worked as a
special deputy at Juvenile Court. Later on I

became director of security at Baptist Hospital in Memphis.

Q. What year would you have become director of security at Baptist Hospital?

A. I believe that was early in the 1970's.

Q. And what do you do today?

A. I'm fully retired.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

263

Q. Now, in 1968 or before 1968 did you come to know a man named Walter Bailey?

A. Yes, I did.

Q. How did you come to meet Mr. Bailey?

A. I was associated with another lad in the food business, and Mr. Bailey used to come to our market and make purchases for the motel. I got to know him very well.

Q. How often would you say you saw Mr. Bailey in an average week or month?

A. Two or three times a week.

Q. And you became quite friendly with

him?

A. Yes, I did.

Q. And also with his wife?

A. No. Not his wife. I don't know his wife. I met her on several occasions but did not know her that well. Not as well as Walter Bailey.

Q. Right. What did Mr. Bailey do for a living in 1968?

A. He was the owner and the manager of the Lorraine Motel.

Q. The Lorraine Motel, is that the same

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

264

motel which Martin Luther King came to stay in Memphis on April 3rd, 1968?

A. That's correct.

Q. Were you familiar with the fact that Dr. King was coming to Memphis at that time?

A. No. I was not.

Q. When did you learn that Dr. King was in Memphis?

A. I was on my way back from Nashville when I heard the news on the radio about his assassination. That's the first I knew of him being in Memphis.

Q. That would have been on the 4th of April that you heard this news?

A. Yes, sir.

Q. When did you next see Mr. Walter Bailey?

A. The very next morning.

Q. On the 5th of April you went to see him?

A. No. I went to take -- to look over the scene at the Lorraine Motel, and I took some photographs while there. After I had taken photographs, I ran into Mr. Bailey.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

265

Q. What time of the morning would that have been?

A. Between eight and nine a.m., as I best recall.

Q. So it was quite early in the morning?

A. Yes, sir.

Q. Actually where did you go to look over this scene? Where were you? What was your path?

A. Well, I first went to the rooming house where the alleged shots had been fired and took some photographs from the lavatory of the rooming house aiming towards the Lorraine Motel. Then I went down and took photographs of the Lorraine Motel and vicinity. At that time I ran into Mr. Bailey.

Q. And where did you meet Mr. Bailey?

A. Right outside his office.

Q. At the Lorraine Motel?

A. At the Lorraine Motel.

Q. Did you have a conversation with him?

A. Yes, sir, I did.

Q. And what -- how did you perceive him

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

at that time? Was he upset? How did you view him?

A. Well, he seemed visibly upset about the occurrence.

Q. Did you ask him any questions about the incident?

A. I mentioned the terrible occurrence.

He said in response, if they had listened to me, this wouldn't have happened. And he went on to explain that the previous night, he got a call from a member of Dr. King's group in Atlanta who wanted him to change the location of the room where Dr. King would be staying. And he was adamantly against that because he had provided security by the inner court for Dr. King, Dr. King's room.

Q. Where did he want Dr. King to stay in his motel?

A. There was an inner court behind the office which had very good security. In other words, it was not exposed to public view. Per se.

Q. Right. Do you know if that would

have been Room 201?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

267

A. Pardon?

Q. Do you recall the number of that room?

A. No, I don't.

Q. But it was in an inner court area?

A. Yes, sir.

Q. And, instead, where did Mr. Bailey say he was being instructed to move Dr. King?

A. The room -- I don't recall the room number, but the room which Dr. King had occupied that night, that's the room that they wanted him to occupy.

Q. A balcony room?

A. Yes, sir.

Q. For the record, that was Room 306, that balcony room. So Bailey said he was instructed to move Martin King from room -- well, you didn't know the number, but from a courtyard room to a balcony room?

A. Yes, sir.

Q. Did he say he opposed that?

A. He adamantly opposed it.

Q. Did he say who in Dr. King's
organization wanted him placed in that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

268

exposed balcony room?

A. He just mentioned that a member of
Dr. King's group had told him, advised him,
he wanted the room changed. He said he knew
the person, but I did not question him as to
who it was or his name or pedigree or
whatever.

Q. Did he indicate, when he spoke to
you, if you can reflect very carefully, Mr.
Cohen, did he use the pronoun "he" or "she"?

A. He used the pronoun "he."

Q. So some male member of Dr. King's
Atlanta office instructed the room change?

A. Yes, sir.

Q. Once again, when did he receive that

instruction?

A. He said the previous night that Dr.

King was supposed to stay there.

Q. Prior to the arrival?

A. Yes, sir.

Q. Just moving on, when you were down in

that area early that morning, did you then or

had you previously had an opportunity or

occasion to look at the area behind the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

269

rooming house?

A. No. No, that was the first and last

occasion.

Q. Did you look at the area that

morning?

A. After the assassination, yes, sir, I

did.

Q. How did it appear to you?

A. Which area are you referring to?

Q. I'm referring to the area behind the

rooming house above the wall on Mulberry

Street. I could show you -- we have -- can you see this?

A. No, I can't.

MR. GARRISON: It probably should be marked an exhibit. I don't think it has been marked as an exhibit.

THE COURT: That's right. I intended to do so. Let's make that Exhibit 1.

(The above-mentioned diagram was marked Exhibit 1.)

Q. (BY MR. PEPPER) I'm asking you about this area here that is above the wall. There

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

270

is a wall here on Mulberry Street. I'm asking you about this area which is behind the rooming house.

A. Uh-huh.

Q. The rooming house has two wings.

There is an alleyway. This is vacant area fenced in. I'm asking you about this. I

just wondered if you had a chance to look at this.

A. Yes, I did, that very same morning I had taken the photographs.

Q. And how did it appear to you? What did you see?

A. Well, it was kind of dense with underbrush.

Q. Dense with underbrush?

A. As a matter of fact, I went to the room which James Earl Ray had occupied and looked out the window which overlooks the alley and looked out the window intending to take some photographs, but I never did because they wouldn't have shown anything outside of the underbrush.

Q. So it was thick underbrush is what

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

271

you are saying?

A. Yes, sir.

Q. Okay.

MR. PEPPER: Thank you,

Mr. Cohen. No further questions.

THE WITNESS: You are welcome.

MR. GARRISON: Your Honor, I
don't have any questions of Mr. Cohen.

THE COURT: All right, sir. You
may stand down. You can remain in the
courtroom or you are free to leave. I ask
you not to discuss your testimony with anyone
outside the courtroom.

(Witness excused)

MS. ATKINS-HILL: With Your
Honor's approval, we would like to read the
sworn statement of James McCraw. Mr. McCraw
is now deceased. He was deposed on October
22nd.

THE COURT: How lengthy is it?

MS. ATKINS-HILL: Your Honor, I
only want to read experts from it. Actually,
it is thirty pages.

THE COURT: Thirty pages. But

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

272

you are not going to read it in content?

MS. ATKINS-HILL: No, Your Honor.

THE COURT: Okay. Let's go with it.

MS. ATKINS-HILL: Question, by Attorney Pepper --

THE COURT: Ladies and gentlemen, I explained to you before that this is what we call a deposition, which is testimony taken before the trial. It was sworn to at the time that it was given, so you may accept this as if that testimony were being given in the courtroom at this time.

Go ahead.

MS. ATKINS-HILL: Thank you, your Honor.

Question: You were employed by a taxi company at the time?

Answer: Yes, Yellow Cab Company.

Question: How long had you been

driving for the Yellow Cab Company?

Answer: You got me. I drove for

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

273

Yellow for forty-one years.

THE COURT: Would you please

identify your page and lines as you go.

MS. ATKINS-HILL: Page 3, your

Honor, line 25.

THE COURT: All right. Go

ahead.

MS. ATKINS-HILL: Where were you

born, Mr. McCraw?

Answer, top of page 4: Alabama.

Question: How long have you lived

in Memphis, Tennessee?

Answer: Ever since 1945.

Line 8, question: Right. Were you

in the armed services during the Second World

War?

Answer: I was in the Air Force. I

was on Guam and Saipan.

Line 15 -- line 13, question: How many years were you in the service?

Answer: About five years.

Question: When were you discharged?

Answer: 1945.

Question: What was the nature of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

274

your discharge?

Answer: Honorable discharge.

Question: What did you do for a

living during those years -- let me back up.

Line 20, question: After the war, you then

settled in Memphis, did you?

Answer: Wound up here in 1946.

Question: What did you do for a

living during those years?

Answer: I drove a taxicab.

Top of page 5, line 1, question: So

you have been a taxicab driver for a good

number of years previous to the time in

question?

Answer: Yes.

Question: Now, on April the 4th, 1968, you were driving a cab and did you receive a call to pick up a passenger at 422 and one half South Main Street?

Answer: I sure did, old Charlie Stephens.

Question, line 10: You received a call to pick up one Charles Stephens at 422 and a half South Main. What time of day did

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

275

you receive this assignment?

Answer: I don't really remember, but it wasn't more than a few minutes before Martin Luther King got shot.

Question, line 19: So it was sometime before six p.m. on Thursday, April the 4th?

Answer: That's right.

Question: Would you say it was sometime before a quarter to six or was it

after a quarter to six?

Answer: It was after a quarter to

six.

Question: It was after a quarter to

six?

Answer, top of page 6: That was

when left to get old Charlie and got to Main

and it had come over the radio that Martin

Luther King had been shot and I should stay

out of there.

Mr. Herman, who was the interpreter

at the time -- Mr. McCraw had a voice

box. Mr. Herman: It came over the radio

that Martin Luther King had got shot and stay

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

276

out of there.

Question: About what time did

you -- you actually parked your car in front

of the rooming house where Charlie Stephen

was living sometime after a quarter to six or

before six. Is that right?

Answer: That's right.

Question: Where did you park your car?

Answer: Right out in front of it.

And I was double parked.

Question: Right out in front of the rooming house and you were double parked?

Answer: The witness nodding affirmatively.

Question: Right. What did you do then.

Answer: I went upstairs to Charlie's room, and he was too drunk to get up. I turned the light off and left. I got in my cab.

Question: Let's go question and answer, question and answer, as best we can.

You went upstairs to Charlie Stephens' room?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

277

The top of page 7.

Answer: Right.

Question: Do you recall which room this was?

Answer: Well, it was the last room back on the right right next to the restroom. I don't remember the number.

Question: Right. Which stairway did you go up? There were two stairways into the rooming house.

Answer: Well, I went up the one right beside the restroom and went upstairs.

That door stays open all night.

Question: When you went up the stairway to approach Mr. Stephens' room, did you notice the bathroom?

Answer: Yeah, it was right next door to his room.

Question: Was the bathroom door open or closed?

Answer: It was standing wide open.

Question: The bathroom door was standing wide open and this again was sometime just prior to six o'clock?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

278

Answer: That's right.

Question: Was there anyone in the bathroom?

Answer: No.

Question: Was the light on so far as you can remember? If you can't --

Answer: I don't remember.

Question: But you are stating that the bathroom door was wide open?

Answer: Bathroom was wide open.

Question: No one was inside?

Answer: I sure didn't see nobody.

Mr. Herman: The doors went out toward the hallway.

Question: Did you knock on Charlie Stephens' door?

Answer: I knocked on the door and somebody said, come in. I opened the door, and he was laying on the bed too drunk to get up.

Question: He was lying on the bed

and he was drunk, he couldn't get up?

Answer: That's right.

Question: Did he say anything to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

279

you?

Answer: No. I just said, I ain't

going to haul you.

Line 19, question: Did you see

anyone else in the room?

Answer: Yeah, his girlfriend was at

the foot of the bed, and she was drunk, too.

Top of page 9, line 3.

Question: So what did you do then?

I just turned around and left.

Question: Did you go down the same

stairway that you came up?

Answer: I went down them and walked

outside and got in my car and drove.

Question: Did you notice the

bathroom on your way out?

Answer: Well, the door was still

open.

Question: The door was still open?

You are quite certain of that?

Answer: Yeah, I'm quite sure of it.

Question: Right. Mr. McCraw, when
you were going into the rooming house to
ascend the stairs to pick up Charlie

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

280

Stephens, did you notice any automobiles
parked in front?

Answer: Yeah, Loyd Jowers' car was
parked in front.

Mr. Herman: Loyd Jowers' car?

Answer: And then there was two
Mustangs.

Question: Two Mustangs?

Answer: And a gray truck was parked
there.

Mr. Herman: Gray truck.

Question by Dr. Pepper. It must
have been some sort of delivery truck.

Question: Top of page 10. When you were leaving and you were returning to your car, did you notice whether or not a Mustang was -- had gone, had departed?

Answer: I don't remember whether both of them was there or not.

Page 11, line 3.

Now, what did you do when you got into your car? I made an U-turn. I told the dispatcher I wouldn't haul him, he was too drunk.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

281

Mr. Herman: I made an U-turn, I told the dispatcher I wouldn't haul him because he was too drunk.

Answer: And they tried to give me another order over in River Bluff, and I got to Main and Calhoun when they come over the radio that Martin Luther King had just got shot. I was to stay out of that area.

Question: How long after you made

your U-turn and headed away from the rooming house did you hear this bulletin?

Answer: It couldn't have been over three minutes or four. It might have been --

Mr. Herman: Say it again.

The witness: It probably wasn't over -- it couldn't have been over four minutes. It couldn't have been that long of a time. It might have been about two or three minutes.

Page 12, line 2.

Question: So how many minutes would it have been in your view from the time that you actually left the rooming house until you heard the bulletin?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

282

Answer: About four minutes.

Question: About four minutes. What did you do then?

Answer: Well, I just turned right on Calhoun and went on over to River Bluff

and picked up my passenger and come back to the bus -- I tried to get to the bus station, but I couldn't get in there because there was traffic stopped ever which way.

Question: Right, Mr. McCraw. Let's move ahead to the next day. What time were you due to start work the next day?

Answer: Two o'clock.

Question: This is now Friday, April the 5th. Is that right?

Answer: That's right.

Question: And prior to going to work, what did you do?

Answer: I was at Jim's Grill.

Line 25, question: So you went to Jim's Grill?

Page 13.

Answer: To have a couple of beers.

Question: What time?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

283

Answer: Twelve o'clock.

Question: Around twelve o'clock
prior to going to work?

Answer: I went to work at two
o'clock.

Question: Who was in Jim's Grill at
that time?

Answer: I don't really know. I
know Loyd Jowers was behind the bar.

Question: Loyd Jowers?

Answer: Was behind the bar, was
behind the counter.

Question: Was behind the counter?

Answer: Witness nodding
affirmatively.

Question: Where did you stand or
sit in the grill.

Answer: Right in the corner of the
grill.

Then it became inaudible.

Did you have a conversation with
Loyd Jowers?

Answer: Yeah, he showed me the box
the gun was in and showed me the gun. He put

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

284

it back under the counter.

Question: He showed you a box that
a gun was in?

Answer: Yeah.

Question: Where was he keeping
this?

Answer: In under the counter.

Question: Under the counter?

Actually, right underneath on a shelf
underneath the counter?

Answer: Yeah.

Question: Did you take the lid off
of the box so that you could see that a gun
was in it?

Answer: Yeah, he showed me the
gun.

Question: Did he physically take it
out from under the counter to show it to
you?

Answer: He take it right out to the

edge of the counter and opened the lid up on
it.

Question: He took it right out to
the edge of the counter and opened the lid.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

285

So you have no question what you saw?

Answer: No, I sure don't.

Question: What did Mr. Jowers do
with this gun event actually? Answer he took
it to the police.

Question: How do you know he turned
it over to the police?

Answer: He told me, and I believed
him.

Question: He told you he turned it
over to the police. When did he tell you
that he turned it over to the police?

Answer: That night.

Question: That evening?

Answer: When I come back in about
six or seven o'clock, he told me.

Page 15.

Question: So your statement is that you came back in around -- sometime between six and seven o'clock and he was still there?

Answer: Oh, yeah. He stayed there all night.

Question: And he told you that he had turned this gun over to the police?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

286

Answer: That's right.

Line 10.

Question: Did you ever discuss the existence of this gun again with Mr. Jowers?

Answer: Well, he said -- he told me a couple of times that he was scared. He said he wished he would have kept it.

Page 18, line 9.

Question: You told the Memphis Police Department investigators -- you told Memphis Police Department detectives and you told the FBI about the existence of this

gun?

Answer: I did.

Question: And you told the Justice Department investigators about the existence of this weapon?

Answer: I sure did.

Question: And what have -- individually what have they said to you about this?

Answer: Nothing much. All they said was that I shouldn't be talking to people about it and all that kind of crap.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

287

Mr. Herman: They told me that I shouldn't be talking to people about it and all that kind of crap.

Page 19, line 7.

After the guilty plea proceedings against James Earl Ray, were you contacted again by Memphis Police Department, Attorney General's investigators, FBI or anyone else?

Answer: Oh, yeah, but it went on
for two years.

Question: It went on for two
years? Who used to contact you after this?

Answer: I forget the names, but it
was the Justice Department, FBI, police
department.

Line 23.

Yes, but did the FBI specifically
interview you other times after James' guilty
plea?

Page 20.

Answer: Oh, yes.

Question: What did they say to you
during these interviews?

Answer: They just asked me the same

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

288

old questions all the time.

Line 8.

Question: Did they ask you about
the gun?

Answer: They asked me everything.

Question: Did they advise you not to speak with anyone else?

Answer: They told me not to, but I didn't pay them no attention.

Line 18.

Question: And how long did this go on after James Earl Ray's guilty plea?

Answer: Two or three, four years.

Every time there was a trial or something or started to have a trial here, they would come.

Page 21, line 9.

Question: Would they come out to visit you at your home?

Answer: That's the only place where they could catch me. They would tell me at the cab company they was looking for me. I said, bye, I'm gone. I worked for myself, they couldn't find me.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

Line 18.

Question: Mr. McCraw, do you know the names of the FBI agents who would come out to visit you?

Answer: No. All I know is they was out of Washington.

Question: They were out of Washington? You don't know any of the agents from the local office who would come to visit you?

Answer: Well, I don't remember his name, but me and him were -- (Inaudible) him pretty good. He was always begging me for information. I said, man, I don't know nothing.

Line 5, the witness: The one, the FBI, the one that was over the FBI here.

Mr. Herman: The one that was over the FBI here?

Line 9, Dr. Pepper: Jenson.

Question: Do you recall the name of Jenson?

Line 12.

Answer: That sounds awful

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

290

familiar.

Question: Mr. McCraw, as we

conclude, I'm going to just simply ask you

some very specific questions just for the

purpose of clarification of what you observed

on the date of April the 4th, 1968.

When you approached Charles

Stephens' room to pick him up that day, your

statement is that the bathroom door was

open. Is that right?

Answer: That's right.

Question: And that the bathroom was

unoccupied. Is that right?

Answer: There was nobody in it.

Question: There was nobody in it?

Answer: Right.

Question: And that when you saw

Charles Stephens, it is your view that he was

lying on the bed and appeared to be

intoxicated?

Page 23, line 2.

Answer: He was drunk before I ever went to him.

Question: On this basis you decided

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

291

not to haul him?

Answer: That's right. When he couldn't get up and walk out of that room, I knowed (sic) I wasn't hauling him.

Question: Right. Had you ever driven him before when he was drunk?

Answer: Many times.

Question: On those occasions was he as drunk as he was that day?

Answer: No.

Question: Right. Now, the next day when you went into Loyd Jowers' Jim's Grill sometime around noon and you went up to the bar and you were conversing with him in that bar, your statement is that Loyd Jowers

pulled a box out from under the counter,
lifted the lid and showed you a weapon. Is
that right?

Answer: That's right.

Question: The weapon was a rifle?

Answer: It was a rifle.

Question: Did it have a telescopic
sight on it or do you recall?

Answer: It was laying on the side.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

292

It wasn't on it, but it was in the box.

Top of page 24, line 4.

Question: It wasn't on it but it
was in the box?

Answer: Yeah.

Line 13.

Question: This was within a very
few minutes of you having noticed the
bathroom being empty?

Answer: Three or four minutes.

Question: Three or four minutes you

noticed the bathroom previously, the bathroom
had been empty?

Answer: (Witness nodding
affirmatively.)

MS. ATKINS-HILL: That's the end
of the excerpts.

THE COURT: We're going to take
our lunch break and resume at two o'clock,
ladies and gentlemen.

(Jury out.)

(Lunch recess.)

THE COURT: Bring the jury out,
please, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

293

THE SHERIFF: Yes, sir.

(Jury in.)

THE COURT: All right. You may
call your next witness, Mr. Pepper.

MR. PEPPER: Yes, Your Honor.

Your Honor, the plaintiffs call Captain Jerry

Williams. Captain Jerry Williams.

Let's call Lieutenant Ed Redditt.

EDWARD E. REDDITT

Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Detective Redditt.

A. Good afternoon.

Q. Thank you very much for coming here
this afternoon. It is a pleasure to see you
every few years. Would you state your name
and address for the record, please.

A. My name is Edward E. Redditt, 370
Evergreen, Somerville, Tennessee.

Q. Detective Redditt, what do you
presently do for a living?

A. As part of my volunteerism, I'm the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

294

head high school track and field and
cross-country coach for boys and girls and
elementary school.

Q. Is that a full-time professional activity for you?

A. Full-time, and I enjoy every bit of it.

Q. And how long have you lived up in Fayette County?

A. Since 1986.

Q. Before that where did you reside?

A. I resided in Bartlett.

Q. Is there a time when you were employed by the Memphis Police Department?

A. 1593 South Wellington.

Q. How long did you serve as an officer with the Memphis Police Department?

A. Ten and a half years.

Q. Can you tell us the various positions that you held in the department from the time that you entered until the time that you left?

A. I worked as one of the first persons in the detention area. I worked as a desk

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

lieutenant. I worked in various special units, such as vice squad, homicide, burglary, also working in the areas of the sanitation department, working to find out what was going on there, from that to the juvenile bureau, from that to the police community relations.

Q. When did you become a police community relations officer?

A. 1965.

Q. Were you still a police community relations officer in 1968 at the time of the assassination of Martin Luther King?

A. Yes.

Q. As a police community relations officer, what were your duties?

A. Well, when we started there, there was nothing written about it, so we was to develop our own methods and ways of dealing with the community. Our idea was how do we get the community to be responsive and understand the police workings.

I had a center at 1310 Florida

Street where I worked the kids and we

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

296

designed the first daycare center that met all the qualifications for community health and library and what MIFA is today, getting food from various entities.

Q. At the time of the sanitation workers' strike, what -- were you still working with the community? Were you still involved with the community? How did you relate to the events that were going on then?

A. Well, I was somewhat pulled out to kind of survey or serve -- I call it surveillance. I was given kind of carte blanche to do what I thought was necessary. I think the whole background idea was to observe or to find out anyone who may be coming into the city to disrupt it.

One incident, Chief MacDonald asked me to be sure to watch for a number of

out-of-town license plates, because Chattanooga was known for dynamiting and this type thing.

Q. Were you actually seconded to the intelligence bureau at that point in time?

A. I guess I was kind of if you want to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

297

call it TDY to that entity.

Q. Right. You were assigned to intelligence department duties?

A. Right.

Q. Did that give you any problems with the relationships you had in the community, because you were working with the community and now moving into more or less intelligence, surveillance activities?

A. I didn't see any conflict. Everybody knew me and I knew everybody. So there was no conflict. Again, the role that I viewed was, one, trying to again protect the community against anything that may be

occurring to disrupt anything.

Q. What was your actual rank at this time?

A. I was still a detective.

Q. You were a detective. Did there come a time when you were assigned to a specific detail, a surveillance detail, at the fire station, Fire Station Number 2, on South Main Street, between South Main and Mulberry Street?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

298

A. Originally it wasn't an assignment.

It was one that I decided upon and that I had noticed something that was unusual once upon arriving at the Lorraine with Dr. King.

If I may continue, Inspector Smith was in charge of security. When he asked me, he said, well, you may go now. I noticed there was nobody else there. In the past when we were assigned to Dr. King, we stayed with him, guarded him up the steps, down the

steps, and stayed with him. I saw nobody with him.

So I went across the street and asked the Fire Department could we come in and observe from the rear, which we did.

Q. Who accompanied you in that --

A. Willie B. Richmond.

Q. What was his rank at that time?

A. As far as I know, patrolman.

Q. Which section of the department -- to which section was he assigned? Where did he work?

A. He was assigned with me at the time.

I didn't know where he came from.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

299

Q. So he worked with you. You didn't know if he was from the intelligence section or not?

A. No.

Q. So the two of you conducted this oversight, this surveillance activity, of the

Lorraine Motel?

A. Yes.

Q. When did you take up your positions there?

A. That was the same afternoon that we had brought Dr. King in.

Q. That would have been the 3rd of April?

A. Right.

Q. So you took up position in the fire station on the 3rd of April and from the rear of the fire station you were able to see the Lorraine Motel quite clearly?

A. Right.

Q. Do you recall how late you worked on that afternoon?

A. I really don't, no, sir.

Q. At some point, though, at the end of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

300

the day and the early evening was the surveillance discontinued?

A. Yes.

Q. Did you return with officer Richmond the next day?

A. The next day we returned.

Q. At what time did you start your surveillance activities the next day?

A. I don't recall the time. It was early, I'm sure. I don't know exactly.

Q. You started in the morning?

A. Oh, yes.

Q. In the course of that surveillance, did you notice anything unusual going on over at the Lorraine?

A. On one occasion again, I don't know what day or what time it was, we saw the Invaders leaving one of the rooms on one occasion. We recognized Reverend Orange going in at one time.

Q. You saw various activity happening or taking place?

A. Right.

Q. Do you recall if there were any

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

301

out-of-state license plates?

A. The only one that I recognized was the one that Reverend Orange was driving.

Q. Okay. How long did you remain on duty in the course of that day?

A. As far as time goes, I really don't --

Q. It is hard to reconstruct that, isn't it? But fairly late in that afternoon is it fair to say your activities were called to a halt? You were removed from your -- is that fair too say that you were removed at some point fairly late in the afternoon?

A. Yes.

Q. Would you describe how that came about, just how you were removed and did you have any advance notice of it or what happened?

A. Well, that morning I received a phone call on the pay phone in the fire station, and the voice on the other end was saying

that we're going to kill you. That's about the size of that. I'd go back to where I was. Later on that day Lieutenant Arkin came

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

302

by and stated I was needed at the headquarters. I said, for what? He said, well, director wants to see you.

Q. So late in the afternoon Lieutenant Arkin from the intelligence division came by the fire station?

A. Came down to get me.

Q. He came down to get you?

A. Right.

Q. He said you are needed down at central headquarters?

A. Right.

Q. Did you have threats on your life from time to time?

A. That's part of a policeman's job.

Q. Did you take them seriously?

A. Not really. If you do, you need to

resign. That's the way I felt.

Q. So it wasn't that unusual that you would get that kind of -- have that kind of threat?

A. Nothing unusual.

Q. Okay. Now, who was with Lieutenant Arkin when he carried you down to central

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

303

headquarters?

A. He was alone.

Q. He was alone. Was he an officer to whom you reported on a regular basis from this assignment, as a result of this assignment?

A. He wasn't one of the ones I would directly report to. He worked in intelligence.

Q. Okay. When you got down to central headquarters, where did you go?

A. We went to the conference room.

Q. And who was in the conference room?

A. There were a group of men, I would assume many of them law enforcement. Once we arrived and got inside, Director Holloman stated that there was a man there who had just flown in and there was a contract on my life and that they had prepared to send my family to safety and that I was to go home. At that point I told him that -- he knew as well as I did that you couldn't stop a contract and it was best for me to go back to where I was and take care of my family.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

304

Q. What did Director Holloman say to that?

A. We had a brief argumentation. He said, well, you going home anyway, it is my job to protect you, so, Lieutenant Arkin, take him home.

Q. He didn't want to hear about your objections?

A. No.

Q. Reflect carefully, Detective Redditt, if you can. Who were the -- how many people were in that conference room and what was the nature of their positions, so far as you could see?

A. When you get the word that someone has a contract on you, you probably lose all visions of what is going on around you. You only know the room is full. In fact, I can't even remember the face of the guy that was standing there. I know he had on a checkered coat and dark hair. That's about the only thing I can remember about the guy that was supposed to have flown in at that point.

Q. The man who relayed the information?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

305

A. Right.

Q. But beyond him did you notice any military personnel in that room?

A. Well, if there was, they were not in uniform. But the room was full.

Q. How do you know they were Army personnel?

A. I said they may have been. They wasn't in uniform. They may have been in the room.

Q. Okay. Do you recall who the person was who conveyed this threat, the information about the threat on you?

A. I probably would if I heard the name again. At that time I kind of -- like I say, I lost all vision and my mind was wondering about -- more so about my family than anything else that the point.

Q. Did you learn where the threat came from, where this information came from?

A. A couple of years ago.

Q. Now, would this person who conveyed the threat, was he a local person?

A. I never seen him before. They say he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

306

had flown in from the Washington D.C. and

said he was from the Secret Service Division.

Q. He had flown in from Washington and he was from the Secret Service Division. He was the one who told -- brought the information about the threat on your life?

A. Right.

Q. The reason why they removed you?

A. That's correct.

Q. If I advise you that the records have indicated that the person was a man named Phillip Manuel, would that name ring a bell with you?

A. Manual sounds familiar.

Q. What happened next?

A. We proceeded to my home in his cruiser. I was waiting for the arrival of those persons who were supposed to be my security. While waiting there, the radio blasted that Dr. King had been shot. I jumped out of the car and ran in the house, because my mother-in-law was in the bed sick and I didn't want her to hear the news.

As I got inside the house, she

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

307

screamed out, Lord, take me, don't take Dr.

King, because we had forgot she had a small

transistor radio under her pillow. In fact,

she died a week later.

Q. Who was sitting in the car with you

at the time?

A. Lieutenant Arkin.

Q. By himself?

A. By himself.

Q. Had you just pulled up when the

news --

A. We had been there a brief time while

we was waiting on the guys to come.

Q. You had been there for a brief time

and were just waiting. What happened about

this threat? Did you go back to work?

A. I called about every hour to come

back to work. Thursday, Friday, Saturday.

Finally Sunday they said you can come on

back. I never heard anything else about it.

Q. You never heard anything else about
the threat?

A. No.

Q. No one ever mentioned it to you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

308

again?

A. Not again until two years ago.

Q. But did you ever question officially

anyone about this threat?

A. No. Someone mentioned, oh, it wasn't
you anyone, it was somebody in Knoxville,

Tennessee, that they had a contract on.

Q. It wasn't you, it was a mistaken

identity?

A. Right.

Q. It was someone in Knoxville,

Tennessee?

A. Then I heard again it was somebody in

St. Louis.

Q. Now, detective, you've had a lot of

years to think about this. Have you formed

any opinion about your removal from your post
on that afternoon of the murder?

A. Well, yes. I had a doubt about my
partner in the first place. It is unusual
getting somebody that you don't know anything
about to be assigned to you.

Number two, in that day there was
two men always worked together. Whatever

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

309

happened to one man would happen to the
other. So if you got a threat, both partners
got a threat.

I always wondered what happened to
him, why wasn't he removed, why wasn't he
taken a long with me. I never got that
answer. That has bothered me. Again, I felt
very strongly.

In fact, I told a couple of friends
of mine during that time that he was there to
spy on me in the first place.

Q. I see. Do you think you were removed

because you had certain ties and relationships in the community and perhaps were not trusted?

A. No. I think because I knew most of the people in the community, that I may have recognized someone that I shouldn't have recognized. Or it has been discounted that when you are with a partner, you make a decision on what you are going to do if certain things occur.

We had discussed briefly that he would remain at the window if something

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

310

occurred and I would go out the door because I was much faster, and if someone was running, I could catch them or whatever. So that was another thought we had in mind for doing that.

MR. PEPPER: Okay. No further questions hat this time.

THE COURT: All right.

Cross-examine.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Officer Redditt, I've talked to you about this some time ago. I don't have too many questions to ask you. But during the time that you were there at the fire station, you are aware that behind the rooming house there were certain brush area and trees back there?

A. Yes.

Q. Did you ever see any activity in there where anyone was coming or going or walking back in that area?

A. You could not really get -- it was so grown-up at that time, it is on top of that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

311

hill there, it is possible somebody had come up from the Huling side and gotten in there, it is possible.

I think all my focus was really on

basically Mulberry Street itself and toward the hotel itself. I very seldom looked into that direction.

Q. Let me ask you, when you were taken down by Lieutenant Arkin to the headquarters, Director Holloman was there with some other personnel?

A. Yes.

Q. Detective Redditt, did you know that Director Holloman denied you were coming down there until you actually arrived, were you aware of that?

A. That's what I had heard.

Q. Did it seem to you he was surprised when you got there?

A. No. It seemed like he was waiting for me to get there, because when I walked in, he pointed to the man standing there.

Q. You've been told since then that he didn't know you were coming until you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

actually got there?

A. I've heard that.

Q. You've said I believe after you learned that Dr. King had been assassinated that Lieutenant Arkin was there with you.

Did he stay with you any more after that or did he leave?

A. He left after Melvin Burgess and Emmett Winters got there.

Q. How long did Director Burgess stay there with you?

A. They stayed there during I guess -- again, I guess I did more looking out the window than they did, I imagine.

Q. Did they stay the rest of the night?

A. Yes.

Q. They did. I believe when you and I talked the first time, you told me something had happened that was just hard for you to take after this occurrence. Am I correct, sir, personally?

A. I missed you.

Q. I believe you told me it was hard for

you to understand what had happened and hard

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

313

for you to absorb this personally.

A. Yes. It is very difficult.

MR. GARRISON: That's all.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Just a word about the bushes in the area that counsel asked you. Could you describe that brush area as you recall it around that point in time?

A. There is -- on Mulberry I guess you could call it behind the buildings on Main Street there is a high bank above the sidewalk. And on that were a group of trees that were there at that time.

Q. If you would cast your eyes over here. Can you see this fairly well?

A. Yes.

Q. Do you see Mulberry Street here?

A. Yes.

Q. Do you see the sidewalk here?

A. Yes.

Q. Is this the area?

A. That's the area there.

Q. So it is behind Jim's Grill and the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

314

rooming house?

A. Right.

Q. This parking area and just north of
the fire station?

A. Yes.

Q. So this is the area that you are
talking about?

A. That's the area I'm speaking of this.

Q. This green area?

A. Yes.

Q. What was the nature of the shrubbery
and the bushes there?

A. Again, they were very -- the bank is
high and the trees are there.

Q. The bushes themselves were high?

A. Right.

Q. And thick?

A. Right.

MR. PEPPER: No further

questions. Thank you.

THE COURT: All right. If you

would call your next witness.

(Witness excused).

MR. PEPPER: Now we will call

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

315

Captain Jerry Williams.

JERRY WILLIAMS

Having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Captain Williams?

A. How do you do, sir.

Q. It is good to see you again and thank

you very much for coming down here.

A. My pleasure.

Q. Would you please for the record tell us your full name and address?

A. My name is Jerry Dave Williams. I live at 1095 Wild Leaf Cove, Memphis, Shelby County.

Q. What is your current occupation, Captain Williams?

A. Well, I'm involved currently in real estate.

Q. Have you previously been a member of the Memphis Police Department?

A. I sure have.

Q. How long were you a serving officer?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

316

A. Thirty-one years.

Q. From when to when?

A. January of 1949 until January of 1980.

Q. That's a long tour of duty, Captain.

A. About twenty years ago I retired.

Q. Yes. Could you tell us the various

positions that you've held and the various tasks that you have filled as a serving officer?

A. Well, initially I started off walking Beale Street. I then was one of the first black officers that were assigned, all of us to Beale Street.

After several years we went into a squad car and I worked the Orange Mound area, that's East Memphis, Park and Airways, and from there I was promoted up to fourteen years to the detective bureau where I served several years in the homicide bureau investigating murders, rapes, aggravated assaults.

Then I was transferred to vice and narcotics, worked two or three years there.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

317

Then I worked the larceny bureau. Then after I was made captain, I was assigned to the West Precinct.

Q. When were you promoted to captain?

A. 1979.

Q. What were you doing in 1967, 1968?

A. At that time I was assigned to homicide and I would be in charge of security for the police department whenever we would have celebrities or some dignitaries to come to Memphis.

Q. So you were in charge of that security operation with respect to dignitaries when they came to Memphis?

A. Yes.

Q. And that would be in 1967, 1968?

A. Yes, sir.

Q. That period of time?

A. Yes.

Q. Were you on that detail earlier as well?

A. Well, about 1967, until around 1971, most of the dignitaries who would come to Memphis, the police would have a security

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

detail to make sure that their safety would be taken care of while they were here in Memphis.

Q. Right. But were you on a special security detail as early as the mid-1960's, in 1965 or 1966?

A. I believe my assignment to security was probably 1966. We're going back over thirty years.

Q. That's all right.

A. To my memory, around July of 1966, which involved my first security assignment, which was James Meredith when he came to Memphis on his walk to Mississippi.

Q. Captain Williams, were you assigned to provide security for Dr. Martin Luther King whenever he came to Memphis?

A. Well, for the first two times that he came, to my knowledge, I was assigned. On the third time I was not.

Q. Well, Dr. King, of course, didn't come to Memphis -- didn't visit the city a

great number of times, anyway.

A. Not to my knowledge.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

319

Q. But when he did come, when you are saying the first two times, what year are we talking about? Are we talking about the year of the assassination?

A. The year of the assassination, 1968.

Q. And tell us how you would put together -- how that security unit that you headed would be put together.

A. To the best of my knowledge Reverend Ben Hooks was a member of SCLC, and he was on the board I believe of SCLC. The SCLC office headquarters in Atlanta would notify Reverend Ben Hooks, and he, in turn, would call the police department to ask for security.

Inspector Don Smith was the overall security supervisor. He would call me and ask me to select a group of officers to serve for security on those occasions.

Q. How large a team would you put together?

A. Possibly nine. I would have about six detectives, three uniformed men, and if there would be a woman in the entourage, I would have a female officer.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

320

Q. And would you stay with Dr. King throughout his visit when he was in Memphis?

A. Yes, sir.

Q. How would you protect him? How would you provide security for him?

A. Well, we would get his itinerary when he would come to Memphis. We would meet him at the airport when he landed, we would be right with him. We would follow him to his hotel. If he would go to church first, we would lead the detail to the church.

Whenever these meetings were over with, we would find out what hotel he would be staying at. We would never advise him to

stay at the Lorraine because we couldn't furnish proper security there.

Q. We understand he used to visit the Lorraine for meetings but never stayed there overnight.

A. Yes, sir.

Q. Where did he stay overnight when he was in Memphis on the times when you were protecting him?

A. On one occasion he stayed at the DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD (901) 529-1999 321

Rivermont. It was the Rivermont on Riverside, the Rivermont Hotel. I think it has changed now. But that's where he stayed.

Q. Your unit would protect him and provide security there?

A. Yes, sir. We would go in and check the rooms, make sure the telephone wasn't bugged, check under the beds, check everywhere. Then I would assign two officers on the outside of his door. We would take

turns about every two hours. We would do that all night long.

Q. Now, on Dr. King's last visit to Memphis, he arrived on the 3rd of April, Wednesday, the 3rd of April, 1968. Were you asked to form this usual security unit to protect him?

A. No, sir.

Q. You were not?

A. I was not.

Q. Why were you not asked to perform that security unit on his last visit to Memphis?

A. Sir, I don't know. I was just told

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

322

that somebody else would handle the assignment.

Q. Are you aware of any security that was provided for him during that visit?

A. To the best of my knowledge, there were two other officers from my office, the

homicide office, that was assigned.

Q. How large a unit was provided?

A. I don't know. I just know of the two officers who left homicide on the assignment.

Q. Were they black officers?

A. They were white officers.

Q. They were white officers. But your black unit -- this security unit was a unit of black homicide officers, wasn't it?

A. Sir, I just don't know. I know I wasn't assigned on that particular day I worked in the office.

Q. You were not assigned on that particular day. But the usual unit that you formed consisted of whom?

A. Well, Wendell Robinson, William Harris, and I would have some uniformed men.

Some of them are no longer on the force. But

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

323

three uniformed men that I could rely on, I could call on for their assistance. And I

had four detectives.

Usually I would have -- I don't know if -- as I said, it has been a long time. I just can't name those people. But I would have four detectives, three uniformed men and one female officer, to the best of my knowledge.

Q. Were they all black officers?

A. All black officers.

Q. And the last time he visited, none of that unit, no one on that unit, certainly under your command, anyway, was assigned?

A. No, sir, they were not assigned, to my knowledge.

Q. Did you ever ask any questions as to why you weren't assigned?

A. Well, I did later on after my retirement. I had a talk with my inspector, who also had retired. I felt he had no reason to hold anything from me. I asked him. He said that we frankly wasn't asked to handle the security. I asked the question,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

324

we wasn't asked by whom? He said by somebody in Dr. King's entourage. That's the way it was. That's the way he left it.

Q. Were you satisfied with that answer?

A. Well, it was an answer. I hadn't gotten anything before that time. That was some twenty years later. No, eighteen years, at least, afterwards. We happened to have a conversation about it. I was curious as to why, from day one, I was taken off. That bothered me, even to this day.

Q. Particularly since he was assassinated on that visit?

A. That's right.

Q. But after the assassination, in the aftermath of the assassination while you were still a serving officer, did you ever raise that question with anybody inside the department?

A. No.

Q. You didn't at that time?

A. Ug-huh. We talked amongst ourselves,
we black officers, and we had different
versions as to why, but nobody knew why, you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

325

know.

Q. You just know that it didn't happen?

A. You have to realize at that time
thirty-one years ago, maybe -- Memphis was
very segregated. There was a lot of
hostility here. The situation has changed
dramatically since then. Black people was
only talking to black people, only -- white
people only talking to white people. There
was a lot of hostility here.

You could not -- I remember just
like it was yesterday when Dr. King was
assassinated. Because I went to the scene.
I took the camera down there to make
pictures. I wasn't on the assignment, but
the inspector had asked me to bring the
camera down to make the pictures.

I brought the camera down so the
photographer for the police department could
make the pictures at the scene. And it seems
to me I could see the hostility, the hatred,
on a lot of the officers faces.

When we left, when I left the scene
from where Dr. King was assassinated, I went

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

326

immediately out to St. Joseph Hospital. And
there I saw his body lying on the slab in the
emergency room. The doctors had tried all
they could to massage his heart, get his
heart back, but he had been cut open. We
could see the damage that had been done by
the shot that he received.

But I mention that it seems to me,

as I said, it seems to me a long time ago,

there was some at least a hundred police

officers who was lined up on the street from

the police department north to St. Joseph

Hospital where Dr. King's body was carried,

and only one officer came up to me and expressed any type of sympathy, a white officer, that is. I never will forget that.

It did make me feel a lot better.

But I don't know why we were pulled off. I just know -- I don't know if the answer the inspector has gave me was a true answer or not. I just know that we wasn't working on that day on the assignment.

Q. And you were not in a position as an officer in the department as a black officer

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

327

to really be able to ask anybody and require an answer, were you?

A. That's correct.

MR. PEPPER: Nothing further,

Your Honor. I pass the witness.

MR. GARRISON: Your Honor, I

have no questions of Captain Williams. Thank you.

(Witness excused.)

(Bench conference outside the presence of the court reporter.)

MR. PEPPER: Your Honor, at point in the proceedings plaintiff would like to read into the record two interview statements, one conducted by a Federal Bureau of Investigation officer and the other conducted by a Memphis Police Department officer of a man we believe is long deceased, I've tried to find him for over twenty years, named Solomon Jones, who was Dr. King's chauffeur at the time and was present at the scene when Dr. King was assassinated, with the Court's permission.

THE COURT: All right, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

328

MR. PEPPER: This is what is known as an FBI 302. It is a statement that FBI agents take when they interview witnesses. They fill it out and sign it. The signing officer is Special Agent

Eugene G. Douglass, with two S's, and it was taken on April 12th, 1968.

Mr. Solomon Jones, Jr., 374 Vance Avenue, Memphis. He was employed as a funeral director for R. S. Lewis & Sons at the same address. They interviewed him at the Lorraine Motel, 406 Mulberry, Memphis.

Mr. Jones advised he had been serving as a chauffeur for Dr. Martin Luther King, Jr., on Dr. King's last trip to Memphis. He believed he had started driving for Dr. King on April 1, 1968. He stated that the Reverend James Lawson of Memphis had requested him to drive Dr. King while he was in Memphis.

On Wednesday night, April 3rd, 1968, Dr. King spoke at the Mason Temple in Memphis, and after the speech returned to the Lorraine Motel. Dr. King told him to report

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

329

back to the Lorraine Motel on Thursday

morning, April 4, 1968, at eight-thirty a.m.

Dr. King was due to go to court in regard to a restraining order on that morning.

Mr. Jones stated that on Thursday morning, April 4th, he returned to the Lorraine Motel at about eight-thirty a.m. He stated that this motel is located on the east side of Mulberry and is bordered on the north by Huling and on the south by East Butler.

He advised that he parked the car which was used to drive Dr. King and which car was a 1967 Cadillac and belonged to the R. S. Lewis & Sons Funeral Home in the parking area of the Lorraine Motel and in front of Room 207. The car was headed into the motel area, which would have been in an easterly direction. So it was facing into the motel.

A short time after he arrived, Reverend Andrew young, an associate of Dr. King, contacted Jones and stated that Dr. King was not going to go to court on the morning of April 4, 1996, and Young was going

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

330

to Court. Reverend Young informed Jones that he was to remain at the motel as Dr. King was to later that day address the sanitation workers.

Jones advised that he remained at the Lorraine Motel and ate his lunch at the hotel. At about three p.m. Memphis time the Reverend Billy Kyles, a minister in Memphis, informed Jones that Dr. King and other members of his staff were going to have dinner at his home at about five p.m. on April 4th, 1968.

Mr. Jones stated that Dr. King did not leave the motel area the entire day of April 4, 1968, and Jones stated that he also stayed in that area the entire day. He advised that Dr. King and his group did not leave the motel at five p.m. as had been originally mentioned to him by Reverend Kyles, and at approximately six p.m. on April

4, 1968, Jones noticed Dr. King come out of a room on the balcony level of the motel, which room was north -- he said was to the north of Room 306 where he was residing.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

331

Dr. King proceeded to Room 306, and as he was about to enter the room, Dr. King told Jones to start the car, as they were preparing to go to dinner. Jones started the car, and Dr. King went into Room 306 where he was staying with Reverend Abernathy.

Dr. King came out of Room 306 a short time later and was standing on the balcony area in front of Room 306. At this time Dr. King was fully dressed. Dr. King was looking from the balcony level down to Jones, who was standing beside the car on the ground level.

Jones advised the car was still parked in front of Room 207. Dr. King was talking to Jones about the weather, and Jones

stated he told Dr. King he should put on a topcoat, as it was cold outside. He stated that he was looking up at Dr. King during this conversation, and Dr. King was facing west and that he, Jones, was facing east.

Dr. King acknowledged Jones

concerning obtaining his topcoat. Jones

stated that while he was looking at Dr. King,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

332

he heard a sound which he thought was a firecracker. Dr. King fell to the floor of the walkway in front of Room 306.

At this point Jones could see blood

coming from Dr. King and realized the sound

was actually a shot rather than a

firecracker. Jones stated that he started

screaming and calling for help and repeatedly

called several times "Dr. King has been

shot."

He advised that at the time of the

shooting that Jesse Jackson, a member of the

staff of Dr. King's, was standing at Room 305. He also recalled that Dr. King's lawyer by the name of Eskridge of Chicago, Illinois, was standing near Jones on the ground level.

On seeing Dr. King bleeding and realizing that he was shot, Jones stated that he and Eskridge did not run to the side of Dr. King, as others were coming to Dr. King's aid. However, he and Eskridge turned west, since that was the direction in which the shot had originated, and went toward Mulberry Street, which street is located on the front

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

333

portion of the motel.

They ran about fifty feet and stopped opposite the office of the motel.

Jones stated he and the lawyer both then looked around and saw nothing. Jones stated he ran about another ten feet west and stopped at the edge of the sidewalk in front of the motel and stood beside a brick wall.

He stated that Eskridge also ran up to the same area opposite him. He advised when he reached this point he looked opposite to the point where he was standing, which was also the driveway area. He looked opposite the driveway area toward the west side of Mulberry Street. This area has a large retaining wall.

Immediately above the retaining wall is a grassy area with shrubs and bushes.

This area is behind some buildings facing South Main Street. He got a quick glimpse of a person with his back toward Mulberry Street. He estimated the person he glimpsed would have been approximately sixty feet from where he was standing.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

334

He pointed out it was dusk dark and he merely got a quick glimpse of someone in the area. He stated that it was the back of this individual and he could not tell whether

the person was negro or white. This person was moving rather fast, and he recalls that he believed he was wearing some sort of light-colored jacket with some sort of hood or parka.

He stated that this person appeared to him to be about five feet eleven or a little taller. He did not see him carrying anything in his hand and did not notice anything concerning the dress below his waist. He said he could not tell anything further about this individual and that it could have been an officer, but he could not furnish any further details concerning this individual.

Then it simply continues by saying he was in a state of shock and someone put him in Room 308 and he had to lie down. He drove the car which had been used for Dr.

King to follow the ambulance to the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

hospital. In the car with him was Reverend Andrew Young and Bernard Lee.

Now, the second interview is with a Memphis Police Department detective, R. R. Davis. It was taken on Thursday, April 4th, as well.

Moving away from all of the introductory material down to the relevant part of his observation, Detective Davis said: You mentioned that the direction of the shot came from across the street, meaning the west side of Mulberry. What leads you to believe this vicinity is where the shot came from?

Answer: After the shot and Dr. King fell, instead of me going up to where Dr. King was, I ran to the street to see if I could see somebody, and I could see somebody. I could see a person leaving the thicket on the west side of Mulberry with his back to me, looked to me like he had a hood over his head, and that's all that I could see.

Question: Can you describe in more

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

336

detail this person that you saw?

No, sir, I cannot.

Was this person leaving hurriedly?

Answer: In a hurry.

Question: In order to clarify this

hood that you mentioned, can you describe it

in some detail?

Answer: The only thing that I could

see was something fitting close around his

shoulders and was white in color.

Question: Could you tell if this

person was carrying anything in his hands?

No, sir, I could not.

Question: How close to the street

was this man when you first observed him?

Answer: He was a few feet west of

the retainer wall in the brushes and was

going west toward Main Street when I first

noticed him.

Question: Prior to the shooting,
were you outside around this area where you
possibly could have seen a suspicious type of
person hanging around or passing by the
Lorraine Motel?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

337

Answer: The only thing that I saw
was a squad car passing with four men in it,
and they were driving slow and they were
looking toward the Lorraine Motel and they
were cruising real slow, and in a few minutes
after -- they had passed by, and a few
minutes after they had passed by, the
incident happened.

Question: In regards to the
description on the above-mentioned man
wearing the hood, describe in detail all you
can about the clothing and physical status.

Answer: It looked to me like he had
on a one-piece jacket and hood, and it
appeared to be of white material. He

appeared to be a small person and he was moving real rapidly. I could not describe his clothing below the jacket. I did not observe any car of a suspicious nature around this area and did not watch to see if this man attempted to enter a car, because I then turned back to Dr. King.

That concludes those two statements of Solomon Jones.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

338

MR. PEPPER: Your Honor, plaintiffs will call next Professor Phillip Melanson.

THE COURT: All right. Maybe we ought to take about ten minutes.

(Jury out.)

(Short recess.)

THE COURT: All right. Bring the jury in.

(Jury in.)

THE COURT: All right. Call

your next witness.

PHILLIP M. MELANSON

Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Professor Melanson.

A. Good afternoon.

Q. Would you state your full name and
address for the record, please.

A. Phillip M. Melanson, 18 Partridge
Place, Marion, Massachusetts.

Q. What is your occupation,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

339

Mr. Melanson?

A. I'm a professor of political science
and an author.

Q. How long have you been a professor of
political science?

A. Twenty-eight years.

Q. Have you had a particular interest in

any special area of American history or political science?

A. Yes. Political violence and assassination is my main area of expertise. I've written thirteen books, including one on the U.S. Secret Service and how they protect presidents.

Q. Have you in the course of your work considered the assassination of Martin Luther King?

A. Yes, sir, I have.

Q. When did you do some research and investigation of the assassination of Martin Luther King?

A. Approximately between 1980 and 1990.

Q. Could you tell us some of the -- the nature of some of the investigative work that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

340

you did and research that you did?

A. Yes. I read the complete files as available of the FBI and whatever Memphis

Police documents were released. I interviewed crime scene witnesses and law enforcement officers here and in Canada who had a connection with the case in arresting Mr. Ray or in investigating the crime scene and talked to as many people as I could find.

Q. How long would you say you devoted -- how much time would you say you devoted to this investigation, this effort?

A. Well, I was carrying on my normal academic duties, but I think it is probably fair to say that five years of those ten years, the working hours were probably devoted to researching Dr. King's assassination.

Q. And you published a work on this case?

A. Yes.

Q. What was the name of that work?

A. The Martin Luther King Assassination.

Q. When was it published?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

341

A. That was published in 1988. There have been several subsequent editions of the book with additional material.

Q. Now, Professor Melanson, you've stated that your work took you -- your investigative work on this case took you to Memphis?

A. Yes.

Q. And that you interviewed a number of people, including law enforcement officers?

A. Yes.

Q. Was one of the officers who you interviewed a Memphis Police Department inspector named Samuel Evans?

A. Yes, sir, it was.

Q. What is Inspector Sam Evans' significance in this case? Just generally what was his role in the police department, what is the significance that you have seen?

A. The avenue that I was researching was that inspector Evans was the commander of the Memphis Police Force Tactical Units or Tact

Squads. He was in charge of their mobility and deploying them. I was particularly

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

342

interested in what had happened to them at the time of the assassination.

Q. All right. Now, would you just describe for the Court and the jury what is a tactical unit and what was the tact squad?

A. Well, I use "unit" and "squad"

interchangeably. The Memphis Police Department specifically for Dr. King's visit formed six tactical units that they had not formed before. And they were essentially riot control units consisting of three to four vehicles, police vehicles, with two to three officers in each vehicle, and there were six of these tactical units formed, four of which were deployed around the Lorraine Motel.

Q. Now, when you say they were deployed around the Lorraine Motel, this is the

Lorraine Motel. Can you see this?

(Indicating diagram on easel.)

A. Yes.

Q. Where would they have been deployed?

Would they have taken up residence in the lobby? Do you have a sense of where they

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

343

were in the motel area?

A. From reading the documents and in talking with Inspector Evans, most of them were intended to be mobile, and their orders were to be within a five-block radius of the Lorraine Motel because their central concern was Dr. King and his party. And so their presence was specifically for him. That's why they were going to include this tight, if you will, law enforcement net around the Lorraine.

Q. Right. Was there a particular unit, a Tact 10, that was actually based at the Lorraine Motel at that time? Do you recall?

A. I'm not sure my information speaks to Tact 10 being based at the hotel. I know that they were in the firehouse, but I don't have that information.

Q. Right. But before they were in the firehouse, they were in the proximity of the Lorraine Motel?

A. Tact 10, yes.

Q. Now, did you become aware of -- did you ask Inspector Evans how they were removed

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

344

to the fire station or what caused them to be removed from the area of the Lorraine Motel to the fire station?

A. Well, my understanding from Inspector Evans and from the documents was that on April 3rd and up and to the morning of April 4th, the day of the assassination, the four deployed tactical units with approximately ten or twelve cars were in various locations within a five-block radius of the Lorraine,

including proximity to the Lorraine and the firehouse and other specific areas. They were all within that block area as ordered. On the morning of the assassination, the order came for the tactical units to be withdrawn outside of a five-block area, therefore, disbursing them at a much greater distance and removing their presence from the immediate what would become the assassination scene.

Q. So there was an order on the morning of the assassination that yet another level of security for Martin Luther King be removed?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

345

A. Yes.

Q. Who gave that order?

A. The order was given by Inspector Sam Evans. He not only told that to me in the interview, but he is on record as having said in the House Select Committee report that he

in fact ordered those tactical units to be removed. They were under his command. He gave the order.

Q. Inspector Evans, as an aside, is deceased at this time?

A. Correct.

Q. And he informed you that he gave the order that these units be withdrawn, be removed or be pulled back?

A. Yes. He referred to them as "his units," yes.

Q. What reason did he give you for removing these units?

A. He told me that he had been requested by a member of Dr. King's party to remove the units from proximity to the Lorraine Motel.

Q. He received a request from a member of Dr. King's party to remove the units?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

346

A. Yes.

Q. Did he say which member of Dr. King's

party made this request?

A. That's the question I asked him. He immediately responded that it was the Reverend Samuel Kyles.

Q. The Reverend Samuel Kyles requested that the security forces, the tact forces around the Lorraine Motel, be removed?

A. Yes.

Q. Was the Reverend Samuel Kyles -- did he have any position or anything to do with the Southern Christian Leadership Conference?

A. Not to my awareness. I think politically he was more of a local person in Memphis politics.

Q. He was a local pastor?

A. Yes.

Q. So you are telling us, Professor Melanson, that Inspector Evans was telling you that a local pastor's request was behind the removal of this security umbrella for Dr. Martin Luther King, Jr.?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

347

Q. As one who was looked into these matters, does it make sense to you that police department security in a time like this would be determined by a local pastor's request?

A. It makes no sense to me whatsoever in terms of law enforcement chain of command or in terms of what I understood to be the duties and responsibilities of everyone involved.

Q. But yet when you asked him that question, he didn't hesitate, he said that this is why he acceded. Did he say why he acceded? Did he say he disagreed or he thought he had to do this? Did he give any reason for that at all?

A. No. He simply said that request had come and they had honored the request.

Q. On the day of the assassination?

A. The morning of the assassination.

Q. The morning of the assassination?

A. Yes.

MR. WILLIAMS: No further questions.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
348

MR. GARRISON: I don't have any questions for this witness.

THE COURT: All right. You may stand down, sir. You can remain in the courtroom or you are free to leave.

(Witness excused.)

THE COURT: Your next witness.

MS. ATKINS-HILL: Your Honor, at this time we'd like to read the transcribed statement of Kaye Pittman Black. It was transcribed in the documentary trial in 1993. She was sworn, but this was not a formal legal proceeding, Your Honor. The statement was sworn testimony.

THE COURT: All right. Go ahead and read.

MS. ATKINS-HILL: Okay.

Starting at page 2018 --

THE COURT: Read her name into
the record for the --

MS. ATKINS-HILL: Her name is
Kaye Pittman Black.

THE COURT: Pittman is spelled

P I T T --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

349

MS. ATKINS-HILL: It is

P I T T M A N.

THE COURT: Go ahead.

MS. ATKINS-HILL:

Question: What is your present
occupation?

Answer: I'm administrative
assistant to Sheriff A. C. Gillis.

Question: What was your occupation
back in 1968?

Answer: I was a reporter, civil
rights reporter, basically at that time.

Question: For which newspaper?

Answer: The Memphis Press

Scimitar. It closed in 1983.

Question: All right, Ms. Black, how long had you been a reporter at that time?

Answer: 26 years about, but twenty-one years with the Press Scimitar.

Line 13.

Question: Were you familiar with the issues of the sanitation strike?

Answer: Very definitely.

Question: Did you cover that on a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

350

regular basis?

Answer: Yes. I also helped out at city hall to Mr. Porteous, who was the senior reporter at city hall. And I assisted him.

So I knew both sides. Mostly I was on the street at the sanitation strike. I would go to Clayborn Temple every day in March.

Were you known and familiar with political leaders of Memphis at that time?

The top of page 2020.

Answer: Yes.

Question: Did you, for example,
know former Mayor William Ingram?

Answer: Very well.

Question: How long had you known
Mayor Ingram?

Answer: I would say from the time
of his election, which was -- I moved here in
1962 to go to work. It would have been after
that period. I can't remember when he was
elected. I don't have a date available
without a newspaper, so I can't tell you.

But it was prior to the sanitation strike.

Mayor Henry lobe was mayor at the time of the
DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

351

strike.

Question: Without telling us
exactly what was said, but did you have a
telephone conversation with Mayor Ingram on
morning of April the 5th?

Answer: Yes, I did. He called
somewhere between I would say seven and ten.

The reason I say seven is most of us had been
up all night. A lot of us came in at seven,
some had gone home. So it would have been
between seven and ten.

Question: And as a result of that
conversation, did you go over to the South
Main Street area?

Answer: Yes.

Question: Where did you go and what
did you observe at the South Main Street
area?

Top of page 2021.

Answer: The trees which lined the
embankment behind the rooming house and which
would have overlooked the Lorraine Motel had
been cut and the area had been cleared and
cleaned. Line 20.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

352

Question: Would you show us the

area where the trees that you are talking about were located?

Answer: They would have been -- this faces the Lorraine back, the back of the rooming house, correct?

Question: That's the rooming house. That's the back area of the rooming house there.

Answer: This is where the embankment would have been where the trees would have been. It overlooks the Lorraine.

In other words, someone here up in the rooming house would have had to look down to the Lorraine because the embankment was taller than me, which means, you know, which I'm not very tall, but it would have been six or eight feet tall. I think it was a concrete embankment holding up the back of the building.

Line 16.

Now, you received this call on the morning of April the 5th?

Answer: Right.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

353

Question: And at what time did you go down to that area and make that observation?

Answer: I'm going by a long memory, but I remember telling the city editor about it, and he said, I'm pretty sure I went out right after home edition, and home edition was twelve o'clock deadline. So it would have been probably oneish. I wouldn't have gone out before home edition, which meant it would have been in the next day's paper, which edition, I couldn't tell you, but I remember city hall. The city hall reporter had gotten a statement from city hall saying that a sanitation crew cleaned it up to make it look better for all the people coming into town.

Question: Had you been down in that area before a number of --

Answer: Every day.

Question: Every day?

Answer: Every day.

Question: Were you then quite familiar with the way the area looked?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

354

Answer: Very familiar, right, very familiar.

Question: And you were thus able to ascertain that there had been a cutting?

Answer: There was a total demolishing almost. It was just scrubs. It wasn't any fine trees or anything. There were willows and scrub ash and stuff like that.

Dr. Pepper: No further questions.

There was a recross, page 2024, line 1 -- line 2.

Mrs. Black, did you say it was a total cleaning? Were there any trees left standing? Answer, there were probably pieces, you know. They topped a lot of

them. They just topped a lot of them and some they trimmed. They were trying to clean it up, they said.

THE COURT: All right. Your next order of proof?

MR. PEPPER: I think that will do it for today, Your Honor. Apparently they have located one witness who is due here, but

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

355

he is probably ten minutes away. I think is probably not useful to delay the Court that period of time. If we can just resume in the morning.

THE COURT: All right. Ladies and gentlemen, I know how mad it is going to make you, but we're going to stop at this point. We will resume tomorrow again at ten o'clock. I remind you don't discuss this matter among yourselves or with anyone else until you start your deliberations.

All right, Mr. James.

(The proceedings were adjourned

at 4:07 p.m.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

IN THE CIRCUIT COURT OF SHELBY COUNTY,
TENNESSEE FOR THE THIRTIETH JUDICIAL
DISTRICT AT MEMPHIS

CORETTA SCOTT KING, et al,

Plaintiffs,

Vs. Case No. 97242

LOYD JOWERS, et al,

Defendants.

PROCEEDINGS

November 18th, 1999

VOLUME IV

Before the Honorable James E. Swearngen,

Division 4, judge presiding.

DANIEL, DILLINGER, DOMINSKI,

RICHBERGER, WEATHERFORD

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357

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DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

358

- INDEX -

WITNESS: PAGE/LINE NUMBER

JAMES LAWSON

DIRECT EXAMINATION

BY MR. PEPPER..... 360 20

CROSS-EXAMINATION

BY MR. GARRISON..... 442 8

MAYNARD STILES

DIRECT EXAMINATION

BY MR. PEPPER:..... 445 5

CROSS-EXAMINATION

BY MR. GARRISON:..... 451 5

REDIRECT EXAMINATION

BY MR. PEPPER:..... 452 1

OLIVIA CATLIN

DIRECT EXAMINATION

BY MR. PEPPER:..... 453 4

CROSS-EXAMINATION

BY MR. GARRISON:..... 467 3

REDIRECT EXAMINATION

BY MR. PEPPER:..... 477 7

RE-CROSS-EXAMINATION

BY MR. GARRISON:..... 479 12

ED ATKINSON

DIRECT EXAMINATION

BY MR. PEPPER:..... 487 16

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

359

HASEL HUCKABY

PREVIOUS TESTIMONY READ..... 480 14

JAMES LESAR

DIRECT EXAMINATION

BY MR. PEPPER:..... 496 7

CROSS-EXAMINATION

BY MR. GARRISON:..... 503 19

ANDREW YOUNG

DIRECT EXAMINATION

BY MR. PEPPER:..... 507 21

CROSS-EXAMINATION

BY MR. GARRISON:..... 531 18

REDIRECT EXAMINATION

BY MR. PEPPER:..... 535 3

EXHIBIT PAGE/LINE

Exhibits 2 and 3 respectively..... 502 7

Exhibit 4..... 536 17

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

360

PROCEEDINGS

(November 18th, 10:20 a.m.)

THE COURT: All right. Bring

the jury out, Mr. James.

(Jury in.)

THE COURT: Before we begin, let

me explain that Mr. Jowers has my permission

to be absent this morning. We're going to

continue with the proof.

All right. You may proceed.

MR. PEPPER: Good morning, Your

Honor.

THE COURT: Good morning.

MR. PEPPER: Plaintiffs call as

their first witness Reverend James Lawson.

JAMES LAWSON

Having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good morning, Reverend Lawson.

A. Good morning.

Q. Thank you very much for coming here

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

361

this morning.

A. You are welcome.

Q. In fairness to you, I know you've

just gotten off a plane from Los Angeles and
come directly into the courtroom.

A. Right.

Q. If at any time you feel a bit woozy

or you want a break, perhaps we could ask and
his Honor will indulge. It has been awhile
since you slept.

A. Thank you. Yeah.

Q. Would you please state your full name
and address for the record.

A. James M. Lawson, Jr., 4521 Don

Timatayo Drive, Los Angeles, 90008.

Q. What is your profession?

A. I've been a pastor for forty-five years.

Q. And what was your most recent pastorate?

A. I just retired as pastor from Holeman United Methodist Church in Los Angeles.

Q. And prior to that charge where were you, sir?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

362

A. I was for twelve years pastor at Centenary United Methodist Church here in Memphis, Tennessee.

Q. Would you tell the jury where you were trained and what your background has been.

A. Well, I'm a third-generation clergy person, and I did my college work at Bolden Wallace College in Moorea, Ohio, my theological work at Olin Graduate School of

Theology at Vanderbilt University of
Nashville and Boston University.

Q. When did you first meet Martin Luther
King?

A. About February the 6th or 7th of
1957. I was a graduate student in theology
at Olin College in Ohio. Martin King came
there to spend a day of talking to the
university and to the community. I was in a
small luncheon at noon time with him. We had
a chance to be alone. So we visited and
talked and found ourselves to be very much in
sync with one another as people.

Q. What was it that made you feel

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

363

compatible in terms of viewing the world and
the problems and the issues of the day with
Martin King?

A. Well, he had just completed the
Montgomery bus boycott, which had begun
December 1st, 1955. And it had just finished

in January of 1957, and it was successful.

It was the first almost -- I think it could be said it was the first major non-violent direct action movement in at least the 1950's in the United States and one of the largest and most powerful. The ripples went all across the world.

At the time I was serving as a coach and campus minister in Nog Por, India, and I first saw the story on the front pages of the newspapers. It was on the BBC. It was on all the radio stations then in India. So it was a world-wide story.

I had been a non-violent practitioner since about age ten or eleven. I had studied it and had worked on issues against racism in the United States as a college student and as a graduate student.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

364

So I had a background of both practical experience and the theory.

Of course, being in India I followed the work of Mahatma Gandhi at length, and I told Martin King of this experience, and that was one of the things that linked us very closely. While in college, at the end of the 1940's, I had wanted to -- I had decided I should work in the South, that there was a clear call for me to work in the South to try to apply creative non-violence to the eradication of racism and segregation.

So I mentioned this to him. Dr.

King said, well, don't wait, come now, we need you. So, consequently, I changed any plans and sped up my calendar to finish up my schooling and go south.

Q. We've called you as a background witness in terms of the whole aspect of Martin King's work that led you here to Memphis. So you are a bit out of sync, but because of scheduling, we brought you in here at this point in time to have you talk about these things. You knew Dr. King from 1957 to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

365

the time he died. Is that correct?

A. Yes, right.

Q. How did you see him change as a preacher and as a leader during that period of time?

A. Well, there are lots of ways. In the first instance he had planned basically probably with his life to become a preacher and then the president of a college or university. That's why he had done a Ph.D. in theology at Boston University.

So he expected to follow in the pathway of two or three people who were friends of his father, Benjamin Mayes of Moorehouse College being one of these and Howard Thurman of Howard University. Those were his models.

The Montgomery bus boycott during his first pastorate in Montgomery in a sense shook his vocational understanding of where he was going and what he was to do. He did a

lot of wrestling with all of that, what this meant for his life.

As a consequence, that in itself

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

366

kept him in the journey and making some changes. He had not anticipated that he would become overnight a spokesperson for liberty and justice, for the gospel in a particular way, which meant, therefore, he did a lot of maturing very quickly.

He had an excellent mind, and he --

as he got into the struggle, he began to recognize more and more what this would entail. Among those things was his recognition that the issue of racism and segregation in the United States was not kind of a limited affair, it affected economics, it affected not only human relations itself, it affected the politics of the nation.

That's obviously the case. It was a very violent institution, as it still is in

the United States. So this broadened his whole childhood and then young adulthood estimation of what racism was about and what this was going to involve.

Then he also saw this as a life's vocation, not as kind of a limited kind of career but was a high calling of God. And

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

367

this matured him in many ways. He was a deep reader and thinker.

So one saw the way in which his knowledge of the United States, his knowledge of the struggle, increased rather rapidly.

His exposure to all kinds of platforms and radio interviews and television interviews sharpened up his intellectual ability to not only analyze the situation but to respond to a great variety of challenges.

The threats on his life that began almost immediately in Montgomery made him very aware of how fragile his life was, but

it also made him profoundly aware of how dangerous the struggle was and also how he had to have the spiritual and moral fortitude to work through it and live through it.

Q. Did you have much conversation with him or discussion with him in the early and mid-1960's as he moved to become concerned of international issues, particularly the war in Vietnam?

A. Oh, yes. In our workshops and staff meetings and personal conversations he was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

368

always -- he always had a broad sense of the whole world. His understanding and commitment to non-violence was broad also.

In my workshops on non-violence, which I did with him and around the South especially for SCLC and for the Fellowship of Reconciliation, we always included what was going on especially 1960 in Angola and Mozambique as an illustration.

I had colleagues in the Methodist Church who were pastors from those countries, and they were being thrown in jail by the Portuguese government with the good wishes of the CIA in the United States and the connivance of the State Department and so forth.

So I brought these things into it.

Mondo Mondo Laney was a Ph.D. from Northwestern University and a Methodist and one of the organizers of the self-determination movement in Mozambique.

In my work shops I brought these movements into the picture so people could understand what was going on.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

369

Vietnam, we watched it escalate in 1960. We had any number of staff conferences in our -- staff meetings, rather, and retreats. We talked about these matters steadily. I don't think there was hardly

anyone in SCLC who thought that the Vietnam escalation was justified or that the historical situation was one that was acceptable, either from the point of view of Christian faith or from the point of view of Christian non-violence.

In 1965 an international team of religious leaders decided that they would go to Southeast Asia to see the situation for themselves. This included people like Martin Meamolar (Phonetic), a German war hero of World War I and then one who resisted Hitler and was thrown in jail during Hitler's regime. He was a submarine commander and Lutheran pastor after World War I. Martin Meamolar was one of these people who was concerned about what was going on.

So this international team was formed and the Fellowship of Reconciliation

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

370

decided they would sponsor it, and they

invited Dr. King to be a part of that team.

He could not go, so he called me and asked me if I would take his place and then have conversations with him about this and make my report, because we were to go as pastors and religious leaders and then we would make a report to the nation, to especially the churches.

So I agreed to go, and Centenary Church here in Memphis gave me extra vacation time so that I could do it. They thoroughly supported it. So I went to -- went with this team instead of Dr. King.

When I returned, I wrote a report and I sent him a copy of the report, and then he and I had two or three conversations about it.

Q. Who was the year of that visit?

A. That was 1965. It was June and July and then into August of 1965. It was supposed to be about a month's long, but because of some of the other things, it took longer.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

371

For example, when we finished the tour of Cambodia and Vietnam and Laos and Thailand, we gathered back in Hong Kong and then we had an urgent request from the Council of Churches, the United Methodist Church, the Anglican Church of Australia, asking for someone from the team to come and talk to some of their churches across that country. And I agreed to be that person.

So this meant I spent an extra seven days in August every day in a different city in Australia visiting with churches, usually a large meeting at night, and then during their morning and afternoon gatherings of clergy of all denominations.

Q. Do you remember the evening when he came formally out against the war in Vietnam?

A. Well, Bill -- Mr. Pepper -- I have different opinions of this. I do because he did speak about it in a number of settings.

But the one that caught the attention of the nation was April the 4th, 1967, where he agreed to speak at the Riverside Church in New York with -- under the auspices of clergy

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

372

and laity concerned for the Vietnam War in Southeast Asia, with people like William M. Sloancoff and Rabbi Abraham Heschel and a whole range of some of the best known Protestant, Jewish, Catholic Jewish people in the country. That was April 4th, 1967.

Q. That was one year to the day before he was assassinated. Is that right?

A. Yes, that's correct. One year to a day.

Q. What was the reaction to that Riverside Church speech?

A. Well, from the point of view of many of us, and I read the speech later on, of course -- in fact, I think it is his most important and creative speech from the point

of view of spiritual understanding. It is his most prophetic speech.

The reaction in the press and the reaction in Washington was intense hostility. I have since that time read accounts of some of that hostility, since I was not in those circles at all, but there was intense reaction.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

373

Of course, that reaction was intensified both in the White House and in the FBI, I think probably also in the military.

He was called a traitor. There were other black leaders in the movement who castigated him. There was great reaction against him. There were people who did not have the broad theological and spiritual vision that he had. So they felt that he was getting out of his field.

Q. But he wasn't the a civil rights

person in that sense?

A. He was a pastor, he was a prophet, he was a preacher, he was a teacher. So he wasn't out of his field.

Q. It was a much broader field?

A. Yes, sure, but they said, no, you are confined to civil rights. Well, even that civil rights question has to be expanded because Martin King spoke always on much more than civil rights.

After all, in the Bible, the notion of justice is an important question, an

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

374

important concept. That was one of his big words. The word "liberty" is a big word in the Bible. That was one of his big words in the movement. I often in my own teaching and preaching and lecturing insist that our movement was far more than, quote, a civil rights movement. We were a movement concerned for helping this nation purge

itself of a nightmareish part of its history.

Q. Did he express concern to you during that year of time, the last year of his life -- now we're in 1967 -- did he express concern to you during that period of time about the enemies that he was developing, the forces of opposition that he was building up against him, that they were growing and they were perhaps more lethal than before?

A. Yes. We had a fairly large movement retreat. I think it was in August of 1967. It was in our -- as I recall, it was at the Penn Center, which is a camp and retreat center owned by the American Friends Service Committee in South Carolina. We had a several-day-long retreat there in August.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

375

The very first day he said, Jim, let's take some time off and go off by ourselves and do some talking. So I said, whatever you say. So we went off one

afternoon. It is a large camp, and you could walk through the forest and meadows and what not.

So we went off for along walk. He talked at length about the way in which he was getting the full heat of the FBI, he was getting the full animosity of President Johnson.

Up to that time president Johnson and he were in conversations by phone and he had been in the White House on a number of occasions, but all of this was stopped. None of his phone calls to the President were being responded to for just normal conversations about issues in relationship to the movement.

Q. After April 4th, 1967, that communication between Dr. King and the President stopped?

A. Yes, that's right, stopped, yeah,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

where formally he had been there, where formally his phone calls were answered and responded to by senior staff and by the president himself, this all ended. He suddenly became a non-person in the White House, according to him.

Q. To the best of your personal recollection, Reverend Lawson, was there an economic impact upon his organization as well?

A. Yes, there was. I think that behind the scenes there was a deliberate effort to get people not to give financial gifts. A lot of times a lot of gifts were spontaneous. SCLC had a direct-mail program, and Dr. King and others called upon people individually to give, but oftentimes in the midst of the struggle there would be a spontaneous outpouring. That's one of the ways in which our movement was able to sustain itself financially, because it didn't cost.

For example, in the sanitation

strike on one occasion we must have received,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

377

because of Bayind Rustin, who was on the television show about the sanitation strike, we must have received, I don't know, dozens and dozens of mail bags from just around New England and New York. These bags would contain note after note, and in almost every note there was a check that ranged in size from five dollars to a hundred dollars or two hundred dollars. These were all for the sanitation strike.

Of course, it went into the relief fund, but it took volunteers days to get through just that one television program where Bayind Rustin talked about what was going on. We had to keep the thirteen hundred workers and their families alive. They had no money. They were poverty workers.

Q. During this period can you recall

specific acts of harassment or intimidation
or surveillance which you became aware that
were visited upon Dr. King?

A. Well, he told me the death threats at
home and in the office multiplied. That's

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

378

the one I remember the most. I knew at one
time how many such calls about death were
coming to him, but I don't remember that
figure now.

Q. After the declaration of opposition
formally against the war in Vietnam at
Riverside on April 4 of 1967, this country
was on fire during that year, wasn't it?

A. Yes. 1967.

Q. Numbers of cities burned?

A. Yes. I'm trying to remember all the
places, and I don't, but the huge one was
Detroit, Michigan, as I recall, 1967.

Q. That was August?

A. That was August of 1967. But there

were a number of others as well.

Q. What did he view as underlying that type of unrest and disruption? What did he see as the cause of that?

A. Well, he knew that -- he felt that a lot of it was being promoted not simply in opposition to him and in opposition to non-violence, but also it was being promoted by various provocateurs in the country,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

379

though he did not really name who they might be, although he suspected that the FBI was often provoking enmity against him.

Q. When he turned his attention to economic issues, what was the focus of that work and what was the analysis that he saw of the distribution of wealth as it related to the war in Vietnam?

A. On April the 4th, 1967, one of the things he said was that the war against poverty was being struck down in the rice

patties of Southeast Asia. That may be almost the exact way he put it, as I remember. But it was in these months, then, that he was pulling -- trying to pull together a major effort to call the nation's attention to the question of poverty.

In 1967 we were talking about how materialism, militarism, greed, poverty.

Those were in a sense the twin enemies of the whole movement and that you could not deal with racism if you did not deal with the issue of poverty, that you could not deal with the issue of poverty if you did not deal

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

380

with the issue of militarism.

So these were conversations that were going on in the movement itself in 1967, 1966 and 1967, because they began much further than that. I, as one of the teachers of the movement, made these links clear all along in various workshops on non-violence

rather persistently. But more and more staff people were discussing it. I recall conversations in 1967-- in 1966, rather, during the Chicago movement, around that vein of thought.

So it is out of all of that I would say that goes back to at least 1966 that began the notion of the Poor People's Campaign and the notion there was the possibility of bringing a movement to the nation's capitol, a non-violent movement, that would indicate the extent to which the economic issues, the issues of the violence of racism and the violence of the society could be pulled together.

That took greater form, then, in the fall of 1967, in talking about the Poor

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

381

People's Campaign. That became his preoccupation. This was really out of his mind I would say more than anyone else,

because there were lots of folk within SCLC, within the movement, who said this can't be done, that you can't have a movement in the spring and the summer in Washington, D.C., that would not become a major catastrophe.

Bayind Rustin and other major folk in the movement said it was time to take a moratorium.

Q. Why did they think it would become a major catastrophe?

A. Because the movement had so much division within it by this time. You had the development of the black power group, you had the development of the Panthers and in places like Oakland and Kansas City and Chicago and elsewhere, you had the forces that were critical of King's denunciation of the Vietnam War and its escalation.

You always had folk who did not think direct action was important, that we should leave it to the lawyers. This was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

certainly the point of view of those in the NAACP Legal Defense Fund who were never sure that direct action in terms of a sit-in movement or the voter's rights movement or the Birmingham movement, they never -- they never were persuaded that kind of non-violent action was possible.

So you had these many different voices that in my judgment were a part of how a movement, a social movement, evolves, that it goes through an evolutionary process where a lot of conversation and discussion and struggle is necessary. But this was now more evident in all of 1967 than at any other time.

I feel now, looking back, that that was oftentimes provoked by some of the actual people who were enemies of Martin King and enemies of the struggle.

Q. Martin King came to believe that the Poor People's gathering --

A. Campaign.

Q. -- was a critical undertaking from
what you are saying?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

383

A. Yes.

Q. When did he decide in 1967 to go
forward with those plans to bring the masses
of poor people to the nation's capitol?

A. I think it was talked about earlier,
but I think that the confirmation came in
December of 1967 when we had a retreat of the
executive staff and of the board of SCLC. I
think that is where the final arguments and
long conversation and intense conversations
took place, and I think it was from there
that King was convinced that he would move
forward to organize and plan the Poor
People's Campaign.

Q. Was there opposition on the board of
his own organization of SCLC to this project?

A. Oh, yes. Oh, yes. There were --
but, you see, some of that opposition, you

have to recognize, was natural opposition that was -- that would stretch way back. The idea of non-violent direct action, though it is not new to America now, it was a major secret in America then. There have been other such struggles, but most Americans are

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

384

unaware of them.

So you had clergy on the board who had no knowledge of this in a sense what can now be called a people's struggle for justice, for liberty, for human rights, for the Bill of Rights, for freedom of religion, freedom of speech. You had people who had no awareness of that.

So you always had a certain amount of opposition to different campaigns. But then in 1967 you had members of the board who thought King should leave Vietnam absolutely alone and should have nothing to say about it, that it should not be in the

consideration at all for the struggle. So they felt very strongly about that and made their opposition very clear. There was intense verbal struggle, lots of emotion in those months in the SCLC circles and board circles and staff circles.

Q. Wasn't the Poor People's Campaign even more significant in that it went to the heart of wealth and power in the United States? He was talking, was he not, about

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

385

the redistribution of wealth in this country?

A. Well, I want to say about that two things: One is that you have to recognize that the sociology of the movement up to this time was mostly in the southeastern states.

I think it is correct to say that you had had up to this time in the end of 1967 no major non-violent movement outside of that southeastern part of the country.

Then you have to recognize that we

had the Chicago movement in 1966, early 1967. There was intense opposition to SCLC going to Chicago. Some advisors, some of the people on the board, some of the members of the staff, felt we had no business doing this because they said our strength is in the southeast. But King recognized that we had to become a national movement.

There was a ardent group of people, activists of different kinds, in Chicago that kept urging Dr. King and SCLC to come there. So the decision was made to go there.

Another part of this was that King recognized that each movement had to provide a kind of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

386

confrontation that helped the nation recognize and see the problem. So in his mind that confrontation should take place in the nation's capitol in Washington.

And he, among other things, said that we will go to Washington and stay until

Congress and the President decide that they will eradicate poverty in the United States.

I mean, that was one of the statements he made.

Another kind of statement he made was that we will pull together the peace movement and we will shut down the Pentagon in the summer of 1967. You know, these are rather phenomenal statements. But these are some of the things that you can find in his speeches, in his talks, in his -- as he was organizing this movement.

So he was going there believing that it would be possible to basically paralyze Washington and to paralyze the government until it faced up to the issue of poverty and dealt with it.

Q. Don't you believe that that posture

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

387

and those statements could only have heightened, enormously heightened, the

anxiety of all those in power?

A. I have no doubt. I have no doubt whatsoever in my own mind, though I do not know the behind-scenes work of Washington at all. But I have no doubt that these kinds of statements raised the anxiety levels in the White House and elsewhere across Washington.

Q. Do you believe he could have --

A. Remember it is during this period that J. Edgar Hoover was saying that King was the number one enemy of the nation. That was being said.

Q. Jim, do you believe that he could have brought half a million people into that setting in Washington with all of the disparate parts of that movement, all poor, all stressed and anxious people, that he could have put that group together without that gathering turning violent eventually?

A. No, no, I think that with King's leadership and strength, I think that we could have had a movement in Washington,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

388

D.C., that would have been a non-violent movement fundamentally. After his death, in fact, it was basically a non-violent movement. But it was without his presence and without his leadership at that time. The Resurrection City did not turn violent.

Q. But it was without the masses?

A. It was without the numbers and without the power and strength that Martin King represented. We have to recognize that in such movement as these, persons become symbolic leaders, and they are larger than life in many ways. If you study, for example, the movement in India with Gandhi, this was the case.

Now King had fundamentally replaced for the world the Gandhi figure, because his name was known everywhere. I travelled in India and Africa and Latin America in those days, Southeast Asia, and Martin King was the best-known American. I travelled in Europe

for the World Council of Churches. I represented my denomination in all kinds of work camps, workshops. I did non-violent

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

389

training in Europe in the 1970's. King was the best-known name.

Q. With over thirty years of reflection, though, now, looking at the context of events then and the violence in the cities throughout America during 1967, do you believe that those in power could have so dreaded this event taking place that they might have resorted to any means to make sure that he didn't lead it?

A. Well, I have no doubt about that at this moment. We've learned more since then. Here in Memphis, rather, I think in 1993 I think this city was startled when on the front pages of the Commercial Appeal an article that I got a copy of, and I have it still in my files at home, where it was shown

in this investigative peace that Martin King had been trailed and under the surveillance of military intelligence night and day throughout his entire life.

Not just Martin King but that his father and his grandfather had been under military intelligence, surveillance, since

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

390

1917, seventy-five years, military intelligence. Now, this country has never been informed what that military intelligence was doing, but they started looking at his father and his father, A. D. King, during World War I, because they thought that black people would be on the side of Kaiser Wilhelm. How anyone could have that notion is beyond the realm of my understanding.

Then in World War II they said black folk would go with the Nazi's. That is such craziness that racism develops in some white power structure people. So his family was

under surveillance of the military intelligence for seventy-five years. This is now documented.

THE COURT: Mr. Pepper, we're going to stop here and give the jury a coffee break. We're coming back in about ten minutes.

(Jury out.)

(Short recess.)

(Jury in.)

THE COURT: All right,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

391

Mr. Pepper. We're ready.

MR. PEPPER: Thank you, Your

Honor.

Q. (BY MR. PEPPER) Reverend Lawson, you have very patiently taken us from the beginning of your association with Martin King and even your own work prior to that up through his transformation and his maturing in the 1960's and his declaration of

opposition to the war to his commitment to the Poor People's Campaign in Washington at a time when the nation was on fire, anxiety everywhere.

I'd like us now to move through your eyes to Memphis, Tennessee, and the relationship as you see it between the sanitation workers' strike in this city at that time in early 1967 and the wider movement heading toward a massive invasion, an encampment in Washington, of poor people from all over the country.

If you would just address the relationship between the two activities.

Tell us how you see that they related to each

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

392

other.

A. Well, Martin King is the one who said it, because on his first visit here during the sanitation strike, March 17th or 18th, when I picked him up at the airport that

night to take him to the mass meeting, one of the things he said to me is, Jim, you are doing in Memphis what I hope to do in the Poor People's Campaign. Then he went on to talk about linking the economic question to the question of the racism, poverty issues and transforming that.

Now, that's a continuation of conversations out of staff meetings and board meetings in the 1966, 1967, at least, but he, in other words, decided that he could come to Memphis to speak because he recognized that these thirteen hundred workers were working for poverty wages and that that was the heart of the question of racism in many ways.

Slavery was working for nothing, sustenance, food at best, an economic system which constantly does not want to pay ordinary people their due for their good and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

393

essential labor for the society.

So I -- he made that connection for me in very clear fashion. He saw the Poor People's Campaign as a way by which we could bring to the nation's attention to the necessity of America finally making a decision that we didn't have to have the kind of poverty we had because we had more than enough wealth and we had more than enough work, and that the work should allow people to gain the wherewithal to take care of their own basic necessities.

Q. Before he entered the fray here in Memphis in support of the sanitation workers' strike, that dispute became very evident and indeed disruptive of civic life?

A. You mean the sanitation strike itself?

Q. The sanitation workers strike.

A. Yes.

Q. Can you give us the background, because you were in the middle of that at the time?

A. Well, the sanitation workers, of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

394

course, were all city employees, but they never received any kind of just remuneration or opportunity for advancement, and the segregation in the department was rampant. Oftentimes these men were humiliated in their workplace, harassed in their workplace. T. O. Jones and a handful of people had for about six years been trying to organize this group of thirteen hundred people into an effective union and working people's organization whereby they could collectively improve their situation, their work situation. That had always -- that had for the most part was a hard uphill struggle all the time, but it proved to be successful on February 12th, I think it was in 1968, when all thirteen hundred workers walked off the job, fed up with what they had to put up with for so many years.

One of the things that had provoked

them at that time was the death of two of their colleagues who during a storm sat in one of the huge trucks, and the mechanism had a failure, and they were crushed. Part of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

395

their complaint was the fact that when it rained or snowed, they either had to work in the snow or go home without pay. They needed every hour of work they could obtain.

White supervisors in the department could go back to the barns and drink coffee and play cards and would get paid for the entire day, but these ordinary people on the trucks lifting the cans and all did not, and there were no health benefits. Safety was an issue for them, the hazard of the job itself.

So when these two men were killed, that stirred a great deal of anger and courage. So they almost unanimously walked off the job together without any plan of any

kind.

In February you don't have a sanitation strike. You do it in July. They hadn't talked to the international union or anybody. I mean, they made the decision themselves. Their anger in fact motivated them to have the courage to do it, so they did it.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

396

Well, that created consternation in the community, in the city as a whole. Mayor Henry Loeb immediately said it was illegal and they had to go back to work. They asked for negotiations and conversations which he for the most part declined.

When the strike began, I immediately supported them and began to raise offerings in my congregation because I knew they would need food and would have to be helped. Other clergy did that rather spontaneously also.

So a sizable group of us supported their

demands for change from the very beginning.

But the mood of the city was that the strike is illegal and they had no business doing it. So what happened was that you therefore had a stalemate and a confrontation.

Q. How did Martin King become involved in that dispute?

A. Well, a variety of us went to the meetings with the workers and we had been to help them in various ways. The international union did not abandon them in spite of the fact that there was no foresight in this.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

397

They came in and worked with them and tried to work with the rest of us as well.

We tried to work very hard to get the city council and the mayor to make an agreement and settle the strike. In a series of meetings with various people of the city council and in a series of meetings in the community with some businessmen behind the

scenes working on it as well and a variety of clergy working on it behind the scenes, we thought we had an agreement where -- I can't remember the exact name of the committee, but Councilman Davis chaired perhaps a labor committee or something like that. They had a big hearing in city hall. They agreed that they would propose an easy settlement of the strike.

We agreed that we would then come back the next two or three days or the next councilmanic meeting for this settlement to be announced. It was to be at city hall after a few days. Then we got word that the meeting would not be at city hall because of the size, with many of us coming to the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

398

meeting, and it was announced in the civic auditorium.

When we arrived that morning at the civic auditorium there were perhaps eleven,

twelve hundred people in all. Some of the city council people had come onto the platform. The lights were on, a microphone was available. They made the announcement that the council had decided that they would leave the matter in the hands of Mayor Loeb.

So the agreement the previous days was faulted by the city council. After this announcement was made, the lights in the civic auditorium were all turned off, and they as much said the meeting is over.

Well, that created a storm in this crowd, angry cries and all. A few of the clergy and a couple of the union -- international union leaders, Jerry Worth in particular, we rushed to the platform and tried to get people to sit down and be calm and cool. There was no microphone, so we had to shout. But we managed to bring some calm.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

We requested the civic auditorium to turn the lights back on and give us a mic so we could sit there and have a meeting and try to manage this. In the process of that effort, we did manage to get people directed and get their energy directed, and we decided that we would walk in mass in the street from the civic auditorium down I guess it is Main Street past City Hall and to Mason Temple.

A couple of the leaders, I don't remember who specifically, quickly got Commissioner of Fire & Police Holloman on the phone and got his permission that we could walk in a non-violent fashion down the street.

So we announced this and directed the people go onto Main Street out the front doors and to gather and then we would proceed down the street and we said we have the permission of the city to do it. The commissioner of the fire and police issues permits for such a thing, such events in Memphis.

So we got it started and organized.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

400

Many of the stewards, many of the leaders and the clergy, in an orderly fashion we started on what would be Main, south on that street, I guess. Yes, it would be south on Main Street. Well, after we had gone about two blocks away from Poplar, out of nowhere appeared police cars, a whole line of police cars.

We were walking on the right side of the street going south, and these cars came from the side streets onto Main Street and rolled up all along side of us so that there was a long line of police cars perhaps the length of the walk. We were a peaceful march. Then I noticed some of the cars coming over the yellow line and trying to intimidate some of us walking. I was towards the front of the March.

As I always do in a demonstration, I

try to keep my eyes on whatever is going on
as far as the whole business to the best of
my ability. So I turned around and went to a
couple of the police cars and said, now,
look, we have Holloman's permission to walk,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

401

you guys are just trying to provoke an
incident, so stay where you are, stay on that
side of the line.

Then a second time they moved over,
and some of the sanitation workers put their
hands on the car, the police car, as though
to push it back, and I saw this from the side
of my eyes, and I rushed back again a few
steps and again told the sanitation workers
to leave it alone and to go ahead and walk.

They said, well, they are
deliberately doing it. I said, I know, they
are trying to make us break up, they are
trying to find an excuse to stop us. Then it
happened again and they moved over on the

marchers. This time the sanitation workers put their hands on the car, and like that the police cars all up and down that line stopped. They were all filled with officers.

These officers poured out of the cars with cans of mace and proceeded to mace everybody they could mace. They had some targets. They dragged off two or three

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

402

people, I don't remember how many. People like Jerry Worth were given a full dose of it. I had glasses on, and so they are macing me in the face.

I stayed on my feet and kept blinking my eyes rapidly. I got it into the eyes and I tried to cry so that my eyes would keep washing it out. The march was broken up in that fashion. I realized that they had planned to do it.

I don't think Holloman had planned

that to happen. I don't believe he did at all. But the officers in the field decided we were not going to march down to Mason Temple.

So most people scattered. A few people were arrested. But some of us remained on the scene. So I suggested to those of us who were around, let's continue, we will walk on the sidewalk and we'll go on to Mason Temple.

So as a consequence, we went -- probably fifty, sixty of us we managed to stay together and we walked on the sidewalks

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

403

and went on to Mason Temple.

By the time we got there, people were coming from all directions, and lots and lots of clergy were descending on it. At that point we had a major community meeting that said that this was deliberate and we must organize ourselves to resist in every

way we can and to see to it that this strike was successful.

At that meeting, then, a strategy committee was appointed made up of representative people in the community and folk from the union. I had to leave because I had some hospital calls that were urgent, because this was about six o'clock, seven o'clock, now at night. So I left the meeting before it concluded. But I was asked to be a member of the committee.

After I made my hospital calls and all and got back home probably nine, ten o'clock that night, I had a call, a phone call, as I recall, from Harold Middlebrook, one of the ministers in the city, who said, Jim, the committee was formed and you, of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

404

course, know you are on the committee, but the meeting asked that you become chair of the strategy committee and call the

meetings. I said, okay.

I started organizing things. We had a meeting that Monday. This might have been a Friday. I called an immediately a meeting that Monday. We called at the meeting the members of the committee as Harold Middlebrook gave me their names during the weekend, and at that meeting we had our first strategy meeting about how do we mobilize our community to really now stay behind this, because this is a serious struggle, what the police did was unwarranted.

In that meeting we decided let's begin mass meetings. So we began planning and called mass meetings that very week, that is, a mass meeting being a gathering usually -- not usually, but gathering in a church. This was a common model that we used throughout the 1960's in the South.

Then we said we will bring in some national spokespeople. We mentioned Roy

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

Wilkins, Bayind Rustin, a number of names, Martin King. So we made assignments to different people that worked with different names to get them there immediately for mass meetings.

Of course, because of my ongoing connection with Dr. King, I was asked to contact Dr. King. I did almost immediately and asked him to come to Memphis.

In our first conversation I briefed him on the march. He knew about it already, of course, because it was in the news. He agreed immediately that he would come, but, of course, he also said, you know my schedule, I have to negotiate with it. I understood that readily and easily and told him, well, you name the date and we'll be ready for you when you name the date.

So we left off that phone call with his telling me that you keep in touch with me, if I'm not available, talk to Ralph Abernathy. I talked to Ralph, and we left it

with that. He and I pretty much stayed in touch until he gave me the date of March 17th

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

406

or 18th, I don't remember exactly. I didn't look it up. That is when he was coming.

So that's how he got involved. And he was invited as a spokesperson, he was invited as who he was, as a symbol, and he was invited also because from my perspective the sanitation strike was a part of the movement up to that time.

Q. How did he see this in relation to the Poor People's Campaign that was to descend upon Washington later that spring?

A. Well, the executive staff of SCLC was very much opposed to him changing his schedule to come, but he insisted that the sanitation strike was an economic struggle in part and that he would nevertheless do it.

The way he compromised with them was that in some of our planning meetings, we'll

just have one of our planning meetings in Memphis, which means that we can do it there just as easily as in Atlanta or in Jackson, Mississippi, so we'll have an executive committee meeting.

When they arranged that executive

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

407

committee meeting, I suppose that King made the decision that he decided it would be in Memphis and brought the executive committee meeting to meet in Memphis I think on that Tuesday. It was the Monday that we had the mass meeting when they came to town. Then I think they met the next day as the executive committee planning the Poor People's Campaign.

Q. So some of the planning took place here in Memphis?

A. A lot of the planning took place here in Memphis then because not only did they have those meetings here, but then also they

decided that Memphis would become the starting point for the caravan of poor people that would go -- that would caravan to Washington. It was decided that Memphis would become the launching point for the Poor People's Campaign.

Q. When he arrived on March 17th to Memphis, do you recall where he stayed, what hotel he went to?

A. He stayed at the Rivermont. Now, I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

408

want to add to that that this was not the first time Martin King had been in Memphis. He had been in Memphis for a number of different things, for the National Baptist Convention, for SCLC board meetings. So Memphis was not a strange place for his coming here.

I can say something more than that.

In 1966 in June James Meredith started his march against fear into Mississippi. James

Meredith was the first black man to be enrolled in the school of -- in the law school at the university, in Ole Miss. So he decided to try to help break the fear that was in Mississippi among many, many black people registering to vote or any kind of participation in trying to change their situation, that he would do this one-man march. But he was shot just outside of Memphis in Hernando, Mississippi.

I was in my office in the church I think it was the Monday that he was shot and immediately had a call from Martin King who said, have you heard about Jim Meredith being

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

409

shot? I said, yes. He asked me if I knew how he was. I said I didn't know but I knew the hospital he went to.

So he asked me if I would go make a call on him immediately on his behalf and my behalf, a pastoral call, and then say to him

that he felt that we should not permit his shooting to stop his march, his injury to stop his march, and that some of us would come on the next day and pick up where he was shot and continue walking down the highway in Mississippi.

So I agreed with that and said that was -- felt that was absolutely right for our strategy. Then I immediately made connections with the hospital and with Jim Meredith's lawyer, attorney, who was a member of my church and a trustee in my church, A. W. Willis. So A. W. Willis immediately called his client and paved the way for me to go on to the hospital and see him.

So that afternoon I went to the hospital, had prayer with him and talked and visited with him and told him about King's

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

410

call and that King would come to see him the next day. And he agreed to all of that and

so forth.

So the next morning I picked Martin

King up at the airport. As I drove up to the

airport -- we had a Dodge station wagon. By

this time we had three young children. My

wife and our sons were visiting in East

Tennessee with her parents, so I was alone

that week, and so I had the station wagon,

and I drove it up to the airport. As I got

to the departure concourse at the airport,

the departure lane, I noticed two

well-dressed black men on that patio, and as

they saw me pull up, they walked towards the

car and said, Reverend Lawson, you can park

there and just leave it there, we talked to

the police, airport police, and it is okay.

That is the first time that had ever

happened to me. They then came up to the car

and introduced themselves. Then they said,

the Commissioner of Fire & Police Claude

Armour has detailed some of us who are

homicide detectives and robbery detectives

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

411

and we have been instructed that any time Martin King, Dr. King, comes to this city, we will see to it that he is secure.

Then he went on to say that if you, Reverend Lawson, will cooperate with us when he comes into town, if Dr. King will cooperate with us, he said, we can assure you that nothing will ever happen to Dr. King when Dr. King is in this city.

So from that time on, whenever he came to Memphis, that group of homicide detectives and other detectives were relieved of all other duty. They gave him twenty-four-hour surveillance. They talked to his office and him about where you will be safest, where are the places he could be most secure.

So he mostly stayed at the Admiral Benbow I think on Poplar and at the Rivermont at their suggestion most of the time.

Q. One of those officers has testified

before this court --

A. Okay.

Q. -- about the removal of security in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

412

the local conspiracy side of this case

previously.

Are you aware of other instances

where that team was formed to protect Martin

King when he came to Memphis?

A. Well, don't recall them all, but I'm

well aware that this happened more than once,

because I know specifically Memphis became

the organizing place for this March, then,

through Mississippi, and my congregation, my

church, became the center of it. We set up

headquarters there, which meant, therefore,

that I had to put into operation expanded

phone lines and all of that, office space, so

that we could do it.

It also meant that Dr. King made

frequent calls when he came into Memphis to

join the march, because this was the best airport site, and, therefore, I do recollect that any number of times that detail was assigned to his care.

Q. Are you aware of your own personal knowledge and recollection whether or not that detail was formed on his last fatal

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

413

visit to Memphis?

A. No. I happen to know afterwards that that detail was not organized on his April 3rd visit to -- April 3rd, 1968, visit to Memphis. They were not assigned.

Q. His second visit, next visit to

Memphis, after March 17th and 18th, was to lead a march on the 28th --

A. Of March.

Q. -- of March?

A. Yes.

Q. Would you just briefly describe what you recall about that visit and that march

which took place about a week before he was assassinated.

A. Yes. When he spoke the Monday night of the 17th or the 18th, you should remember that this was the largest such mass meeting that had occurred in the movement up to that time in the southeast. Because in the Southern states we had no public places to meet. We couldn't meet in a high school auditorium. We couldn't meet in a high school stadium.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

414

So when we had mass meetings, these were exclusively in black churches, and we did not have sizable church sanctuaries for huge meetings. In Birmingham in 1963, in order to try to accommodate the need for mass meetings, we would have meetings, mass meetings, the same evening in five, six, seven churches all around the city. And Dr. King and Dr. Abernathy would have to go to

all five of those places and speak. They would end up one or two o'clock in the morning finishing those mass meetings. This was in Birmingham. We had no Mason Temple.

I told Dr. King from the beginning that in Memphis we have sizable church sanctuaries, but we have the Church of God in Christ Mason Temple which will seat eight thousand people and another five thousand people can stand in the huge aisles easily and then with a big parking lot.

The night he spoke, we probably had twenty-five thousand people jam-packed in the building and in the parking lot. It was a magnificent experience. But that was the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

415

largest mass meeting in the movement in the Southeastern states that Martin King had spoken in. It was an extraordinary experience, and after he finished speaking, members of the executive committee of SCLC

went to him and said we should come back and march with them.

He called me over and said, what would it be like, Jim, if I decided to come back for a march? I said, wonderful, as far as we're concerned. Then he said, well, let's do it. He went back, then, and I suggested to him he go back to the podium and announce this. Of course, it was met with thunderous approval.

Q. What happened, Jim, on that March on the 28th?

A. All right. So on that march Dr. King and the folk who came with him were late in arriving. As I remember, we were supposed to start the march at ten. They did not get there for varied reasons until eleven. And against my better judgment, I went ahead and started. I won't go into all that because

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

416

that is another whole story.

We went ahead and started, but as we proceeded down Hernando Street to Beale Street, I saw that already there was no differentiation between those of us in the street and those on the sidewalks. It was not very orderly, from my perspective. But at the urging of others, we went ahead and did it. So we hit Beale Street and then turned on Beale Street towards Main Street. The block just before Main Street, I heard what I thought to be maybe windows shattering behind me. I was the marshal for the march, so I was up in front. But a group of other marshals, all clergy, were about a block in front of me. But the crowd was everywhere. When I heard that, I grabbed another marshal and asked him to go back and see what was going on and see if he could stop whatever it was and urged the marshals to become stronger in pushing the march into the street.

Then I asked Assistant Chief of Police Lux, who had joined me in the street

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

417

for a few moments, for a bullhorn, which he quickly procured for me. As I turned the corner at Main Street and looked ahead, I heard again what I thought to be some windows shattering behind me, but as I looked ahead on Main Street, in the next block and the next block, I was struck by, one, that in the second block ahead there were people on the street busting windows, but, more importantly there was a phalanx of police officers, I do not know how deep, in battle gear, helmets, shields, face shields, all across Main Street.

When I turned that corner, they were there two blocks ahead. They were doing nothing to stop whoever it was busting windows right next to them. I said to myself, well, they are there in order to break up the march again. I said, their target will be Dr. King, Martin King.

So I ran up to our group of
marshals, which was about a block ahead of
me, and said to them, I want you to stop at
an intersection, I think I said, which was
DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

418

about a half a block away from the phalanx of
police. I said, I'm going to stop the march,
I'm going to ask Dr. King to leave the area,
and I want you to stand and turn to face us.
I'm going to turn the march around. I want
you to be the last group coming back down the
street and we'll go back to the church and
we'll disburse.

So I rushed back, then, to the first
line of the marchers, which Dr. King was in
the center, and I said to him, Martin, the
police are up ahead, they plan to break us up
and you are going to be their target and I
don't want you to be here. He protested.
Ralph Abernathy was on one side of him and
Bishop Smith, a CME bishop, was on the other

side of him, and Henry Starks, an AME minister, was in the group there, and they all agreed with my analysis immediately. So I said, I know that you don't want to do this, I said, but I want you to leave, because I don't want them to get to you. I asked them then to go down McCall. I asked Henry to take Bishop Smith and Dr. King

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

419

to McCall Street and go back to the Rivermont Hotel. I used the bullhorn to tell the rest of the marchers to turn around and go back to the church where we're going to disburse. I added that the police are planning to use their nightsticks and mace and what not on us, they are going to break us up, so let's go back.

So in that spirit they turned around in the street and we proceeded to make our way back. I moved through the march with the bullhorn making this same announcement until

I reached Beale Street. Then I went back up Beale Street again to continue making that announcement. We had an orderly return to the church. Some people stayed at the church, but others went on to their cars and went home per what we suggested people do.

By this time I could see on Beale Street and Main Street havoc going on, mayhem going on, people busting up windows and what not, and the police very energetic in beating people up and dragging them through the streets. That police activity went on all

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

420

afternoon. There are lots and lots of witnesses to that.

They used it as a pretense. They beat up Vietnam veterans who were having breakfast five blocks away. They beat up Harold Whalum, who was an insurance businessman well-known in the city. He was some blocks away. They broke his skull and

so forth. He was not doing anything but walking to his car.

Q. To your recollection, was that the first march or non-violent demonstration which Dr. King participated in which you were associated with certainly that turned violent?

A. Well, let me say it another way. We had demonstrations where other people were violent toward us. The marches in Mississippi, the marches in St. Augustine, Florida, for an example, where we had deputized posse sometimes on horses throwing stones, beating up on us and what not. So the violence came then.

At this time what I want to say is

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

421

very clear, and I'll write this in my memoirs one day, that it was the police violence that provoked this. There were probably provocateurs who did the looting.

We learned later from our pictures
and community photographers that many of the
looters were Beale Street professionals who
told our people that you dried up downtown,
so you stopped us from working, that is,
pickpockets who had no crowds on Main Street,
for an example. I was astonished at this.

We had many pictures, we had many leaders,
many block workers, who went through all
those pictures the next several days,
pictures of looters and what not, trying to
identify them for ourselves so that we could
see what happened, what went on.

Q. Were you aware of the presence of
out-of-state people at that time?

A. At that time I was not aware, but
I'll never forget -- I don't know if I would
recognize him today, but I'll never forget
one young man who I had never seen before, I
tried to appeal to him. He was rabbleroxing

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

about this isn't the way you can get anything done. Well, I spotted that immediately. One of the marshals told me before the march began. So I went to him.

I went to the corner where he was rabbleroxing and pulled his shirttail and asked him please to stop, that if he had a different theory, then he ought to take it someplace else, but if he was going to be on the march, he should try to carry out the leadership of the community and not go his own way.

Q. Why did Martin King come back to Memphis after this march, this disruption, why did he come back to Memphis for the last time?

A. Well, because we had a principle in the non-violent movement. It went like this: We will not injure you, but we will absorb your injury of us because the cycle of violence must be broken. And if we respond to your violence with violence, then all you do is escalate the violence. We want the

cycle of violence in America and racism

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

423

stopped. So we will take it on ourselves, we will not dish it out in kind.

The second issue that was important to us, we said, was that when the enemies proceed to do violence against us, we must not let their violence stop our movement.

That had become kind of a cardinal notion in the movement all across the South.

So as an example, when the freedom rides in 1961 hit bus burnings and vigorous assaults, the KKK and even the police in places like Montgomery, Alabama, all across the movement, we said, well, the freedom ride will continue. I myself went to Montgomery and was in the first bus from Montgomery to Jackson, Mississippi, where we were arrested. We said we cannot permit violence to stop us.

Dr. King said I know that the

non-violent movement can have a non-violent march in Memphis. So we will do it. He was quite determined to show himself and us and the nation that the movement could have a non-violent movement.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

424

Q. So he returned to Memphis on the 3rd of April to have that follow-up March, a successful non-violent March?

A. A non-violent March, right, to better organize it and everything else.

Q. What can you tell us about that last visit to Memphis and what took place, your personal recollection, up to the time of his assassination?

A. Let's see. Martin King came in I think the 2nd or the 3rd. I don't recall precisely. But one of the major issues when he came into the city was the fact that city government had taken a -- had gotten a city court injunction against our marching.

Very much in the movement, in the leadership of the movement, we had made the determination that when a city took an injunction against us, we would initially take it to federal court and try to get it overturned. If we could not get it overturned, we would march anyway.

So when that injunction was taken out that early part of that week, I called

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

425

him and let him know about it and told him I was putting together lawyers to go to the federal court and challenge it and see if we could get it reversed.

So when he came in, first on our minds was that injunction that named the movement in Memphis, Dr. King, Jim Lawson and others. As I recall, that's the way the injunction was written. So that meant, among other things, being on the strategy committee, that I had to be the witness in

court for Memphis, in the federal court. And
Dr. King named Andrew Young to be his witness
and spokesperson for SCLC.

So we organized lawyers to challenge
the injunction. We had meetings with them
that week. And then when Martin came in, one
of the first meetings we had was with the
lawyers and Dr. King.

Bill, I hope you'll understand --

Mr. Pepper, I hope you'll understand that I
use "Dr. King" and "Martin," but, remember,
we had an eleven-year or so friendship and it
was always "Jim" and "Martin" --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

426

Q. Sure. No, that's fine. Of course.

A. -- on every situation. So that was
the day. So on April the 3rd we had a
meeting at Centenary United Methodist Church
where he spoke to clergy. We had a mass
meeting planned that night at Mason Temple
April the 3rd. In mid-day or mid-afternoon

on that April the 3rd, it began to storm in a typically Memphis rainstorm. I have experienced no such storms like that in Los Angeles. But it began raining maybe three or four o'clock. This was not off-and-on raining. It was a steady downpouring the rest of that day.

Of course, Martin and Ralph Abernathy were to speak in Mason Temple, but with that rain, when I went to pick them up, and I agreed I was going to pick them up, it was still pouring rain, and Dr. King was convinced no one would show up at that Mason Temple with all that rain. Ralph and I could not dissuade him.

Finally, the three of us agreed that

Ralph and I would go on to the meeting, and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

427

if we felt that Martin had to come to the meeting, then one of us would get him on the phone and call him back, that he would stay

in the motel for the time being, but when he got his call from us, that he would come on over. So that's the way we left it. We went to the meeting. Of course, in the downpour, probably by this time four thousand, five thousand people, had gathered.

They were, of course, obviously there to listen to Dr. King, not to me or not to Abernathy or to anybody else. And so shortly after we got there and sensed the meeting, I think Ralph was the one that went to the phone and called Martin and asked him to come on. And he came.

Q. And delivered his last speech?

A. And delivered that last speech in Mason Temple. That was an extraordinary experience, too. I've never been in a meeting like that before.

Q. Did you see him at all the next day, which was the last day of his life?

A. I saw him on my way to the federal

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(901) 529-1999

428

court. March the 4th was when we were having the hearing against the injunction. I went by the motel to visit with him briefly to go to court. And that was actually the last time I saw him.

Q. So you didn't see him after that.

What time of day was that?

A. This was about nine o'clock. I think court was to open at nine or something like that.

Q. Where were you when he was assassinated?

A. I was in court until about -- I got the judge to excuse me around two o'clock after I testified. I went back to our movement office in order to check phone calls and check the strategy of the march and do any other kind of business that needed to be done.

Then by about five-thirty probably I started making my way home, because Dorothy and I had a solemn sort of covenant that no

matter what was going on in our lives, that
we would gather for supper around six with

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

429

the boys and eat as leisurely as we could.

Then if I had to go back out, I went back
out.

So I moved on to home. Shortly
after I got home, close to six o'clock, there
was a television set on in an alcove off the
dining room, and I heard something about
someone being shot, and I was in the kitchen
greeting Dorothy when I heard that over the
television. I went to the alcove to see if I
could find out what that was, and as I did
so, then they flashed a kyrin on the bottom,
writing on the television set, saying Dr.
King has been shot at the Lorraine Motel,
then another kyrin that said he was being
rushed to St. Joseph Hospital.

I immediately turned and told

Dorothy what that was and had said, look, you

will need to -- I will rush to the radio stations to make comments to keep the community moving in the right direction. You should get ahold of Holloman and tell him that I'm breaking the curfew, because I'll be moving from place to place -- and that is

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

430

Frank Holloman, commissioner of fire and police -- and tell him that he is to be sure that I had access to move about the city while this is happening.

THE COURT: Give me five seconds.

(Brief interruption.)

Q. (BY MR. PEPPER) Jim, from that day to this have you been concerned about how Martin King was assassinated?

A. Yes. Almost immediately there were things that troubled me about the assassination. I learned within the next day, next twenty-four hours, that his normal

security group from the police department had not been assigned.

I learned that one or two firemen, and I've not tried to check on these details, but one or two fire then who were in the fire station across the street katty-cornered from the motel, black firemen, were transferred from that station in ways that at least those firemen thought was unusual. They contacted me and Ralph Jackson and one or two others

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

431

about their removal. They were not what they considered to be normal removals. The fire station let's say was over here and the motel here. It had clear vision.

I learned that Ed Redditt, who was on surveillance from the fire station, was moved an hour before. I learned that patrol cars that were in the region when he was there patrolling on Mulberry and Main and what not suddenly disappeared, were nowhere

to be found.

I discovered that on April the 4th,
the night of that day, that there was on the
police band the notice of a white Mustang
fleeing the city in the north who got away.

There was never any explanation of how that
call got on the police band. Ostensibly it
was accessible only to the police.

Well, now I know that there were two
white Mustangs. I've met the drivers of both
of them quite some time ago. The one driver
was James Earl Ray. I visited him in
prison. I can't remember the name of the
other driver, but I sat in an airport in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

432

Nashville two or three years ago with the
second driver of the second white Mustang,
and he told me who he was, why he was in
Memphis and whose car this belonged to. We
know now that there were two white Mustangs
in Memphis on the April the 4th evening.

These questions were never answered to my satisfaction. I pondered them. I wondered why when Martin King had stayed more often in the Admiral Benbow and in the Rivermont, I wondered where this letter came from or where this report in the newspaper came from about why is this civil rights leader not staying in the perfectly good negro motel, why is he staying at that white motel. I wondered about that.

I wondered how they had two or three different names for whoever they were seeking, how did that go on? What was that about? Then when they captured James Earl Ray and they came to the prison, they fixed up -- they had him in the county jail, and they fixed up a special cell with twenty-four-hour surveillance, no privacy,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

433

twenty-four-hour lights. He had no privacy whatsoever. He complained.

I kick myself now that I did not go
down to the county jail and talk to William
Morris about why this was going on. It
reminded me of something quite specific. It
reminded me of the brainwashing that our GI's
had in the Korean War.

I'm a heavy reader, and I have
followed much of public life for over fifty
years in all kinds of newspapers, magazines
in the nation, news magazines, magazines of
all kinds. I've read Newsweek, for example,
for over fifty years. I started in junior
high school. So I've observed these things.

When I saw this, I was astonished.

I said to myself, what is going on here?

This is the man, why are they torturing him.

That was brainwashing from Korean experience
according to the things I read from our
GI's. If they've got the evidence about him,
why not just simply go to trial.

Then when they had the
plea-bargaining business, I said to myself,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

434

here is this justice system, the most important American perhaps other than the President of the United States has been killed, and they are going to have a plea-bargaining instead of a full-scale trial so that a court of law can tell us, can give us a full transcript of what that murder is about.

So these things bewildered me and made me upset. As I said, I fault myself that I did not take up the cudgels in especially 1968, the end of 1968, 1969, when James Earl Ray was petitioning the court for relief from this treatment that was making him sick, keeping him from being able to sleep, therefore keeping him from being able to deal with what was going on and what he needed to do for his own defense.

Q. Have you maintained your interest down to the present day --

A. Oh, yes.

Q. -- in respect of this case and efforts, your efforts?

A. Yes. I followed the Congressional

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

435

hearings in the late 1970's or whenever that

was. I talked with Congressman Walter

Fountroy, who was the chairperson of the King

investigation, visited him in his office.

I talked with him, I talked to some

of their -- I guess their investigators by

phone. I was called before that

Congressional committee. But when they were

putting my session in executive session, I

declined, because I felt that if you are

going to have hearings on this important

matter, they should be public.

Q. Will you explain to the jury and the court what "executive session" means?

A. An executive session meant there with

be no public there, no newspaper, just the

committee asking the questions and just the

witness. They wanted to question me under executive conditions.

I frankly told the committee -- I went in and told the committee that I wouldn't testify under those circumstances.

I think this was too important a matter for them to hold executive sessions.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

436

Q. Did you form any personal opinions yourself with all of your concerns and your consideration of this case?

A. Well, especially in the 1970's when I went and visited James Earl Ray in prison, which I did do. I had read all along the FBI scenarios that James Earl Ray was a racist.

Well, when I visited with him the first couple of visits I could not discern that he was racist any more than any of the rest of us are racists.

As a black man, I think in my relationships with all kinds of people I can

discern and have been able to discern when
people are in trouble from their prejudices
and bigotries. It is not only in their eyes
but it is in their face, it is in their
language. I did not catch any of that from
James Earl Ray.

In comparing notes with people like
Ralph Abernathy and Jessie Jackson and Dick
Gregory, they all said that in their visits
with him, they could not discern that he was
a racist. I think that group of men would be

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

437

a better judge of who is a racist from close
up than anyone else, certainly better than
the FBI.

So that gave me some grief, because
it just seemed to me the motivation they were
putting up was absolutely wrong. Of course,
I continued to have relationships with James
Earl Ray and was at his funeral, I married
him in jail, I visited him within the last

couple of weeks of his death, had about an hour and a half long visit with him. It was a pastoral visit. I prayed with him. I read scripture to him. I was just convinced that the man was not a racist.

Q. Finally, Jim, this action in civil court, this civil court proceeding here, is a conspiracy and a wrongful death action. It concerns a family who have lost a husband and a father.

A. Right.

Q. But because of who that husband and father was, it is not -- it doesn't stop there in terms of a loss to the nation.

Could you just finally summarize for us what

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

438

you think is the loss to this Republic of Martin Luther King.

A. Well, from my point of view in the 1960's Dr. King was the Moses of this generation and for America. He was a prophet

for the nation. He was the centerpiece of a movement that was emerging. And the work -- the movement had not yet matured in spite of the controversy within the struggle, which was natural.

King was the central voice for the black people of America with no one close to representing what he represented for us. You can go back and search the national studies of that matter. Ninety-eight percent of black people in America said that King represents us. No one was close to ten percent to that.

So in spite of all the controversies, then and since, he was the architect of the movement. And the movement was at a critical place. We knew that we had to redirect our energies.

In 1967 he and I had several

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

439

conversations about the need for a

moratorium. We had agreed after one of our conversations in December that after the Poor People's Campaign we're going to call off all demonstrations among ourselves and we're going to take six or eight months to restructure and reorganize.

He and I had agreed in that meeting at the staff and the board in December where we talked at length about this that we would continue our conversations in 1968 through the Poor People's Campaign and then afterwards SCLC was going to take a major leap forward for the purpose of reorganizing.

We didn't have a national movement yet. We had had cosmetic changes that were important, the Civil Rights Bill of 1964, the Voters' Rights Bill of 1965, the anti-poverty program. There were a whole slough of things that were happening. But the structures of the injustice and cruelty had not yet been challenged and had not yet really begun to change. These still have not changed.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

440

So we were at a critical point. In my judgment the assassination of Martin King and the assassinations of the 1960's, including the assassination of Malcom X, meant that the movement did not have the chance to go to the next stage. And young men like King and Malcom X and some others represented emerging leadership that would have been able to help the movement and the nation do some major reform.

Q. Has that leadership ever been replaced?

A. No, of course not. The assassinations of the 1960's changed the nation forever. We are worse off in many ways than ever before.

Right now we have nearly forty million impoverished people in our country. Two hundred babies die every day in America before they are one year old because they do

not have the access to the nourishment they need in order to live. These are white babies, these are black babies, these are Latino babies. These are babies from many

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

441

different walks of life, and they are babies of every state of the union. That is disgraceful.

Q. And of every color and complexion?

A. Of every color and complexion.

Q. So was he not in fact the leading spokesman and advocate for the wretched of the earth?

A. Yes, exactly. Exactly. America has never been able to deal with the issue of slavery, never been able to deal with the issue of the oppression of women, never been able to deal with the issue of the notion that even today many huge business people have mainly that a lot of people ought to work and not make living wages.

These are three major issues that this nation has been unable to face. They've not been able to deal with the violence with which we maintain this status quo that hurts and maims many souls.

The movement was aimed at reversing that. King's motto was, the SCLC motto, it was not civil rights, it was redeem the soul

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

442

of America. That was our motto.

So you see right away that that is much larger than getting a hamburger at a lunch counter.

MR. PEPPER: Nothing further.

Thank you, Jim.

THE COURT: Mr. Garrison.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Reverend Lawson, you and I have talked previously. I have just a few questions to ask you. You had mentioned

earlier, I believe, that Dr. King had several threats on his life. Was this within close proximity of the time of the assassination that you are aware of?

A. The threats upon his life were daily. The rumors in Memphis were rampant about death threats to him. Afterwards I had calls from people who told me, for example -- I won't name the businessman who had a woman who was his housekeeper who said that while she was serving him supper, they were talking about the imminent assassination of Martin

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

443

Luther King in Memphis. This was just maybe the week before the assassination.

Q. You weren't there the day of the assassination -- I mean, you were not at the location?

A. I was not at the motel at the time.

Q. Have you ever had any investigation or that you have conducted that would

indicate as to where the shot may have come from?

A. Oh, yes. I can't name them all, but there were at least -- there were five or six people on the grounds at the time that the FBI and the local police never interrogated. Jessie Jackson was on the ground floor. He has never been interrogated.

Jim Orange was one of our field directors. He claims that he saw a figure and smoke in the brush outside -- this side of Main Street. He has never been interrogated.

There is a New York Times reporter who was on the same floor of the balcony. He has written this in his book now, that he has

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

444

never been interrogated. He saw smoke or a figure in the brush above the motel (sic).

So there were a number of people who were on the scene who are not to be found in

the Congressional record or in the official police reports, but they were there.

MR. GARRISON: I believe that's all I have. Thank you.

MR. PEPPER: Nothing further.

THE COURT: All right. You can stand down, Reverend Lawson. We're going to lunch. I know you don't want to remain this the courtroom at this time.

(Jury out.)

(Lunch recess.)

THE COURT: All right. Bring the jury in, please.

(Jury in.)

(Bench conference outside the presence of the court reporter.)

THE COURT: All right. You may call your next witness, Mr. Pepper.

MR. PEPPER: Thank you, Your Honor.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

Plaintiffs call Maynard Stiles.

MAYNARD STILES

Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Stiles.

A. Good afternoon, sir.

Q. Thank you very much for coming here
this afternoon.

A. You are welcome.

Q. Would you state your full name and
address for the record, please.

A. My name Maynard Stiles. I reside on
Highway 57 in Fayette County, Tennessee.

Q. And you are presently employed?

A. No. I'm retired.

Q. And how long have you been retired?

A. I retired in January of 1989.

Q. What did you do prior to your
retirement?

A. I served in various capacities of the
City of Memphis, including the director of

fire services, director of public works,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

446

director of sanitation services, purchasing
agent for the city.

Q. You've been a long term public
servant in Memphis and Shelby County?

A. I was there for a few years, yes,
sir.

Q. Were you at one time an official with
the Department of Public works?

A. Well, I was director of public
works. Prior to that I had been
administrative assistant to the director of
public works, and sanitation at one time came
under public works, and I was in the
Sanitation Department at that time.

Q. I see. Did the Sanitation Department
come under public works in 1968?

A. Yes, it did.

Q. And what was your capacity in 1968?

A. You know, I'm not sure I can tell

what you the exact title was. It was either a division superintendent or a district superintendent, whichever was higher, within Sanitation.

Q. So you were a senior official in the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

447

Sanitation Department at that time?

A. I was over approximately one-third of the city.

Q. What did your duties encompass in that position?

A. Well, the collection of garbage was primary, but there were various and sundry other things, such as street cleaning, the collection of trash, the operation of landfills and various administrative duties.

Q. Right. Were there any sort of cleanup duties connected with your office at that time? Were you overlooking any of that activity?

A. Well, we did cleanup on a continuing

basis. After the strike, everything was combined -- or when the strike began everything was combined and we worked out of one operation, and one of my duties at that time was liaison with the Memphis Police Department, and it could encompass anything.

Q. Right. So you were a liaison officer from the Sanitation Department to the Memphis Police Department at that point in time?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

448

A. At that point in time.

Q. All right. Who was the Memphis police department officer or inspector who was your counterpart or with whom you liaised?

A. I believe that was Sam Evans.

Q. Inspector Sam Evans. Now, on the morning of April 5th, 1968, the morning after the assassination of Martin Luther King, did Sam Evans call you early in the morning?

A. I received a call from Inspector

Evans on or about seven a.m. requesting assistance in clearing brush and debris from a vacant lot in the vicinity of the assassination.

Q. If you would just cast your eyes over here, Mr. Stiles, for a moment, this drawing shows Mulberry Street and South Main Street, and in between the two of course the fire station, parking area and a rooming house, and behind this rooming house a grassy or brushy, woodsy kind of area. Was that -- would that be the area that Inspector Evans requested that you clean up?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

449

A. That appears to be the area that he requested we send crews to assist in the clean-up, yes.

Q. Right. And what did you do in response to that request?

A. I called another of the superintendents in sanitation, Dutch Goodwin,

and he assembled a crew working under a foreman, Willie Crawford. They went to that site and under the direction of the police department, whoever was in charge there, proceeded with the cleanup in a slow, methodical, meticulous manner.

Q. And about what time of day would they have started that clean-up? Do you know?

A. Well, I can't tell you exactly. But if I didn't get the call until after seven and I called them immediately afterwards, by the time they got crews together and got there, it probably was no earlier than ten a.m.

Q. Okay. So they started that morning, as you call it, with a meticulous cleanup of this entire area that was over grown, heavily

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

450

over grown with brush and bushes?

A. Correct.

Q. Did you yourself go by that scene to

see how it that cleanup was progressing at any time?

A. I didn't go by to see how it was progressing. I went by to see if I could give them any assistance in any other way. Because it wasn't up to any of us as to how it was progressing. That was up to the police department.

Q. Do you know how many men were actually -- did you notice how many men were actually involved in the cleanup over there of the brushy area?

A. I'm afraid my thirty-five year old memory is not quite that good.

Q. Would it have been more than two?

A. Yes, it would have been more than two.

Q. Right. Okay. So there is no question in your mind that that area, that brushy area, was carefully, meticulously, cleaned up on April 5th, starting on April

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

451

5th, the morning after the assassination?

A. That's correct.

MR. PEPPER: Thank you,

Mr. Stiles. No further questions.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Stiles, let me ask you

something. When you were there -- you were there the day it was being cleaned up. Am I correct, sir?

A. That's correct.

Q. Did you see anyone in that area other than the Memphis public works personnel that you noticed?

A. Well, representatives of the police department.

Q. But most all city employees that you see in that area that you recall?

A. If I'm not mistaken, I saw someone taking pictures. Now, whether that individual was a representative of the police department or a civilian photographer, I

can't say.

MR. GARRISON: That's all.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

452

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Mr. Stiles, has any researcher or
book writer, particularly in recent times who
has written about this case, attempted to
interview you and take your story with
respect to this cleanup?

A. No.

Q. No one has?

A. No book writer. I've had contacts
from the Justice Department.

Q. Yes, of course. But no book writer
has tried to take your story and research it?

A. No.

MR. PEPPER: Nothing further,

Your Honor.

THE COURT: All right,

Mr. Stiles. You may stand down. You can

remain in the courtroom or you are free to
leave.

(Witness excused.)

THE COURT: Your next witness.

MR. PEPPER: Plaintiff's call

Olivia Catling to the stand, Your Honor.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

453

OLIVIA CATLING

Having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Ms. Catling. Thank
you very much for joining us this afternoon
and coming down.

Could you state your full name and
address for the record, please.

A. Olivia J. Catling, 375 Mulberry.

THE COURT: Spell your last
name, ma'am.

THE WITNESS: C A T L I N G.

THE COURT: Catling. Thank

you.

Q. (BY MR. PEPPER) Ms. Catling, I believe you have carried some burdensome information with you for over thirty-one years. Is that right?

A. I do.

Q. You've come here this afternoon to share it with us. Is that right?

A. I will.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

454

Q. And have you ever told this information to anyone else?

A. No, I haven't.

Q. Either inside or outside a court of law?

A. Outside -- outside the court there have been times I have.

Q. You have?

A. With the kids or whatever, husband, whatever.

Q. Members of your family?

A. Uh-huh.

Q. Ms. Catling, could you tell us where your house is on Mulberry Street?

A. My house is between Huling and Talbot just off of Main.

Q. Just off Main?

A. Uh-huh.

Q. Where were you living in 1968, on April 4th, 1968?

A. At 375 Mulberry.

Q. All right. Now --

MR. PEPPER: May I approach,

Your Honor?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

455

THE COURT: Yes.

(Mr. Pepper approaches diagram on easel.)

Q. (BY MR. PEPPER) Now, where is 375 Mulberry from here? This graph is cut off right at Huling.

A. That's Huling.

Q. The other side of Huling?

A. Uh-huh.

Q. On which side of Huling?

A. Where I was standing or what?

Q. Which side of Mulberry was your house?

A. That side.

Q. That side?

A. Uh-huh.

Q. The west side?

A. That's right.

Q. And where were you on the 4th of April, 1968, at around six o'clock in the afternoon?

A. It was just before six o'clock.

Q. Just before six o'clock. Where were you at that time?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

456

A. I was at home.

Q. You were at home. What did you hear

around that time?

A. The shot.

Q. You heard a shot?

A. I sure did.

Q. You heard it clearly?

A. Clearly.

Q. What did you do after you heard that shot?

A. I broke and ran out of the house. I ran to the corner of Huling and Mulberry.

Q. But did you do something at home before you ran out?

A. I was cooking some chicken.

Q. That's all right. What did you do?

A. I turned it off.

Q. So you turned off the stove?

A. Yes, I did.

Q. Did you have any children about?

A. The kids was out front.

Q. They were out in front of the house?

A. Uh-huh.

Q. All right. What did you do with

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

457

respect to the children?

A. We all ran down there.

Q. You all ran down there?

A. We ran. We didn't walk.

Q. You ran?

A. Because I said, oh my God, Dr. King

is at that hotel.

Q. Right.

MR. PEPPER: Your Honor --

Mr. Garrison, would you like to come around

and see the front of this?

MR. GARRISON: That's okay.

I've already seen it. I'll come around, if

necessary.

Q. (BY MR. PEPPER) So you ran down to

the corner of Huling --

A. Uh-huh.

Q. -- and Mulberry, which is right here?

A. Right.

Q. Did you cross the street or did you

stay on the north corner?

A. I stood there on the corner.

Q. You stood there on that corner. Why
did you stay on that corner? Why did you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

458

stop there? Why didn't you cross the street?

A. Well, one reason why we didn't cross
the streets is because there were some squad
cars coming.

Q. There were squad cars coming?

A. Uh-huh.

Q. Had they arrived at this area by
then?

A. No.

Q. Where were they coming from?

A. Main.

Q. So they were coming down Huling --

A. Down Huling.

Q. East on Huling from South Main Street
toward Mulberry?

A. Right.

Q. And you just stopped there?

A. Right.

Q. What did those squad cars do and where did they go?

A. They stopped across Mulberry. It was like putting a block in there.

Q. They parked across Mulberry?

A. Uh-huh.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

459

Q. They barricaded the street at that point?

A. That's right.

Q. Now, as you stood on that street corner, did you notice anything strange or different happening in the area?

A. There was a car there.

Q. There was a car?

A. Uh-huh.

Q. Where was that car parked?

A. On Huling.

Q. On Huling. Where on Huling?

A. Just about -- I would say it was on

Huling parked to the right on Huling, about
along in there.

Q. Right-hand side of Huling?

A. There is not quite an alley in there,
but there is more like a driveway in there.

It was parked just below there.

Q. Just below that alley, the driveway?

A. Right.

Q. Right there at the right-hand side of
the street?

A. Right.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

460

Q. What kind of car was that?

A. It was a 1965 Chevy.

Q. A 1965 Chevy?

A. Chevrolet, yes.

Q. What color was it?

A. It was green.

Q. It was green. You remember that to
this day?

A. I can't forget it.

Q. Okay. So you saw that car parked there?

A. Uh-huh.

Q. As you stood on the corner?

A. Right.

Q. Then did you observe something a short while later while you were still standing on that corner?

A. Yes. There was a man.

Q. You saw a man?

A. Yes.

Q. And where did you see this man?

A. It is almost like that little alley there.

Q. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

461

A. I call it a driveway, right in there.

Q. Right here?

A. That's where he came out of there.

Q. He came out of this alley?

A. That's true.

Q. And what was he doing?

A. He ran around the back of the car.

Q. He ran around the back of the car?

A. Uh-huh.

Q. He got in the car?

A. Yes. You want to know how he was dressed?

Q. Yes. Why don't you tell us how he was dressed.

A. He had on a checkered shirt, khaki pants, he had on a light hat, light-colored hat.

When he did that, he got in the car, he made a left turn on Mulberry, went back down Mulberry, he went to Vance, he made a right turn on Vance going east.

Q. You saw him run through this alley, get in this car --

A. True.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

462

Q. -- drive and make a left on

Mulberry --

A. True.

Q. -- go to Vance, which is the next street?

A. Right.

Q. And take a right?

A. Took a right.

Q. Was he driving quickly?

A. There is another street in there called Talbot. But he crossed Talbot. He went to Vance. He went east on Vance.

Q. Was he in a hurry?

A. Oh, yes.

Q. How fast was he driving? Very, very quickly?

A. You really want to I know what I said? I said, it is going to take us six months to pay for this rubber he is burning up. That's how he was going.

Q. That's how he was going?

A. That's right.

Q. My goodness. Now, this alleyway goes through to the buildings that front on South

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

463

Main and back on Mulberry?

A. No, that alley shuts off at that

building. He had to come down that wall

because that alley, it shuts off that

building. It has got a wall against it.

Q. So the alley dead-ends just before

that?

A. Uh-huh.

Q. He came from somewhere, you don't

know where, of course, but from somewhere --

A. When I saw him, he was coming out of

a hole. It is not really an alley. It is a

driveway, because they park cars in there

now.

Q. Right. So it a driveway?

A. Uh-huh. But at that time it wasn't a

driveway.

Q. Right. Was this occurrence that you

saw this, this man running through the alley,

getting in the car and speeding away, was he

carrying out this act in front of the police?

A. Oh, yes, he was. The police had made it there.

Q. So the police were there?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

464

A. Yes.

Q. And they saw him do this?

A. Yes.

Q. What did they do?

A. Nothing.

Q. Did that seem strange to you at that time?

A. It did.

Q. They just let him drive away. Was this quite close to the time of the actual killing?

A. This was -- yes.

Q. Within minutes, in any event?

A. Within minutes.

Q. Now, moving on, Mrs. Catling, did you also see as you stood on that corner a

fireman standing somewhere near the wall and
the bushes --

A. I did.

Q. -- the brushy area?

A. I did.

Q. How was this fireman dressed?

A. In his regular firemen clothes, like
maybe white shirt, standing out. There was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

465

more than him there, but the rest of them was
down there at Mulberry and the next street
down.

Q. Butler?

A. Just behind the Fire Department.

This one particular fireman, he was standing
alone by himself.

Q. He was standing alone by himself.

What was he doing?

A. Well, I imagine he was trying to get
a glimpse of Dr. King, but it happened before
he did. Then do you want me to tell you what

he told the police?

Q. Yes, Ms. Catling, that would be helpful.

A. He told the police -- he said, "That shot came from those clump of bushes."

Q. Could you hear him distinctly say that?

A. Yes. I was standing there on that corner, and I've got good hearing.

Q. You heard him say to the police in the area, "That shot came" --

A. From that clump of bushes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

466

Q. -- "from that clump of bushes"?

A. And he pointed to them.

Q. I see. What did the police do when they heard him say that?

A. Stepped across the street with their guns drawn.

Q. Did they listen to him?

A. No, I would say they did not listen

to him. The only thing they did is they walked across the street with their guns drawn towards that clump of bushes.

Q. You heard him distinctly say that to the police at that time?

A. I did.

Q. How long did you stand on that corner, Mrs. Catling?

A. Until the ambulance came.

Q. And took Dr. King away?

A. Uh-huh. And also Mrs. Bailey, because both of them died at the same time.

Q. Mrs. Bailey, because she collapsed as well?

A. Yes.

MR. PEPPER: Ms. Catling, thank

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

467

you very much. No further questions.

THE COURT: Mr. Garrison.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Ms. Catling, if I might ask you a few questions. I still didn't understand the spelling of your last name.

C A T --

A. L I N G.

Q. -- L I N G?

A. Uh-huh.

Q. That's what I thought it was. I just want to be sure. On the day this occurred and you were cooking some food, did you hear the shot before you went outside?

A. No. I heard the shot in my kitchen.

Q. You were in the kitchen?

A. I sure did.

Q. Okay. Is that like a block away or half a block away?

A. It is not a block away, it is not even a half a block away.

Q. Pretty close?

A. You can run down there in two

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

minutes.

Q. Were you able to tell which direction the shot sounded like it came from?

A. From the sound, the way the sound came from, like the sound was on the side of the street that I live on.

Q. Okay. So which side do you live on again?

A. When you are going south, my house is sitting to the left.

Q. So would you be on the southeast corner? Would that be a fair statement?

A. No. I'm not on the corner.

Q. Okay.

A. There is a building there. I'm just down the street below that building.

Q. I see. This Chevrolet car that you saw -- you said it was a Chevrolet, I believe, didn't you?

A. Correct.

Q. What color was it?

A. It was green.

Q. A green car. Was it a large

standard-sized car or smaller car? How would

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

469

you describe it?

A. You wouldn't consider it -- may I say

something?

Q. Yes, ma'am.

A. You wouldn't consider cars at that

time small cars because, see, my husband had

a Chevrolet, that's the reason why.

Q. That's why you remember it?

A. Yes. No small car.

Q. But was it a standard-size car or

smaller?

A. Yes, it would be a standard size.

Q. Was it two-door or four-door, do you

remember?

A. It was two-door.

Q. When this person came up to it, did

he have to unlock it to get into it?

A. Yes, he did.

Q. Did he have anything in his hands,

Ms. Catling?

A. No.

Q. He didn't --

A. He didn't have anything in his hands.

Q. Nothing was in his hands?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

470

A. Nothing was in his hands except his
car keys.

Q. He had to unlock it?

A. Uh-huh.

Q. Then he got in it and started it?

A. And took off.

Q. Which direction was it facing?

A. It was facing -- this is Huling. It
was facing Mulberry. That's the reason why
you could make such an easy left turn and go
down Mulberry.

Q. He burned a lot of rubber, in your
words, the way you described him getting
away?

A. He certainly did. As a taxpayer,

yes.

Q. He turned off of Mulberry onto what street?

A. Onto Vance.

Q. That's the last you saw of him?

A. That's the last I saw of him.

Q. How many police officers were out there that you saw? You stated there were some officers that seen him. How many were

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

471

there around there?

A. There was around four squad cars.

Q. Four different cars?

A. Squad cars. I call them squad cars.

Q. How far away from his car were they parked?

A. They came and parked on Mulberry, to block Mulberry off. They did not block Huling off. They blocked Mulberry off.

Q. Okay. When he left, he had gone down Mulberry?

A. Yes.

Q. But did he go past the police cars?

A. No. He didn't have to pass them. He passed the police cars, but the police cars were sitting at the end of Mulberry and Huling.

Q. Let me ask you this again: How far was the police car from his car? The nearest police car was how far from his car?

A. From where he was parked?

Q. Yes, ma'am. Where he got his car, how far was the nearest police car to his car?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

472

A. Huling is on the corner. He was parked just down Huling. That made the squad car parked on Mulberry.

Q. Would that have been two or three car lengths or more than that or less than?

A. It could have been the length of where he parked his car, it could have been

three car lengths, it could have been two car lengths.

Q. Each police car had several officers in it? Each police car had several officers in it?

A. I wouldn't say seven officers, because they don't ride seven deep.

THE COURT: He didn't say "seven." He said "several."

THE WITNESS: Well, anyway, that could mean two, Your Honor.

Q. (BY MR. GARRISON) There were many police officers out there?

A. Beg your pardon?

Q. There were many police officers out there?

A. There was many of them.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

473

Q. They were in uniform?

A. Yes, they were.

Q. What were they doing, Ms. Catling?

A. Standing.

Q. Just standing looking?

A. Yes.

Q. Did they have guns in their hands?

A. Yes.

Q. Did you point out to those officers that this gentleman had run out of an alley and got in a car soon after the shot and was getting away?

A. Could I really have my say?

Q. Yes, ma'am. You sure do.

A. As many neighbors as there was in that neighborhood, they never came to us and asked us one question.

Q. But you didn't volunteer this to the police?

A. I didn't volunteer. They didn't ask. They should have come and said, what did you see, did you see anything, tell us what you see.

Q. How close to the scene of the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

474

assassination did you get that day, would you say?

A. I was, like I said, on the corner of Huling and Mulberry.

Q. You said that was less than a half a block away?

A. Oh, sure. You know it is way less than that. From there to 400, it is just a hop skip and jump.

Q. When the fireman told that the shot came from the brush area, you heard him saying something like that?

A. Right.

Q. Did you look up there --

A. No.

Q. -- in the brush area?

A. No.

Q. You did not?

A. The police was not going to let us cross there.

Q. But you didn't look up there when he said that?

A. No.

Q. So you didn't see anyone in the brush

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

475

area because you didn't look up there. Is that correct?

A. Uh-huh, because, after all, a portion of that building still covers that section.

Q. You had been living there a long time, Ms. Catling. Those trees and brushes, had they been there a long time?

A. They always grew there. They always grew there.

Q. They hadn't been cut in a long time?

A. Yes.

Q. This fireman that you said made the statement about where the shot came from, where was he located when he made that statement?

A. Just across from the hotel. He was down on the --

Q. He was on west side of Mulberry?

A. Yes. We all was on the same side of the street, on the same side of Mulberry.

Q. And the fireman was in uniform?

A. Yes, he was.

Q. What was his race? Was he white or black?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

476

A. Yes, he was white.

Q. This gentleman that got in the Chevrolet car, what was his race?

A. He was white.

Q. And were you able to describe about what age person he might have been?

A. He could have been in his late thirties.

Q. What was his build? Heavy, medium, light?

A. May I try to give you his height?

Q. Yes, sure.

A. He weighed about a hundred and eighty-five to ninety pounds, he was a

five-foot-ten man. My husband is six feet.

So I could measure him as a little bit

shorter than my husband.

Q. A little bit shorter than your

husband?

A. Right.

Q. Ms. Catling, at the time you had

lived there, had you ever seen anyone up

walking in that brush area up there ever?

A. Never have.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

477

Q. You never have seen anyone?

A. No, no.

MR. GARRISON: That's all the

questions I have.

MR. PEPPER: Just a bit more,

Your Honor.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Ms. Catling, the man whom you saw

running from the alley onto Huling minutes

after the killing got into the car and drove away with the Memphis Police Department officers watching him drive away, had you ever seen that man before in that neighborhood?

A. I never had seen him before.

Q. Have you ever seen him since?

A. No, I haven't. I haven't seen him since.

Q. Ms. Catling, the fireman who you saw at the foot of the wall yelling to the police that the shot came from the clump of bushes minutes after the shooting --

A. Uh-huh.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

478

Q. -- had you ever seen that fireman before down around Mulberry Street?

A. No, no, not where the Fire Department is from there where I live, never have, no.

Q. Have you ever seen him since then?

A. No, I haven't.

Q. How many of your children were with you on the corner when you saw this?

A. Two.

Q. How old were they at the time?

A. Eleven and thirteen.

Q. And they saw the same thing that you did?

A. Saw the same thing.

Q. Were there any other neighbors standing there who saw the same thing?

A. Well, some of my neighbors, you know, were way up in age. It took them time to get down there, but it didn't take me no time to get down there, me and the kids, because I could run and they couldn't. So they walked down there. I ran down there.

Q. Did the police or any homicide investigators go door to door, so far as you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

479

are aware, in your neighborhood, knock on the doors and ask people in that neighborhood,

all of you, any of you, if you had seen anything?

A. No.

MR. PEPPER: No further questions. Thank you, Your Honor.

THE COURT: Anything further, Mr. Garrison?

MR. GARRISON: Let me ask you one more question, please, ma'am.

RE-CROSS-EXAMINATION

BY MR. GARRISON:

Q. You saw this gentleman come running out of an alley there, what, three or four, five minutes after the shot was fired. Am I correct?

A. Well, like I said, it took me about two minutes to get to the corner I would estimate by me running.

Q. But you really don't know that this gentleman had anything to do with the assassination, do you?

A. I cannot say.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

480

MR. GARRISON: That's all the questions I have.

THE COURT: All right.

Ms. Catling, you may stand down. Thank you very much. You can remain in the courtroom or you are free to leave.

THE COURT: Thank you.

(Witness excused.)

MR. PEPPER: Could we approach, Your Honor?

THE COURT: Yes.

(Bench conference out of the presence of the court reporter.)

MR. PEPPER: Your Honor, if it please the Court, the plaintiffs would like to read into the record the statement of Hasel D. Huckaby, then in 1993 of 5396 Lockenvar Victory, Memphis, Tennessee.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

481

THE COURT: Would you please
spell the name for me.

MR. PEPPER: Yes. It is

H U C K A B Y. Mr. Huckaby is deceased, Your
Honor.

THE COURT: What's the first
name?

MR. PEPPER: Hasel, H A S E L,
Hassle D, as in David.

THE COURT: Thank you. I needed
that, but the jurors didn't.

MR. PEPPER: Question:

Mr. Huckaby, could you tell us whether you
are presently employed?

Retired.

From which company have you
retired?

Answer: South Central Bell.

Question: How long did you work for
South Central Bell?

Answer: Thirty-six years, one day.

Were you working for Southern Bell
on the 4th of April, 1968?

Answer: Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

482

Question: Would you tell the Court
what your assignment was on that day?

Answer: I was working at the
warehouse across the street from the Fred B.
Gattis store and his warehouse on South
Main.

On South Main Street?

Answer: South Main Street.

Question: Tell us again where on
South Main Street you were, or were you on
South Main Street itself?

Answer: At that point the witness
left the stand and pointed to a building on
the corner of South Main and Talbot.

Question: Did you have an
opportunity while of the you were still here
to spend any time on Huling, Huling Street
area, on that day?

Answer: No, not to my

recollection.

The witness at that point was asked

to take his seat.

Question: So your assignment was to

perform some telephone installation work in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

483

the South Main Street area?

Answer: Right.

Question: And the customer, could

you just name the customer again?

Answer: The Fred B. Gattis store.

He had a store on the west side of Main and

his warehouse was on the east side of Main

across the street from the store.

Question: Moving on, page 1799 in

the transcript, did you observe any

individuals or any automobiles or anyone that

appeared to you to be somewhat unusual in

that area on that day, April 4, 1968?

Answer: I did.

Question: You do remember. And do

you know the significance of the 4th of
April, 1968?

Answer: That day a man being down
there.

Question: But what happened on
April 4, 1968? Not to you, but generally
speaking, what event took place?

Answer: That I know of, this man
was sitting there on the steps and he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

484

appeared to be intoxicated.

Question: The man appeared to be
intoxicated, but you didn't believe him?

Answer: No.

Question: Why didn't you believe
him?

Answer: Because I had seen too many
of those people on that end of town in
previous work. I had worked down there, and
he didn't appear to be one of them.

Question: What was different about

this man?

Answer: He was too sharply dressed. He was dressed sharp, fresh shaven and clean-cut.

Question: Was he on foot?

Answer: He appeared to be.

Question: Did you see him enter an automobile at any time or go over to an automobile at any time?

Answer: No, sir.

Question: Did you see an automobile parked in the area?

Answer: I don't remember one, but I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

485

don't remember seeing one.

Question: Did you speak with this individual who seemed to be out of place at all?

Answer: I did. I don't remember the complete conversation. He said something like I've got to go home. I don't remember

what it was.

Question: Was this individual and this event, this observation of yours, ever brought to your attention again?

Answer: Yes, it was, some six or eight years later, I met the police officer that took my statement at the police records, and we were talking, and he talked about the case, and he told me that he remembered.

Question: Do you know the name of the police officer?

Answer: Hamby, Lieutenant Hamby.

Question: Mr. Huckaby, did anything else happen to you in the ensuing months?

Answer: Some four or five -- three, four or five months, I don't remember the exact time, I received a package in the mail

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

486

about six inches square, and I opened it up, and it was half a pack of cigarettes, a half box of penny matches and a rattlesnake

rattle.

Question: That's strange. Would you describe the contents of that package again, please.

Answer: Half a package of cigarettes, a half a box of penny matches, the little box of matches like we used to buy, and a rattlesnake rattle. The rattlesnake rattle had, as I remember, approximately six or seven or eight rattlers.

Question: What did that mean to you?

Answer: That meant that rattlesnake was a good-sized rattlesnake and I had been told that the rattlesnake rattle gets one rattle for every year.

Question: Why do you think you received this strange package?

Answer: At the time I don't know. I'm still not sure.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

487

Question: Were you uneasy about it?

Answer: I was enough that I went to the post office, I went to the police department, and nobody could tell me what it meant or anything else. They told me to go on and forget about it. But I tried to find out about it in the meantime.

MR. PEPPER: That's the end of the portion of the statement that we want to read into the record.

The next witness, the plaintiffs call Mr. Ed Atkinson.

EDWARD A. ATKINSON

Having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Atkinson.

A. Good afternoon.

Q. Would you state your name and address for the record, please.

A. Edward A. Atkinson, 1752 Vinton

Avenue, Memphis.

Q. Mr. Atkinson, what do you presently

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

488

do?

A. I'm retired.

Q. How long have you been retired?

A. Since 1975.

Q. What did you do before you retired?

A. I was -- well, immediately before, I was in the larceny squad at police headquarters.

Q. All right. You were a serving police officer?

A. Yes.

Q. And how long had you been with the Memphis Police Department?

A. About twenty-seven months when I retired.

Q. Twenty-seven months?

A. Twenty-seven -- pardon me. No, it was 1950 to 1975. Twenty-five years, three

months.

Q. Twenty-five years plus. What were your various positions with the Memphis Police Department?

A. For about the first four, five years

I rode squad cars. Then I went from there to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

489

the traffic division where I worked until I moved to the personnel division, background investigations, and then larceny squad.

Q. What position did you have with the police department in 1968?

A. I was in the traffic division at the time.

Q. Where were you assigned?

A. My duty at that time regularly was with the paint crew, escorting the paint truck as they striped the lines. When I was not working with them, I worked on the cars and in the evenings I would drive the three-wheel motorcycle and turn off the lane

lights on Union Avenue.

Q. Where was your base?

A. Sir?

Q. Where was your base?

A. Headquarters.

Q. Central headquarters?

A. Central headquarters.

Q. Here in Memphis. Do you recall being
in central headquarters one day in 1968, in
the spring of 1968, and just being present at

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

490

a stand-up conversation involving -- where
three of you were standing around?

A. I can't be exactly sure of the
number, but, yes, three, maybe four, on just
passing conversations, yes.

Q. This particular conversation, was a
Lieutenant Earl Clark present?

A. I don't recall specifically who was
there. I really don't he very well may have
been one of them.

Q. And how many other officers were present? Do you recall?

A. Two, three, besides -- a total of maybe four, including myself.

Q. Was there at that time a discussion about the crime scene -- do you recall a discussion about the crime scene of the assassination of Martin Luther King?

A. I recall having that discussion with someone, specifically at that time with those I'm not sure, but, yes, I had heard that discussed several times.

Q. Yes. But you have been unable to recall the name of the one officer who was a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

491

sergeant who was talking. Is that right?

A. No, I really can't remember. I don't remember specifically.

Q. But that sergeant was speaking to whom? Even if you can't recall his name, who was he speaking to?

A. I suppose to all of us generally. I don't know that he was speaking to anyone in particular.

Q. Who was there, Mr. Atkinson, in that little group that you had conversation with?

A. I really can't be sure whether Captain Clark was one of them. Specifically I couldn't begin to name who they were.

That's thirty-one years ago.

Q. Of course it was. But at previous times and under oath you have indicated that Earl Clark was present at that conversation.

Isn't that right?

A. Not necessarily at that time. He was present on one occasion when we were discussing it. Whether it was that particular time, I don't know.

Q. Was there a discussion on this

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

492

particular time about the line of fire that was being discussed from the bathroom window?

A. I had heard that discussion or I heard that remark from possibly two or three different people. I honestly couldn't say that at that particular time that Clark was present.

Q. What discussion did you hear?

A. The comment was made, as I recall, that they found a hand print in one of the rooms but they didn't think the shot was fired from there, and the comment was made about a sycamore tree that was there or wasn't there, I don't know.

Q. What was the comment about the sycamore tree?

A. Well, they said there was a sycamore -- or at least someone said there was a sycamore tree there and the shot couldn't have been fired from that room, it had to have been fired from another room.

Q. There was a sycamore tree there, so the shot couldn't have been fired from that room?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

493

A. That is right.

Q. What room was that?

A. Specifically what room --

Q. Was it the bathroom?

A. I don't recall. They never mentioned what room it was.

Q. Do you recall the sergeant saying that he had viewed this site in the presence of a FBI agent?

A. No. I don't ever recall hearing that from anyone.

Q. You don't recall that?

A. No.

Q. You only recall the discussion talking about a sycamore tree and the difficulty of a shot being fired from a room because of that tree?

A. That remark had been made on several occasions at several different times. Most of the people, in my opinion was that most of the people that made the remark didn't know

anymore than I would because they weren't
there and neither was I.

Q. Sir, was there ever any suggestion

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

494

made about what should have been done or was
done about that sycamore tree?

A. Someone said it was cut down. I

later heard that, yes, it was cut down, it

had been cut down quite some time before. So

that I don't know. I had never been to -- I

never even been in that area.

Q. You have never been to the site?

A. So I really couldn't say.

Q. But you remember hearing one say it

had been cut down?

A. Yes. Then someone made the remark,

yes, that it was, it had been cut down a long

time ago. Whether there was a tree or not, I

don't know.

Q. Did you have more than one discussion

of this sort just around central

headquarters?

A. I can't say that -- I can't name anyone in particular. I have no idea.

Captain Clark may have. Or any number of people I worked with.

Q. Do you recall identifying Captain

Clark explicitly as being present at that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

495

discussion a number of years ago, some six years ago, under oath?

A. I recall Captain Clark being -- he was present on a discussion. Whether that was in the squad room, larceny squad or where, I don't know. But, yes, the remark this been made. Whether Captain Clark made it or someone else present, I don't know.

MR. PEPPER: No further questions. Your witness.

MR. GARRISON: I have no questions. Thank you, sir.

THE COURT: All right,

Mr. Atkinson, thank you very much. You may stand down. You are free to leave or you can remain in the courtroom.

THE WITNESS: Thank you, sir.

(Witness excused).

THE COURT: Let's take a short recess, about ten minutes.

(Short recess.)

THE COURT: Bring in the jury.

(Jury in.)

THE COURT: Call your next

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

496

witness, please.

MR. PEPPER: Plaintiffs call

Mr. James Lesar.

JAMES H. LESAR

Having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Lesar.

A. Good afternoon.

Q. Thank you for being here with us, joining us from the nation's capital. Would you please state your name and address for the record.

A. Yes. James H. Lesar, L E S, as in Sam, A R. My address is 7313 Lynnhurst Street, L Y N N H U R S T, Chevy Chase, Maryland, 20815.

Q. Thank you. Can you tell us what is your profession?

A. I'm a lawyer.

Q. Where do you practice?

A. In Washington, D.C.

Q. What is the present nature of your

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

497

practice?

A. I specialize in Freedom of Information Act litigation. That means I sue the United States government agencies for documents that they don't want to release.

Q. Was there a time in your career when you represented James Earl Ray?

A. Yes. From approximately June or July of 1970 until 1976 I represented James Earl Ray.

Q. In the course of that representation were you associate counsel at proceedings that were held in the Federal Court here in this district?

A. Yes, I was.

Q. What was nature of those proceedings.

A. We had filed a writ of habeas corpus claiming that James Earl Ray was being held illegally, and after four years proceeding through state and federal courts, in October, 1974, a two-week evidentiary hearing was held here in Memphis in the Federal District Court.

Q. Was there a range of evidence that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

498

was reviewed at that time?

A. Yes.

Q. And did some of that evidence have to do with the origin of the shot related to the window sill in the bathroom of the rooming house?

A. Yes.

Q. And could you summarize for the Court and the jury that evidence, the evidence that pertained to that aspect of the case.

A. Well, at James Earl Ray's guilty plea hearing on March 10, 1969, the District Attorney for the State of Tennessee, James Beasley, had made a representation to the Court as to certain evidence that the state would have proved had there been a trial. Among that he stated that they would prove by expert testimony that there were markings on the window sill from which the shot was allegedly fired that could be consistent with markings on the underside of the barrel of the rifle that was the alleged murder weapon, that is, the rifle that was found in front of Canipe's Amusement Store at

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

499

422 and a half South Main Street.

That statement came under attack,

and we felt that it was a misrepresentation

to the Court by the state's attorney. In

fact, nearly a year before that statement was

made, the FBI had conducted tests on the

window sill, and the FBI tests reflected that

they could not match the alleged murder

weapon to a dent in the window sill.

Secondly, we put on at the evidentiary

hearing the testimony of an expert witness,

Professor Herbert Leon McDonnell.

Professor McDonnell did his own test

on the window sill, and he concluded that you

could not even determine the class of object

that made the dent in the window sill, not

only could you not link it with a particular

rifle, you couldn't even tell that it was

made by a rifle.

Then, third, subsequently, bearing

on that point, as to whether or not the fire was -- whether or not the rifle was fired from that window. I subsequently represented a man by the name of Harold Wiseberg in a DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD (901) 529-1999

500

Freedom of Information Act lawsuit which went on for a decade and ultimately obtained about sixty thousand pages of FBI records.

Among those records were reports by the FBI on their examination of the window sill, and it included a statement that no powder residues were found on the window sill.

Q. Mr. Lesar, let me ask you to look at two documents, one dated April 7th, 1968, the other dated April 11th, 1968. One is a bureau-tell from the Washington office of the Federal Bureau of Investigation to the local office, and the other is an FBI report.

A. Yes.

Q. Would you look at those two documents

and tell the Court if those were documents that you -- copies of those documents that you obtained under your Freedom of Information Act application?

A. Yes. These are documents from the FBI file on Dr. King's assassination. This is called the MURKIN investigation, M U R K I N, which is an FBI acronym that DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD (901) 529-1999

501

stands for murder of King. These report the results of their lab tests. They were obtained by me for my client, Mr. Harold Wiseberg, in the Freedom of Information Act lawsuit that we filed in 1976.

Q. Would you read from the report document, if you would, the language with respect to the window sill.

A. Yes. In this document the window sill was referred to as Exhibit Q-71, and the report states, and this is under date of April 11, 1968, just a week after the

assassination, "The Q-71 board bears a recent dent which could have been produced by a light blow from the muzzle of a weapon such as the Remington rifle, Serial Number 461475, previously submitted in this case.

"The dent contains microscopic marks of the type which could be produced by the side of the barrel at the muzzle but insufficient marks for identification were left on the board due to the physical nature of the wood."

And then skipping down just a little

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

502

bit, "No gun powder or gun powder residues were found on the Q-71 board."

MR. PEPPER: Thank you. Your

Honor. I move to admit these as Plaintiffs 2 and 3.

(The above-mentioned documents were marked Exhibits 2 and 3 respectively.)

Q. (BY MR. PEPPER) So Mr. Lesar, is it

your testimony here this afternoon that though District Attorney General Beasley informed the jury at the guilty plea hearing that in fact expert testimony, expert laboratory testimony, would establish that the dent in the window sill came from the murder weapon in the case, the alleged murder weapon in the case, that in fact within three days of the killing, they had one report in their hands which indicated that was not possible?

A. The second report is dated -- actually the first in chronological sequence is dated April the 7th, which is three days after the murder.

Q. After the killing. Then a second

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

503

report within a week after the killing?

A. Yes.

Q. That they had those two reports from

the FBI which indicated that such --

A. They are clearly inconsistent.

Q. -- is not possible?

A. They are clearly inconsistent with
Beasley's representation to the Court.

Q. When was the guilty plea hearing
again?

A. March 10, 1969.

Q. So almost a year later they still
were saying experts were going to show that
window sill dent came from the murder
weapon?

A. Yes.

MR. PEPPER: No further
questions.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Let me ask you a few questions,

Mr. Lesar.

A. Sure.

Q. When you refer to the statement by

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

District Attorney General Beasley, do you know if the experts that he was referring to were FBI experts?

A. It had to be the FBI. As these two documents that have been introduced show, the exhibit was sent to the FBI for testing. The document in question -- both of the documents in question come from FBI headquarters and are directed to the FBI's local office in Memphis.

Q. But you haven't seen the District Attorney's file, so you really don't know if they were referring to other experts or not, do you, when he made this statement?

A. To the best of my knowledge, no other testing was done. It was sent to the FBI for testing.

Q. And in the hearing that you referred to in federal court, did you offer any evidence or proof that the shot was fired from some other location other than the window sill?

A. Yes. My recollection is that we did.

Q. What other proof was offered, if you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

505

recall?

A. Now you are asking me to go back twenty-five years. I think that, among other things, Professor McDonnell testified that it was not possible to fire the rifle from the bathroom window.

He went into an explanation based on the mathematics, the size of the rifle.

You've got to understand in front of the window from which the shot is fired is a bathtub or was a bathtub, and you would have to be a contortionist to be able to fire a shot from that bathtub through the window standing with at least one foot on the rim, maybe with both feet on the rim of the bathtub.

He said in his testimony that you couldn't even fit the rifle in the required space, because you had a right angle. The

wall and the bathtub is up against this wall,
the window is here right in front of it, and
the rifle couldn't fit in.

Q. Were any independent tests performed
by anyone when you were doing this to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

506

indicate that the rifle -- the shot had been
fired from another location other than the
window sill?

A. The only -- Professor McDonnell made
an examination, a microscopic examination, of
the bullet, which by that time had become
three bullet fragments, but he disputed --
his examination concluded contrary to the FBI
representation that it should be possible to
identify the rifle -- whether or not that
rifle fired that shot.

Q. But, I mean, did you have any
evidence of any sort, any tests that were
done, to indicate that it was fired in the
brush area behind the rooming house?

A. There were no tests that we did at that time, no. Subsequently the House Select Committee on Assassinations did a two-year investigation of the King assassination and concluded that both the bathroom -- the rooming house bathroom and the area of the clump of bushes directly opposite the Lorraine Motel were both consistent with the ballistic evidence as to the angle of the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

507

shot. So it could have come from either place.

MR. GARRISON: That's all.

Thank you.

MR. PEPPER: Nothing further,

Your Honor.

THE COURT: All right. You may stand down.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: Call your next

witness.

MR. PEPPER: Your Honor,

plaintiffs call Ambassador Andrew Young.

May we approach, Your Honor?

(Bench conference outside the
presence of the court reporter.)

ANDREW YOUNG

Having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Ambassador Young.

A. Thank you.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

508

Q. Thank you very much for interrupting
your schedule and coming here to be with us
this afternoon.

Would you state your full name and
address for the record.

A. It is Andrew Young, 1088 Veltra
Circle, Atlanta, Georgia.

Q. And Ambassador Young, what do you presently do?

A. I'm chairman of a small consulting firm called Good Works International, and we're attempting to help American businesses share in African development.

Q. Previously what posts have you held?

A. Well, I was executive vice-president of the Southern Christian Leadership Conference in the 1960's, and I was member of Congress from the State of Georgia in 1972 to 1977, and then I was Ambassador to the United Nations from 1977 to 1980, and I was mayor of Atlanta from 1981 to 1990.

Q. You've had a very long career in public service?

A. A blessed career.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

509

Q. Back in 1968, what position did you hold with the Southern Christian Leadership Conference?

A. I was executive vice-president of the Southern Christian Leadership Conference.

Q. What did your duties entail?

A. I was I guess officially the chief administrator and did some organizing, some fund raising. I started out essentially training most of our staff through a citizenship education program. But by 1968 I was largely serving as executive secretary to Martin Luther King.

Q. Right. Were you very much involved in the planning of the Poor People's March on Washington, that project?

A. I was, and it was Dr. King's concern that America was plagued by, as he said, the triple evils of racism, war and poverty. And we had been involved in dealing with the problems of race relations.

He had been active trying to put an end to the war in Vietnam, and this was his attempt simply to get America to see, in his

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

words, that we would not exist with people isolated on lonely islands of poverty amidst this ocean of material wealth.

The situation in Memphis was typical of that problem because you had men who were working all week long and were still making less than the poverty wage. And they were trying to organize in order to negotiate to be recognized as a union so they could get up to the poverty wage. And they asked him to come here in support of them.

Q. So there was significant compatibility between the situation in Memphis with the striking sanitation workers and the projection later on that spring for the Poor People's Campaign in Washington?

A. It was. In fact, we in the midst of organizing the Poor People's Campaign in Washington, and most of us felt that we shouldn't get bogged down in local issues, that it had to be addressed at the national level, but he didn't feel as though he could

allow these men to be, you know, just left
alone.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

511

Q. Did you notice a great deal of enmity
of Dr. King because of his positions against
the war and behalf of the poor?

A. There had always been a great deal of
enmity. It increased significantly after the
war in Vietnam. We didn't know how much it
had increased, though. But starting with --
actually, it started when he won the Noble
Prize when J. Edgar Hoover said he was the
world's most notorious liar.

We couldn't understand what that was
all about. So we went to see Mr. Hoover and
had what we thought was a very successful and
satisfactory meeting: Later, after we left,
though, Mr. Hoover reported it quite
different than we thought had took place.

So it seemed as though there was
a -- well, there was an effort to undercut us

behind our backs, though whenever we talked with them about it personally, they were very polite and very congenial and even agreeable.

Q. Did you see an increase if the threats against Martin King's life during this period of time, between 1967 and 1968?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

512

A. We actually didn't see an increase in the threats. There had always been threats. We always thought that the threats were from the kooks and we really didn't pay much attention to them.

It wasn't until we actually were on the way to Memphis that they emerged again. Leaving Atlanta, the plane stopped, and they said there was a bomb threat and everybody had to get off the plane: But we hadn't had that for years since the days of Selma and Birmingham in 1964 and 1965.

Q. Was that April 3rd, the day that you travelled from Atlanta to Memphis?

A. That's right.

Q. You travelled with the party that day and arrived with Dr. King. Is that right?

A. I'm not sure. I think I was already there. You think you had come in earlier. I came in earlier because I had to testify in the court on the injunction.

Q. That's right. You were representing him in court at that time, weren't you?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

513

Q. Do you remember seeing him on April 3rd when he did arrive?

A. I saw him that afternoon, he was really feeling bad. And he had a bad cold. I didn't realize it at the time, but I think he was probably upset by the emergence of a threat. But he didn't want to do the mass meeting. I just thought he needed a rest.

Q. He ended up going to the mass meeting?

A. We ended up going to Mason Temple, and there was -- I think it seats about eleven thousand people, and there was -- it was jam-packed and people all out in the streets. So we went back to the motel and called him and told him that he just needed to come and that Ralph Abernathy would make the main speech but he just needed to show his face and greet the crowd.

Q. What happened at that meeting?

A. Well, Ralph did an eloquent job of introducing him, but he then went on to give one of the greatest speeches of his life.

Q. Now, the next day, April 4th, what

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

514

were your movements, what did you do?

A. I went to the courtroom early that day and I stayed in the court all day long.

Q. When did you return to the motel?

A. I returned to the motel after the court adjourned about four o'clock.

Q. Did you see him at that time?

A. I went by his room to report on what had happened. Much to my surprise, he was feeling as jovial and as happy as I had ever seen him.

When I walked in the door, he snatched a pillow off the bed and through it at me and said, where you been all day long. I said, I've been Court. He said, oh, don't hand me all that crap. He started beating me with the pillow.

I mean, he was just feeling very lighthearted and playful, which was a change from his mood, you know, up until that point. So we were just really glad to see him feeling good again.

Q. This would be about two hours before the assassination. What did you do for the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

515

remainder of that afternoon?

A. Well, actually we were -- they were

eating, had been eating, and I think his brother had come to town, and there were, oh, half a dozen or so folks sitting in this room where they had two double beds, so people were just sitting all over the floor and everything and just talking, relaxed and having a good time, until about -- well, actually by the time I got down there it was probably closer to five. And because about five-thirty or so we said if we were going to dinner, we thought he ought to go up to his room to, you know, to wash up and get ready to go out to diner.

Q. So he went back to his room around five-thirty or so to get ready to go?

A. Five-thirty, maybe even later, quarter to six, somewhere around there.

Q. Where did you go at that point?

A. I just stayed right there in the parking lot. In fact, we were just sitting around talking. Jessie Jackson had just come in and Hosea Williams and others who had been

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

516

gathering.

So everybody was just sort of milling around in the parking lot waiting to go to dinner. At Reverend Kyle's house.

Q. Did you notice Dr. King come out on the balcony at one point sometime a little bit later closer to six?

A. He came out ready to go, but it was getting cool, and because he had a cold and had been feeling bad the day before, we were suggesting that maybe he ought to go back and get a coat. He was standing up there thinking about whether or not he should get a coat.

Q. Then what happened?

A. Actually, a shot rang out. We thought it was a fire cracker or a car backfiring. I mean, nobody thought it was a shot.

I looked up there, and he had fallen down. It was so -- well, it was so shocking,

and he had been so playful before, I thought he was clowning until I ran up there and saw that he had actually been shot.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

517

Q. What were your first movements after you heard the shot and saw him fall down?

A. I ran right straight to the top of the stairs.

Q. You turned and ran straight up?

A. Yeah.

Q. You didn't look across the road or --

A. I didn't.

Q. That's all right. You just ran up to the --

A. I ran up to see him.

Q. You ran up the stairs. The rest is history, of course. He died soon after.

Now, Ambassador Young, of course, time is precious and you are on a very tight schedule as well, did you in recent years come to

consider the events of April 4th and the
assassination of your friend and colleague
again?

A. I did. And it was largely because
people began to come forth and give actually
Martin's children new information which we
didn't have before.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

518

Q. And that would be within the last,
what, three, four years, somewhere around
there?

A. I guess over the last three years.

Q. And then how did this new information
that you didn't previously have come to you?

Was it brought to you by members of the
family?

A. It was brought to me largely by
Dexter, Martin's second son.

Q. And upon receiving it, did you begin
to consider again what had happened to Martin
King?

A. Well, I think we always felt that we didn't know what happened. There were always questions that we deliberately did not take the time to answer.

It is hard to explain to his children, but the way he trained us was that his death was probably inevitable but that death should not stop the movement. So we were much more concerned about keeping his work going than we were about finding out who was responsible for his death.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

519

So that's basically what we devoted ourselves to. We continued the Poor People's Campaign. We were active in the election. We continued to organize workers and to preach non-violence and teach, and we were having some success. I was then involved in politics. And it was largely because we thought this was the way to carry on his work.

Q. You were perpetuating the legacy,
then?

A. Yeah. In fact, Ralph Abernathy's
sermon was where they tried to kill Joseph in
the Bible, and the Bible says Joseph's
brother said let us kill the dreamer and we
will see then what will happen to his
dreams.

We were determined that though they
might have killed the dreamer, that his
dreams would live on. And that we saw our
responsibility in keeping those dreams alive,
because we knew we could not bring him back.

Q. Ambassador, as a result of the
family's new awareness and concern about the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

520

events that took away their husband and
father, did you -- were you asked to
participate in a meeting with an individual
who came into the frame in this case and who
is the defendant here, Mr. Loyd Jowers?

A. Yes, I was. I was told that -- well, actually I got the impression, whether I was told this specifically or not, that Mr. Jowers was getting older, he wasn't very well, and it was almost like he wanted to get right with God before he died. That's the impression I had. Whether those were words that he ever actually used or not, I don't know.

When we met with him, that was still the impression that I had, that here was a man who had a lot on his mind and a lot on his conscience and who wanted to confess it and be free of it.

Q. Do you recall how long ago you had that meeting with Mr. Jowers?

A. About a year, I guess. I don't remember the exact date.

Q. About a year ago?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

521

A. Yes.

Q. And that year ago, that meeting, was that the first time that you had heard a number of the facts, the accounts, that Mr. Jowers put forward?

A. Well, actually I had heard them before, and I just would not let myself think about them. I think Reverend Joseph Lowery had either met with Mr. Jowers or knew of Mr. Jowers, and he had mentioned some of these questions.

I had talked with James Orange, who was on our staff, who was there with us, and James had always been I think concerned about all of the questions that were not raised.

I think the reason I focused on Mr. Jowers was that I couldn't imagine that the man who ran the bar or the grill right across the street had not been interviewed by the police or the FBI or no testimony had been taken from him, is what I heard.

Q. Who was present at this meeting with Mr. Jowers that you attended?

A. Dexter, his attorney, and you serving

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

522

as Dexter's attorney. I think it was

Mr. Garrison. There was one other person who videotaped what was going on.

Q. And Mr. Jowers?

A. And Mr. Jowers.

Q. Could you in the time remaining summarize for us -- we have a tape-recording, Ambassador, of that meeting, we're going to ask you to authenticate that, but we're not going to play it this afternoon in the interest of time, but could you the remaining moments before we do that, could you summarize for the Court and the jury what Mr. Jowers told you and Dexter King at that meeting?

A. Well, he said that he was the proprietor of Jim's Grill, I think.

Q. Uh-huh.

A. And that he was a retired Memphis police officer and that a lot of police

officers hung out at his place. He said that he hadn't lived such a good life, he had a lot of drinking and gambling problems, and that he was in debt to somebody that he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

523

identified as the head of the Mafia in Memphis who called him up and that he was nervous about him and afraid that he was calling to collect the money which he didn't have, and the guy said, no, forget about that, I just need you to do me a favor.

He said somebody is going to bring you a package, and you put it in your store room, and when I bring -- I think the head of the Mafia also ran a produce company from which Mr. Jowers got his vegetables and meat supplies. And he said, when you get your supplies, there is going to be a plastic bag in the supplies, and take it out, it is going to have money in it, and give it to the person who brings you the package. And he

said he did that.

He said that he didn't know what was going on, he was just doing as he was told.

He also said that there were a number of -- well, he went on to tell the story I think first that some man who looked Spanish came and brought him a package. He didn't know what was it in, he said, but he put it in his

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

524

storeroom and he gave the guy the package with the money in it.

Then he said he got a call telling him that at six o'clock he should go to the back door of his store.

Q. On April 4th?

A. April 4th. He says he didn't know what was going on but that there had been people meeting in his store, and he said there had been a meeting with a couple of policemen, Memphis policemen that he knew and three others that he didn't know, and he

remembered because he said they were sitting in a booth and he had to put another chair at the end, and that they were -- he didn't know what they were doing.

But he said when he went to the back door, just as he got to the door, a shot rang out, and somebody came out of the bushes and handed him a smoking rifle, and he broke it down and wrapped it in a table cloth and put it back in the storeroom.

He said the guy who handed him the rifle was a fellow who had been on the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

525

Memphis police force with him that was a friend of his who he used to go hunting with and was quite a good marksman. I've forgotten his name.

Q. That's all right.

A. But he said that the next day -- well, he said the next morning, when he came to work and went back out to see what was

going on, because he said then he realized what had happened, and he went back and he said all of the bush, shrubs, behind his store where the guy came from, all of them had been cut down and the whole area had been swept clean. And that later on somebody came back -- the same guy came back and got the rifle from him, and he took it and he never saw it again.

Q. Did he -- do you recall if he said what he did with the spent cartridge, the shell that was in the rifle when he took it?

A. You know --

Q. That's all right.

A. I'm --

Q. It is a detail.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

526

A. I'm thinking, and I'm not sure, but I think he might have said he threw it down the toilet.

Q. Yes.

A. He broke the rifle down and he kept it and then gave it to this person, the man who came to pick it up.

Q. The next day. Did he say whether he had ever told that story to any officials or anyone before or after?

A. Well, he said nobody had ever come to talk to him about it.

Q. Ambassador Young, did you get the impression that this was a man sitting before you at a table telling you this story who was trying to make some kind of money, some kind of profit, who had some kind of literary or other project in mind?

A. No. I got the impression -- in fact, we had to break the session several times because he had coughing spells. This was a man who was very sick who was like wanted to come to confession to get his soul put right.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

Q. He is not here today, and this is the first time he has not been here because he has not been feeling well. So that's maybe indicative of his health. Did you, Ambassador Young, believe what you heard from this man?

A. Well, I believed everything but the fact that -- I believed he kind of knew what was going on. He was trying to say that he was innocent and he didn't know this was a gun, he didn't look in the package beforehand, and it wasn't until after the event, but he was very well aware that there was some planning.

In fact, he said one of the guys who was in there in the restaurant at that table was the fellow that was kneeling down over Martin's body when -- that ran up there with us when -- I think there is a picture where when the police heard the shot, everybody started running toward where Martin was, and we were standing up there pointing back there saying, it came from over there.

But they were running away from

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

528

where the shot came from, and they couldn't do anything there, and we were trying to get them to go back over to see where -- see who had fired the shot. And that picture that has been shown all over the world, there is a fellow kneeling there who he says was the fellow who was in the restaurant a few days before with two Memphis policemen and two guys that he said looked like federal men. Well, he said government, government men.

Q. It is a historical fact that that kneeling figure is an undercover police officer named Merrell McCullough. He is identified.

Ambassador Young, I'd like you to listen to just a bit of this tape to ensure that this in fact is the recording that you recognize of the meeting and authenticate it not in its entirety but at the beginning in

terms of those people present.

(Tape played as follows:

Dexter, what you been up to? Mr. King: Well,
I've been keeping busy, just working hard.)

MR. PEPPER: Stop there.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

529

Q. (BY MR. PEPPER) Do you recognize that
first voice?

A. I recognize Dexter's voice.

Q. Did you recognize the first person
speaking?

A. No, I didn't.

(Tape continued to be played as
follows: Mr. Jowers: You know who I am,
don't you? Mr. King: I do, I do.)

A. That's Mr. Jowers.

(Tape played: Mr. King: I was
working late one night in my office when I
talked to you. Yeah. You know, keeping all
things moving forward and just still trying
to deal with this issue. This is a very

trying issue because, as you know, my family, particularly my mother, have been concerned about, because the media has been very vicious. Mr. Jowers: Oh, yeah. Mr. King: In trying to discredit, an attack, you know, on the family, and we hope we would get to the bottom of this so we can move on. I think in order to have true closure, you have to -- you know, you have to get it out. You

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

530

have to get it out in the open. So we appreciate your willingness to open up and come forward. As you know, we continue to support immunity for you. As you know, the District Attorney doesn't seem like they want this story to come out. So it appears they are shoving everything down. I think that would be a major tragedy. Mr. Jowers: Oh, it would be. Mr. Young: I don't think I would be out of order in saying if something happened and you were indicted for anything,

then I would sure be willing to come over here and testify on your behalf.)

MR. PEPPER: Do you recognize your voice?

A. Yes, I do.

Q. Do you recognize those words?

A. I do. Because we were impressed with the fact that -- well, we have always had a no-fault analysis on this. We were not trying to punish anybody.

We were approaching this more like they approached it in South Africa, that in order to have a real reconciliation, you have

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

531

to know the truth. And that if you can get the truth out -- I'm sure that a lot of people that have a lot of terrible guilt feelings like Mr. Jowers just don't have his courage and are not probably as far along in life as he is.

Q. Ambassador Young, as far as you can

hear at the outset and the beginning of the tape, do you recognize the voices of Mr. Jowers, yourself and Dexter King?

A. That's right.

Q. This is a tape-recording that was made at the time?

A. It was made at a motel near the airport in Little Rock.

MR. PEPPER: Thank you very much. No further questions.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Good afternoon, Ambassador Young. How are you today?

A. Good.

Q. Let me ask you a few questions. I promise you I won't keep you long.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

532

We just heard on the tape Mr. Jowers

I believe explained to you and Mr. Dexter

King that he had no knowledge that this

was -- that Dr. King was the target of this assassination, said he didn't even know there would be one. Am I correct, sir?

A. He did say that.

Q. He said he was simply carrying out what he thought was a favor to someone that he owed a favor to and was called upon to do certain things in his restaurant?

A. And he said he did it because there was a certain amount of fear that he had of this person.

Q. The first time that Dr. King had stayed at the Lorraine on this date or had he stayed there before, the day of this -- on this trip?

A. No. I think this -- I think he lived -- when he came for the march, he stayed downtown, or he was taken to a downtown hotel. He didn't really have a hotel room. He flew -- he left New York early in the morning, like a six o'clock

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

plane, and flew into Memphis and went to the march or to the church, and it was after the march was disrupted downtown that he was taken to the Holiday Inn, I think, just to get him out of the crowd and out of the mob.

Q. Now, you were down in the courtyard when the shot was fired.

A. I was.

Q. You weren't able to tell exactly where it came from or which direction it came from?

A. Yeah, I could tell that it came from across the street.

Q. Did it first sound like a firecracker or a car backfiring?

A. It sounded like a firecracker or a car backfiring. I'll tell you, when I saw the wound in Dr. King's body, I knew it had to come from directly across the street.

Q. Did you have any discussion with Mr. Dexter King about the previous meeting he had with Mr. Jowers before this meeting that

we had?

A. I did.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

534

Q. Did Mr. King at that time also tell you that Mr. Jowers indicated to him that he had no knowledge that Dr. King was the target of the assassination, had no idea if there would even be an assassination when he was called upon by someone to take whatever acts he did?

A. I don't recall that he told me the details. He simply said that since the family was interested in giving amnesty to everybody involved, that Mr. Jowers had come forward and was willing to talk to the family.

Q. There was some effort put forth by Reverend Lowery to try to get immunity for Mr. Jowers. Am I correct, sir?

A. That's correct.

Q. I believe you and Mr. Dexter King and

all wanted immunity granted to him. Am I correct, sir?

A. We really did, yes.

MR. GARRISON: That's all.

Thank you, sir.

THE COURT: Mr. Pepper.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

535

MR. WILLIAMS: Just briefly,

Your Honor.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Ambassador, how long approximately did that meeting -- roughly did that meeting with Mr. Jowers take?

A. It was almost four hours, I think.

It was a long time. It was all afternoon.

Now, he was not talking all that time. We had several breaks. But we were altogether I think almost four hours.

Q. All tolled?

A. Yes.

Q. Was there a lot of repetition of things said, questions asked and answers given?

A. There was some but not a lot. But however we asked the question, Mr. Jowers answers were pretty much consistent. And, again, we were not cross-examining him trying to refute anything he was saying. We were simply trying to understand what actually happened from his point of view.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

536

Q. Did you get an understanding at the end of that period of time?

A. I got the understanding that he felt as though he had been involved in the assassination of Dr. King and he regretted it very much. In fact, he said as much to Dexter.

MR. PEPPER: Nothing further,

Your Honor. The tape that is here, your

Honor, is approximately two hours in length.

It covers the first two hours of that session
and all of that discussion. We move its
admission and would like it to be played to
the jury in its entirety on Monday.

THE COURT: Very well.

(The above-mentioned tape was
marked Exhibit 4.)

(Jury out.)

(The proceedings were adjourned
at 4:50 p.m.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

IN THE CIRCUIT COURT OF SHELBY COUNTY,
TENNESSEE FOR THE THIRTIETH JUDICIAL
DISTRICT AT MEMPHIS

CORETTA SCOTT KING, et al,

Plaintiffs,

Vs. Case No. 97242

LOYD JOWERS, et al,

Defendants.

PROCEEDINGS

November 22nd, 1999

VOLUME V

Before the Honorable James E. Swearngen,

Division 4, judge presiding.

DANIEL, DILLINGER, DOMINSKI,

RICHBERGER, WEATHERFORD

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538

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539

- INDEX -

WITNESS: PAGE/LINE NUMBER

TAPE OF DEXTER KING/ANDREW

YOUNG/LOYD JOWERS PLAYED

TO THE JURY..... 542 19

ARTHUR HAYNES, JR.

DIRECT EXAMINATION

BY MR. PEPPER..... 645 19

CROSS-EXAMINATION

BY MR. GARRISON:..... 662 24

REDIRECT EXAMINATION

BY MR. PEPPER:..... 667 21

BOBBIE BALFOUR

DIRECT EXAMINATION

BY MR. PEPPER:..... 671 9

CROSS-EXAMINATION

BY MR. GARRISON:..... 680 2

REDIRECT EXAMINATION

BY MR. PEPPER:..... 682 21

RE-CROSS-EXAMINATION

BY MR. GARRISON:..... 684 4

WILLIAM R. KEY

DIRECT EXAMINATION

BY MR. PEPPER:..... 684 20

JOE B. BROWN

DIRECT EXAMINATION

BY MR. PEPPER:..... 690 23

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

540

(November 22nd, 1999, 10:15 a.m.)

THE COURT: Mr. James, would you
bring the jury out, please.

(Jury in.)

THE COURT: Good morning, ladies
and gentlemen. Glad to see that all of you
survived the weekend. We're going to proceed
with our trial at this point.

Mr. Pepper, what's your next order
of proof?

MR. PEPPER: Yes, Your Honor.

If it please the Court, we'd like to --
plaintiffs would like to continue where we

left off with Ambassador Young's testimony by going directly into the tape-recording of the meeting that he described with the defendant.

Though the Court may wish to break from time to time, we -- the plaintiffs feel it is important for the jury to hear the entirety of that tape.

THE COURT: I believe you said Friday it is about two hours long?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

541

MR. PEPPER: We believe it is about two hours.

THE COURT: It might get too exciting for us.

MR. PEPPER: We might have to take a break after an hour or so.

THE COURT: Whatever pleases the Court. Thank you.

THE COURT: We'll begin with that. Go ahead.

If you would just explain to the jury the circumstances under which this tape was made, where it was and then it might be a little more meaningful.

MR. PEPPER: The tape was made approximately a year ago, as Ambassador Young testified. And it was made here in the State of Tennessee. The participants at the meeting were the defendant, Mr. Loyd Jowers, his attorney, Mr. Louis Garrison, Ambassador Andrew Young and plaintiff Dexter Scott King.

They came together for the purpose really of discussing the underlying cause of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

542

action in this case, Mr. Jowers' role in respect to the killing of Martin Luther King.

While there is introductory information and some banter occasionally, we would ask the Court and the jury to listen

carefully to the various questions and the responses to those questions.

MR. GARRISON: Your Honor, we'd like to have it started at the very beginning.

MR. PEPPER: Yes, sir. I've asked the technician to start it from the beginning.

THE COURT: All right. Go ahead.

(Tape played for the jury in open court as follows:)

"LOYD JOWERS: Dexter, what you been up to?

DEXTER KING: Well, I've been keeping busy, working hard, traveling a lot.

LOYD JOWERS: You work a lot at night, don't you?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

543

DEXTER KING: I do. You remember. I was working late one night in my

office when I talked to you.

LOYD JOWERS: Yeah.

DEXTER KING: Keeping, you know, keeping all things moving forward, just still trying to deal with this issue. This is a very trying issue, because, as you know, my family, particularly my mother, I've been concerned about because the media has been very vicious --

LOYD JOWERS: Oh, yeah.

DEXTER KING: -- in trying to discredit and attack, you know, the family. We had hoped that we would get to the bottom of this so we can move on. I think in order to have true closure, you have to get it out. You have to get it out in the open. So we appreciate your willingness to open up and come forward. As you know, we continue to support immunity for you, but, as you know, the District Attorney doesn't seem like they want the story to come out. So it appears they are shutting everything down.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

544

LOYD JOWERS: Yeah.

DEXTER KING: I think that
would be a major tragedy.

LOYD JOWERS: Oh, it would be,
definitely.

Don't you think so, Mr. Young?

ANDREW YOUNG: I do. In fact,
I think that -- I don't think I would be out
of order in saying if something happened and
you were indicted for anything, then I would
sure be willing to come over here and testify
on your behalf as having been -- as having
been very helpful to us in trying to
understand that. We would want to make sure
that nothing happened to you.

LOYD JOWERS: Well, you know,
this is what I don't understand, and I never
did understand it about President Kennedy:
That they know there has got to be a
conspiracy. Why they won't admit that and go
from there on the basis of prosecution,

whatever they have to do, I don't understand
why they won't do it.

LEWIS GARRISON: Mr. Jowers, Mr.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

545

King and Mr. Young have read the account
of this that I had written from what you had
and I had talked about. So they want to
question you.

LOYD JOWERS: Okay. Any time
you get ready.

LEWIS GARRISON: Feel free to go
forth.

DEXTER KING: When we last met,
you had pretty much taken us I think up to a
point where you had received the rifle from
Lieutenant Clark.

DEXTER KING: And you thought
it was a 30-30, you said, and you might have
been mistaken, that it was a 30-06.

LOYD JOWERS: I very well could
have been. Let me tell you that I knew he

owned a 30-30. I couldn't swear that that was Clark that I took it from, but I believe it was.

Now, see, it happened just about that quick. (Snap of fingers.) I was at the back door at six-oh-clock like I was supposed to be. How many seconds did it take him to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

546

hand me that rifle and get going? That was just a split second.

LEWIS GARRISON: You said it was still smoking?

LOYD JOWERS: Oh, the smoke was still coming out the barrel of the rifle. I breached it. Of course, that's what you've got to do before you break one down.

LEWIS GARRISON: Clark had been back that night, that afternoon?

LOYD JOWERS: He had been in the place that day, yeah.

LEWIS GARRISON: Had you seen

him go in the back?

LOYD JOWERS: He went back and looked out the back. You see, the way the grill was laid out, up here is where all your customers are. The kitchen is here. Back here we've got a storeroom. He walked all the way back.

Of course, I was there working, you know. I didn't really pay attention to him.

Of course, he was a friend of mine.

ANDREW YOUNG: You met him by

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

547

the back door by the storeroom?

LOYD JOWERS: You are talking about that night?

ANDREW YOUNG: Yes.

LOYD JOWERS: Yes, I met him -- yes, I was at the back door.

ANDREW YOUNG: Out of the storeroom?

LOYD JOWERS: Yeah.

ANDREW YOUNG: And he came up
from the woods back there or bushes?

LOYD JOWERS: From the bushes.

ANDREW YOUNG: And he handed you
the rifle?

LOYD JOWERS: About that quick.

All I got was a glance of him. I had the
back door standing open. I didn't have to
open the door or anything. It was standing
open. The rifle was smoking.

I'll put it like this: I thought it
was a 30-30. I didn't examine it. I didn't
have time. All I done was get that empty
shell out of it, and there were no other
shells in it but that one. That's all that

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(901) 529-1999

548

was in there.

The rifle was smoking. I broke it
down right quick, put it up under my apron,
walked up to the front, set it underneath the
counter. I wrapped it in a table cloth

first.

I stuck it under the counter and went on up to the front of the building. By the time the police got there, it took them about two, two and a half minutes to get there, I didn't have time to see nobody or do nothing getting up there that quick. Of course, I was working by myself.

ANDREW YOUNG: You had heard the shot before you went to the back?

LOYD JOWERS: No, I was already in the back.

ANDREW YOUNG: You were already in the back at six-oh-clock?

LOYD JOWERS: Yeah.

ANDREW YOUNG: You heard the shot from from back there?

LOYD JOWERS: One shot is all I heard.

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(901) 529-1999

549

LEWIS GARRISON: You'd been told

to be back there at six, hadn't you?

LOYD JOWERS: I had been told to be back there at six, yeah, that a man was going to pass me a package. He didn't tell me what it was. I certainly didn't know he was going to shoot anybody, especially Dr. King, the fact it turned out to be.

What I would have bet was a 30-30, but it could have been a 30-06. There is not that much difference in them if you ever compared them. There is not that much difference in them. They both break down about the same way. I didn't have to break it down, but I was told to --

ANDREW YOUNG: Did you used to go hunting with Mr. Clark?

LOYD JOWERS: Oh, yeah. I went hunting with him. Never went with him any more after that, though.

LEWIS GARRISON: You said you and Mr. Clark worked at the police department at same time, that you were a police officer at the same time he was?

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(901) 529-1999

550

LOYD JOWERS: He come on the
police department just a short time before I
got off. But now we went hunting down in
Mississippi pretty regularly, went hunting on
Rex Chenault's place down in Mississippi,
down below Hernando.

ANDREW YOUNG: Is Mr. Clark
still alive?

LOYD JOWERS: I think he is,
isn't he?

LEWIS GARRISON: No, he is dead.

LOYD JOWERS: Oh, is he?

LEWIS GARRISON: His wife is
still living, though. Mr. Barger is dead.

The only one that is still living is
Officer Zachery, who was in and out of the
grill, wasn't he?

LOYD JOWERS: Well, unless I'm
mistaken about this, Officer Zachery was in
charge of the men that was in charge of Dr.

King's security. Now, I could be wrong about that, but that's what I thought.

LEWIS GARRISON: He was in and out of the grill some, Officer Zachery.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

551

LOYD JOWERS: Oh, yeah.

LEWIS GARRISON: Merrell McCullough was there, that's one of the first ones you ever mentioned?

LOYD JOWERS: McCullough, yeah.

LEWIS GARRISON: How was he identified? How was he introduced to you, Merrell McCullough? Who introduced him to you?

LOYD JOWERS: I don't remember if it was Clark or Johnny Barger. It was one or the other of them.

Now, Johnny Barger was my partner.

We were policemen together. He is the one who introduced me to Frank Liberto. We used to go there quite often. They was real good

friends.

Of course, I got to be pretty good
friends with Frank, because he could do you a
lot of good in Memphis, especially on the
police department.

DEXTER KING: Did you know
Frank's family, like his wife?

LOYD JOWERS: I met her one

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(901) 529-1999

552

time, but as far as really knowing her, I
can't say I did. I never was out with her
ever at a party or anything.

DEXTER KING: Do you know her
name?

LOYD JOWERS: I always called
her Ms. Liberto.

LEWIS GARRISON: Is she still
living?

DEXTER KING: Is she still
living?

LOYD JOWERS: I think she is.

Dexter, you do remember I'm hard of hearing, don't you? I only hear about thirty percent in this ear. That's the reason we're taping this, because sometimes I don't get a question right. If I don't get it right, I can't answer it right.

LEWIS GARRISON: They took -- I don't know if you and Mr. Young are aware or not, but the FBI questioned Mrs. Liberto, who was the mother of Mr. Liberto, and his brother, who was on the police force, and I've got copies of those statements.

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(901) 529-1999

553

DEXTER KING: Was his brother Charles?

LEWIS GARRISON: A Memphis police officer. They had a picture of Mr. Ray. They all asked if they knew him, and they said they did not but he looked familiar, like someone they had seen around.

DEXTER KING: When they saw the

picture of Ray you are saying they thought it was somebody --

LEWIS GARRISON: Mr. Ray claimed in his deposition he had gone to New Orleans to meet with Raul. In her affidavit and also his brother and I believe someone else, they all said Mr. Ray's face looked familiar.

DEXTER KING: Was the brother a police officer in New Orleans?

LEWIS GARRISON: Yeah. He is retired now. He is still there, as far as I know.

DEXTER KING: Does he have a business?

LEWIS GARRISON: He may. I'm not sure, to be honest with you. I'm not

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(901) 529-1999

554

sure. He is retired from the police department. He may have a business. I'm not sure.

DEXTER KING: Do you know

anything about his brother, Charles?

LOYD JOWERS: The one that lives
in New Orleans?

DEXTER KING: I think so.

Charles.

LOYD JOWERS: No, sir. I never
did know Charles. Now, I heard of him.
Frank told me about him. But I never met
him, as far as I can remember. I never met
Charles.

DEXTER KING: What about in Dr.
Pepper's book he talks about the market, I
think L&M or I think L&L, Latch & Liberto?

LOYD JOWERS: Yeah, over on
Scott Street.

DEXTER KING: Okay. I think
there was a Frank Liberto, a produce dealer,
and a Frank Liberto --

LEWIS GARRISON: There were
three of them.

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(901) 529-1999

555

DEXTER KING: There were three.

LEWIS GARRISON: A car salesman,
liquor store owner and produce dealer.

DEXTER KING: I was going to
ask you did you know all of the three or any
of the three?

LOYD JOWERS: The only one I
knew was Frank. He is the one that always
called me. Like I say, I handled that one
hundred thousand dollars for him. But it
wasn't the first time I handled money for
him. But it was the last time.

DEXTER KING: Let me
understand. They would ask you to receive
the money. They would send it over in a
box?

LOYD JOWERS: With my produce,
yeah, in the bottom.

DEXTER KING: Then somebody
would pick it up from you?

LOYD JOWERS: Yeah.

DEXTER KING: Pick up the box.

Okay. Now, in the case of the one hundred

thousand that they sent over, did they tell

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(901) 529-1999

556

you that it was for, you know --

LOYD JOWERS: They never told me

what -- none of the money I handled for them

over the years, they would never tell me what

it was for, just that it would be in there.

This time they told me how much it was. But

I didn't count it. I did not. I never

counted it.

LEWIS GARRISON: Describe for

them what it looked like, Mr. Jowers.

LOYD JOWERS: Well, it was in

one-hundred-dollar bills. Heck, I don't know

how thick it was. About like that. Two

rubber bands around them, one on each end.

It was in a brown paper bag.

ANDREW YOUNG: It was in with

your vegetables?

LOYD JOWERS: It was underneath

my vegetables, it sure was.

DEXTER KING: Now, who picked
up that box?

LOYD JOWERS: First Frank called
me and told me there will be a Cuban by to
pick it up. He said, you give him that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
557

package. That's when he told me that there
was a hundred thousand dollars in it.

I told him, said, Frank, you know I
ain't going to count that money. If it is a
hundred thousand, that's fine. If there is
not that much, that will have to be fine,
too.

Then he called me back -- let's
see. That was on a Wednesday morning. Then
he called me back and said, now, that wetback
is going to be by there to get that package
that is going to be handed in that back
door. He called him a wetback. I never
heard a Cuban called a wetback. So I don't
know if it was a Cuban or a Mexican, but it

was definitely a foreigner.

DEXTER KING: Was that Raul?

LOYD JOWERS: That's what they
said his name was. I don't believe that was
his name anymore than I believe yours is Jack
Thomas.

DEXTER KING: Why is that?

LOYD JOWERS: I just don't
believe that. Why would a man use his own

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

558

name when he is involved in something like
that? Why would he do that?

No, he would use Jack Jones or --

but Raul, I was going to look that up and

see what that stands for in a foreign

language. I'm not sure what it stands for.

But it is very common among foreigners.

LEWIS GARRISON: You at first

thought he said Royal, didn't you?

LOYD JOWERS: I thought he said

Royal, I sure did. But he corrected me and

told me Raul. I said, well, whatever.

LEWIS GARRISON: Did you know

any of Frank Liberto's close friends, who his
close friends were?

LOYD JOWERS: Well, the lady

that owned a restaurant out on in Highland
Heights.

DEXTER KING: Is that Lavada

Whitlock Addison?

LOYD JOWERS: Ms. Whitlock,

right. Now, I met her one time back along
about that time. She wasn't all that old a
woman, either. I don't remember what the

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(901) 529-1999

559

occasion was, but I did meet her. Of course,

I knew Nathan over the years after the
assassination took place. I knew Nathan real
well.

DEXTER KING: That was her

son?

LOYD JOWERS: Pardon?

DEXTER KING: Nathan was her
son, right?

LOYD JOWERS: Yes, sir.

DEXTER KING: Now, he knew
Liberto as well?

LOYD JOWERS: He knew him real
well. See, Ms. Whitlock owned a restaurant
out on Highland Heights, on Macon Road, I
believe. I believe that's where it was.

Frank used to stop in there all the time.

The fact is he tried to go to bed
with her all the time, Mrs. Whitlock. He may
have. I don't know. Anyway, he'd get oiled
up, get drunked up, and he'd do a lot of
talking.

DEXTER KING: Do you know any
other friends of his or were those the only

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(901) 529-1999

560

two?

LOYD JOWERS: You know, apart
from the people on the police department,

Johnny Barger, I'm not sure if Cross was a friend of his or not, but I know Johnny Barger was.

We used to be in a squad car in a territory and we'd leave our territory and go over on Scott Street to his place of business. Sometimes we'd stay but a few minutes, then other times we'd stay longer than that.

See, you have to understand that back then, back then everything was done politically. If you got anywhere, you had to know somebody that knew somebody. It is almost that way now, but it was really, really bad back then. There was no blacks on the police department, it was just an unheard of thing.

ANDREW YOUNG: Was that Crump time? Was Crump in office back then?

LOYD JOWERS: Oh, yeah. Crump is the one that got me the job. I went to

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(901) 529-1999

561

see him on a Monday, and on a Thursday I went to see the police commissioner. That Monday morning I was riding in a squad car with a 38 hanging on my side, billy stick hanging on this side. That's just the way things operated back then.

ANDREW YOUNG: Were you in the military?

LOYD JOWERS: I was in the Navy, yes. I had been discharged out at Millington, I don't know, less than a year after I went on the police department. Jobs were kind of hard to find back then. They were doubly hard for black people. It was hard enough for white people, but it was tough on blacks back then to find a job.

DEXTER KING: Any other friends that come to mind of Mr. Liberto's?

LOYD JOWERS: No, I can't think of any more. I really can't.

DEXTER KING: What about in

Texas, did you know of any of his
relationships with friends in Texas?

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(901) 529-1999

562

LOYD JOWERS: Who? Frank?

DEXTER KING: Yes.

LOYD JOWERS: No, sir, I didn't
know any. I didn't know he had people
there. I knew he had a brother that lived in
New Orleans.

DEXTER KING: So you weren't
aware of any business he may have been in
Texas or New Orleans?

LOYD JOWERS: No.

DEXTER KING: You just knew he
had a brother?

LOYD JOWERS: I knew he had a
brother that lived in New Orleans. I don't
remember who told me. I don't think Frank
told me, but he said he was in the same
business that Frank was in. And by that --

DEXTER KING: You mean produce?

LOYD JOWERS: Yeah. Yeah. And
in the Mafia.

DEXTER KING: When did he first
talk to you about the killing?

LOYD JOWERS: About the killing
of Dr. Martin Luther King?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

563

DEXTER KING: Uh-huh.

LOYD JOWERS: After it took
place. After it took place.

DEXTER KING: The thing I read
is a little confusing from Mr. Garrison, the
part about -- I thought it said that Frank
Liberto was discussing this potential riot or
March beforehand.

LOYD JOWERS: Oh, we talked
about that, sure. But there was no killing
mentioned, no.

DEXTER KING: Okay. But when
he said or alleged that he said that he would
go home with his toes in the air, sticking in

the air or something, sticking up, that if he comes here, in other words, he will leave dead, I mean, that's the way I interpreted it.

LOYD JOWERS: If Frank Liberto ever told me that, I don't remember. But I wouldn't doubt him saying that. I would not. Because that's just the way he was.

DEXTER KING: So you don't remember talking about the killing until

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(901) 529-1999

564

actually after it took place?

LOYD JOWERS: If he -- he didn't mention it until after the fact. I do not remember.

DEXTER KING: When he did, what did he tell you, when he finally mentioned it?

LOYD JOWERS: He asked me a question. He didn't come down to the place. He called me on the phone. He said, do you

know what that bundle money was for? I said,
well, I have no idea. He said, well, that's
what it cost me to get King killed.

Word for word, that's what he told
me. I almost dropped the damn telephone.

Well, you know, it surprised me. I figured
it was to buy guns with or dope or whatever
it was he was dealing with.

DEXTER KING: So you were
surprised? You were really shocked?

LOYD JOWERS: I certainly was.

Why, sure I was. Now, if there was no
conspiracy -- let me pass this by you. If
there was no conspiracy, Dr. King, whenever

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(901) 529-1999

565

he come up to Memphis, he checked into the
Rivermont Hotel where he stayed when he come
to Memphis. Everybody knew that. I knew it,
even. I kept up with him not real close.

You know, the black people that come in my
restaurant, we'd talk about it. I'd carry on

a conversation with them.

The very next day, I think the very next day, they moved him over to the Lorraine.

Okay. Now -- I can't remember her name. Anyway, the lady that runs the place.

DEXTER KING: Ms. Bailey?

LOYD JOWERS: Ms. Bailey. She put him downstairs. They almost -- I don't think he stayed downstairs one night. They almost immediately moved him to the second floor.

Now, there had to be a conspiracy.

I couldn't have done it. James Earl Ray couldn't have done it. There had -- it had to be his security people or the CIA or the FBI. It had to be.

DEXTER KING: Did you know of

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(901) 529-1999

566

anybody else who may have mentioned the plot before, you know, it happened other than

Liberto? I mean, did anybody mention the possibility that this might happen or that it was going to happen to you?

LOYD JOWERS: I don't remember anyone mentioning it black or white. I really don't. I had about half my customers -- I'm talking about overall about half black and half white, because I was in a mixed neighborhood. Which was fine with me. I didn't care what color they were. You know, I always tried to see that everybody had enough food when they left. But to my knowledge, no one ever mentioned that.

ANDREW YOUNG: Mr. Jowers, do you mind saying how old you are now?

LOYD JOWERS: I'm just passed seventy-one. November 20th I'll be seventy-two. I have glaucoma in both eyes. I've got a cataract on this one.

ANDREW YOUNG: But you are looking pretty fit, though?

LOYD JOWERS: I am. I exercise

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(901) 529-1999

567

every day. I do. I exercise every day.

Hell, I may live to be a hundred, but I don't believe it. I smoke two packs of cigarettes every day.

LEWIS GARRISON: You told Mr. King before about a meeting that was held in your place where some people identified themselves as --

LOYD JOWERS: Yeah. Do you remember me telling you that?

DEXTER KING: I do.

LOYD JOWERS: About these policemen meeting there.

LEWIS GARRISON: The CIA and FBI -- (Inaudible).

LOYD JOWERS: The CIA and the FBI were there, but they weren't there the same time all those policemen were there. They were not there at the same time. But that wasn't unusual. Cab drivers would meet in there, policemen met in my place.

ANDREW YOUNG: This is all
before Dr. King was killed?

LOYD JOWERS: Oh, yeah, this

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(901) 529-1999

568

all took place before. Very rarely did they
have any more meetings after the -- if a
policeman came in, it would be be Johnny
Barger or Clark or someone like that that
would just stop in for a minute.

DEXTER KING: So did you ever
overhear anything that they were saying or
did you have a sense for what they were
meeting about?

LOYD JOWERS: Now, I would be
working. You know how it is in a
restaurant. I would be working and I'd pick
up a word. I wouldn't know what the meeting
was about. What was discussed, I couldn't
say. Of course, I would only get a word now
and then from going by the table.

DEXTER KING: Now, you said

they didn't meet together. You mean the
Memphis police met separately from the CIA?

LOYD JOWERS: In the past,
yeah. See, this CIA business with the FBI on
my part of it was just guesswork, because
they always wear plain clothes.

ANDREW YOUNG: Did they come

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(901) 529-1999

569

together, the FBI and CIA?

LOYD JOWERS: Yeah, they was
together.

ANDREW YOUNG: But not with
the --

LOYD JOWERS: They were not with
the -- now, there was one stranger who was
with the police that I never seen before or
after the meeting. That was with Johnny
Barger and Clark. I just don't remember who
all was at that meeting. Like I say, I was
working. They had been there spending
money. Of course, I waited on them.

LEWIS GARRISON: How many times
was Merrell McCullough there before this?

LOYD JOWERS: How many times
what now?

LEWIS GARRISON: How many times
was Merrell McCullough in there before this
meeting?

LOYD JOWERS: How many times was
he in there? I can't remember. He could
have been in there when I wasn't even
around.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
570

LEWIS GARRISON: But you saw him
in there several times?

LOYD JOWERS: I saw him several
times, sure.

LEWIS GARRISON: He was
introduced to you as a police officer, wasn't
he?

LOYD JOWERS: Yeah.

LEWIS GARRISON: Johnny Barger

told you that was his assistant or --

LOYD JOWERS: I believe he was a sergeant at that time.

LEWIS GARRISON: Barger?

LOYD JOWERS: No.

LEWIS GARRISON: Merrell

McCullough?

LOYD JOWERS: McCullough. I believe he was a sergeant when Dr. King got killed. I think he was.

LEWIS GARRISON: Was he in a police uniform when you saw him?

LOYD JOWERS: No.

LEWIS GARRISON: He was not?

LOYD JOWERS: No. He was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

571

plainclothed whenever he would come in the restaurant. I never did see him in his uniform. Now, Johnny Barger always came in his uniform.

DEXTER KING: Tell me again,

because I just want to make sure I've got the details down, when you received the money, who brought the produce to you, the produce box?

LOYD JOWERS: One of Frank's regular drivers. I don't recall his name, I really don't, if I ever knew his name.

DEXTER KING: Do you remember when you received it, what date and time, that kind of thing?

LOYD JOWERS: Yeah. They brought my produce on Wednesday.

DEXTER KING: Okay. This was afternoon or --

LOYD JOWERS: Yeah, it would be in the afternoon. I opened up about five o'clock, got lunch ready, I wouldn't go home until four o'clock in the afternoon.

DEXTER KING: Then Frank called

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(901) 529-1999

572

you that afternoon?

LOYD JOWERS: Yeah.

DEXTER KING: To ask you

whether you received it?

LOYD JOWERS: Yeah.

DEXTER KING: What did he say

about the money?

LOYD JOWERS: He described

this -- he called him a Cuban the first time,

then he called him a wetback after that. So

I don't know. He was a foreigner, anyway.

DEXTER KING: What did he say

about the money? He just said the money was

in the box?

LOYD JOWERS: Yeah. He didn't

tell me where. I knew it was hid then the

bottom of it

DEXTER KING: He asked you if

you had counted it?

LOYD JOWERS: Yeah.

DEXTER KING: You said no, you

weren't going to count it?

LOYD JOWERS: That's the first

and last, only time, he ever asked me if I

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(901) 529-1999

573

had counted it.

DEXTER KING: Okay. But then

what did he say you were supposed to do with
the money?

LOYD JOWERS: He said put it up

until tomorrow, there will be a wetback or a

Cuban by there to pick it up. I said, well,

okay. So I put it in the old cook stove I

didn't use, because nobody ever went in

there, and I knew they didn't. But they

couldn't have got by me anyway.

DEXTER KING: So did the Cuban

come and pick it up?

LOYD JOWERS: Yeah, the next

any. The next day.

DEXTER KING: That's the person

that is alleged to be Raul?

LOYD JOWERS: Yeah.

DEXTER KING: Was that your

first time ever seeing him?

LOYD JOWERS: If he had ever
been in there before then, I didn't know it.
Now, I won't tell you he wasn't in there, but
I didn't know if he was.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

574

DEXTER KING: So you just gave
him the money panned that was it?

LOYD JOWERS: Sure. He walked
on out the door. Same way when he come and
picked that rifle up I took in the back
door. He come in, picked it up, hit that
door, turned right north on Main Street, and
I haven't seen him anymore since then.

DEXTER KING: That was Clark?

LOYD JOWERS: No, I'm talking
about Raul.

DEXTER KING: I'm sorry. I was
confused. You said you haven't seen him
since he came to the back door. Is that what
you said?

LOYD JOWERS: I'm talking about

the guy that picked the rifle up the next
day, the one that actually --

DEXTER KING: Is that the same
guy you gave the money to?

LOYD JOWERS: Yes, same guy.

DEXTER KING: Same guy?

LOYD JOWERS: Same guy.

DEXTER KING: Okay.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

575

LOYD JOWERS: Now, they said it
his name was Raul. It could have been.

DEXTER KING: What's confusing
is I think that -- I thought that the person
who picked up the money was different from
the person who picked up the rifle.

LOYD JOWERS: No.

DEXTER KING: It was the same
person?

LOYD JOWERS: Same person.

ANDREW YOUNG: But a different
person gave you the rifle?

LOYD JOWERS: Oh, yeah,
definitely.

ANDREW YOUNG: Who gave you the
smoking rifle?

LOYD JOWERS: That was a white
man that gave me the rifle. I could see that
much.

LEWIS GARRISON: Wait a minute,
Mr. Jowers. You are getting confused. You
are talking about after the shot was fired?

LOYD JOWERS: Yeah.

LEWIS GARRISON: A white man

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

576

gave you -- this white man gave you a rifle
after the shot was fired?

LOYD JOWERS: Yeah, in the back
door.

LEWIS GARRISON: You are pretty
sure that's Clark?

LOYD JOWERS: I'd almost swear
to it. But now as far as getting a good look

at him, I did not, because the thing really took (snapping of fingers) that fast.

LEWIS GARRISON: But the person who brought the gun in was the one he called a wetback?

LOYD JOWERS: Yeah.

LEWIS GARRISON: Then the person when came back and got it was --

LOYD JOWERS: The same person, sure was.

ANDREW YOUNG: Let's see.

We've got three trips: One that they came to pick up the money. That was the same man that brought you the rifle?

LOYD JOWERS: The same man that picked it up, yeah.

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(901) 529-1999

577

ANDREW YOUNG: He brought you the rifle?

LOYD JOWERS: Yeah.

ANDREW YOUNG: He picked up the

money. Then he came back and picked up the rifle?

LOYD JOWERS: Now, wait a minute now. There is a misunderstanding here somewhere. I never seen a rifle in my restaurant until after the killing.

LEWIS GARRISON: You said they brought in a box.

LOYD JOWERS: There was a box. How would I know? It had never been opened. I don't know what it was. Now, there was a box.

LEWIS GARRISON: A long box?

LOYD JOWERS: It was big enough for that rifle to go in.

ANDREW YOUNG: Raul brought that -- I mean the Cuban had brought that box?

LOYD JOWERS: The same guy. There are three trips he made.

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(901) 529-1999

ANDREW YOUNG: Okay.

LOYD JOWERS: That's right.

DEXTER KING: Okay. So he brought the box after the produce was delivered, the long box?

LOYD JOWERS: Yeah, he brought that separate.

DEXTER KING: But he didn't deliver the produce?

LOYD JOWERS: No.

DEXTER KING: That came from Frank's market?

LOYD JOWERS: Frank Liberto.

LEWIS GARRISON: You bought from them pretty regularly? You bought all your produce from them, didn't you?

LOYD JOWERS: The same driver, yeah. It was the same driver.

LEWIS GARRISON: How long had you owned Jim's Grill at that time?

LOYD JOWERS: I opened that grill up I believe in either late 1966 or early 1967.

LEWIS GARRISON: You had been

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(901) 529-1999

579

buying produce from this same place all the
time?

LOYD JOWERS: Yeah. If Frank

didn't have something, I would get it from --

ANDREW YOUNG: Do you remember

what it was, what kind of produce it was with
the money?

LOYD JOWERS: That day?

ANDREW YOUNG: Uh-huh.

LOYD JOWERS: If I thought about

it long enough, I could remember. Well, I

know I ordered three or four stalks of

celery, because I was going to have soup.

You have to have celery to go in soup.

Anyway, I know that celery was in there and

maybe a head or two of lettuce. Just what

you would use in a restaurant.

DEXTER KING: Then when he

brought the long box -- when was that

brought?

LOYD JOWERS: What time of day?

DEXTER KING: Was this the same
day?

LEWIS GARRISON: Was it the

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(901) 529-1999

580

same -- are you talking about the same day he
brought the produce in?

DEXTER KING: Right. The same
day?

LOYD JOWERS: You know, I don't
believe it was. I don't think there was but
that one delivery that day. You know, I
don't believe that long box was brought when
I was -- you know, I believe that long box
was brought when I wasn't there. That would
have been the next day. That would have been
the day that Dr. King got killed.

DEXTER KING: Who came and got
the long box? Who came and got the rifle?

How did they get the rifle?

LOYD JOWERS: If it was a
rifle. If it was a rifle.

DEXTER KING: Okay.

LOYD JOWERS: Raul would have
had to have picked it up. He had to come
after it, because I never give that long box
to no one else.

DEXTER KING: Where did you put
it?

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(901) 529-1999

581

LOYD JOWERS: Under the
counter. Under my -- you know, you have a
long counter. I put it up under the
counter. Now, it wasn't wrapped up or
anything. It was just along box. It was
about that thick, about that wide. It wasn't
all that long. Maybe as long as this table.

DEXTER KING: They told you to
store it?

LOYD JOWERS: Just hold on to
it.

DEXTER KING: So they came back
to get it when you weren't there?

LOYD JOWERS: I don't remember
giving it to anyone, I don't. I do not.

ANDREW YOUNG: And the police
never searched your store?

LOYD JOWERS: No, never. I
talked to one. He said he was FBI. That's
the next day.

ANDREW YOUNG: But they never
searched your place?

LOYD JOWERS: No, sir.

ANDREW YOUNG: Never looked

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(901) 529-1999

582

back in the back in the storeroom?

LOYD JOWERS: No, sir. To my
knowledge -- it had a full basement
underneath that place. To my knowledge, they
never went down there. As far as I know,
they didn't.

Now, I thought that was kind of

strange. There could have been a half dozen people down in that basement, you know. Of course, there wasn't nothing down there.

DEXTER KING: Who owned the produce company that sent you the vegetables?

LOYD JOWERS: Who owned it?

DEXTER KING: Who owned it?

LOYD JOWERS: Well, I always believe Frank Liberto owned it. But that don't mean he did. He always said he owned it, anyway.

DEXTER KING: Did Latch have any --

LOYD JOWERS: I don't know. I can't answer that.

DEXTER KING: Did you know Latch?

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(901) 529-1999

583

LOYD JOWERS: Pardon.

DEXTER KING: Latch, do you know Latch? Is he still living?

LOYD JOWERS: No. I met him one time. As far as knowing anything about him, I don't.

DEXTER KING: I wanted to go back to the meeting with McCullough. Did he come in with the Memphis Police officers or with the Feds?

LOYD JOWERS: No, he come in with the Memphis Police. I believe there was a total amount of five. The reason I say that, we had two people sit here and two over here at a booth, and I took them a chair, so there had to be five.

I know one I had seen -- I know one I had never seen before and haven't seen him since. Now he could have been FBI, could have been CIA. I don't know.

DEXTER KING: You never heard their conversation, but you had a sense of what they were meeting about?

LOYD JOWERS: I knew it was

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(901) 529-1999

584

something illegal. I knew that part of it.

I would pick up a word now and then. I knew

they were up to something illegal, sure I

did. I wasn't really too concerned about it

because I didn't want to know about it. I

really didn't.

DEXTER KING: Did anybody else

see the money that you received?

LOYD JOWERS: Yeah. Betty

Spates says she saw it. Now, whether she did

or not, I don't know.

LEWIS GARRISON: One of the

other ladies that worked there?

LOYD JOWERS: She described it

to me.

LEWIS GARRISON: Her sister?

LOYD JOWERS: I'm almost sure

she saw it.

LEWIS GARRISON: Two of them

did.

DEXTER KING: How would she

have seen it? Did she go and look in the --

LOYD JOWERS: She would have had
to have opened that oven up, the old stove,

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(901) 529-1999

585

and looked at it.

LEWIS GARRISON: We have taken a
deposition from her.

DEXTER KING: Now, Betty Spates
was the black waitress?

LOYD JOWERS: Yeah.

DEXTER KING: And you had a
relationship with her. Is that correct?

LOYD JOWERS: That's true.

DEXTER KING: Would she have --
I'm wandering around a little bit because I'm
going off my memory.

LOYD JOWERS: I'm following you
pretty good. Go ahead.

DEXTER KING: Did she say that
she saw you run in with the rifle?

LOYD JOWERS: She said that,
Dexter, but she couldn't have because she was

not there that night. She was not.

Now, I was the only one working that night. If Harold Parker was still living, he would tell you that. He would also tell you I went to the back door at six o'clock, too.

He was sitting -- there a row of booths

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(901) 529-1999

586

here. He was sitting sitting in the back booth, and the back door was down here. And the back door was standing open.

DEXTER KING: What did Frank tell you about the murder weapon? I remember before we met -- when we met before, he said something about he said it was his property.

LOYD JOWERS: He said it was his, yeah, he sure did.

DEXTER KING: But that was after you retrieved it and put it under -- well, let me ask you.

LOYD JOWERS: When he told me that, I had already given i to Raul or

whatever his name was.

DEXTER KING: The next day?

LOYD JOWERS: He didn't tell me
the next day, I don't think. Two or three
days later after that I talked to him.

DEXTER KING: No. I'm saying
when did you give it to Raul?

LOYD JOWERS: I give it to him
early the next day, sure did.

DEXTER KING: April 5th?

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(901) 529-1999

587

LOYD JOWERS: Yeah, the very
next day.

DEXTER KING: Okay. But
Liberto didn't know that Raul was picking it
up?

LOYD JOWERS: Oh, yes, he did,
too. I wouldn't have give it to him if
Liberto hadn't told me. I believe he called
him a wetback, he would be there to pick that
package up you got in the back door.

Of course, after the shooting took place, then I knew what that damn rifle had done, I really had.

DEXTER KING: You had put it all together then?

LOYD JOWERS: Sure. It wasn't very hard to put together. I knew I was right in the middle of it. So all I could do from then on was keep my damn mouth shut. That's what I done. That's what the Mafia knew I would do. But I don't know. I don't think we'll ever get any more with it myself. Well just have to see.

ANDREW YOUNG: McCullough is a

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(901) 529-1999

588

pretty young man?

LOYD JOWERS: He was young back then.

ANDREW YOUNG: He will be around a long time.

LOYD JOWERS: Oh, yeah.

LEWIS GARRISON: That is thirty years ago. He'd probably be -- (Inaudible).

LOYD JOWERS: Don't he work for the CIA now?

ANDREW YOUNG: That's what I thought.

LOYD JOWERS: That's what I heard.

LEWIS GARRISON: Yeah.

LOYD JOWERS: That's what I thought. That's what I heard. I didn't know that for sure.

LEWIS GARRISON: If this was thirty years ago and -- I think he would have been in his twenties back then, and this was thirty years ago.

LOYD JOWERS: I think the only way we're ever going to be able to prove that

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(901) 529-1999

589

this conspiracy is to get the FBI and CIA's records on it. It is common knowledge, white

and black both know, that J. Edgar Hoover hated Dr. King with a personal passion.

ANDREW YOUNG: But there wouldn't be any record of it.

LOYD JOWERS: You don't think they would make records on something like that?

ANDREW YOUNG: No.

LOYD JOWERS: Well, you are probably right. It wouldn't be too smart to, would it? How do you prove it?

ANDREW YOUNG: Well, it is very difficult to prove. That's the reason why we've advocated what they did in South Africa, declare general amnesty and let everybody come forward and clear their conscience.

LOYD JOWERS: Now, that would work if they did that.

ANDREW YOUNG: And it would help -- I think it would help the country.

LEWIS GARRISON: I do --

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(901) 529-1999

590

(Inaudible.)

DEXTER KING: Let me ask you, Mr. Jowers, I know you are really afraid of being indicted if you come forward, but what if you were to come to the media, tell your story, like maybe talk to a reporter who is friendly, I mean, somebody who we feel would be sensitive, they wouldn't try to paint you in a -- you know, in a negative light, but just tell the story the way it happened, not the way you've been dealt with in the past, you know, by some of the media.

LOYD JOWERS: Yeah, right.

DEXTER KING: But what if they did a print story first and then you followed that up immediately, like let's say the story came out in the morning and you call a press conference that day and you told your story in front of a host of reporters where they can't isolate you, you know, like with ABC Prime Time and Turning Point, you know, they

could control the message, whereas if you do
you it in a live press conference, they can't
edit it, they can't spin it in a way that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

591

they want it to be, how would you feel about
that?

LOYD JOWERS: If I thought it
would do any good, I'd do it in a minute. I
think what it will do -- I'm going to tell
you what I think, Dexter. If I thought it
would do any good, I would do it in a
minute. But let me tell you, if I do that
without immunity, the first damn thing a
prosecutor in Memphis is going to do is get
me indicted.

Now, you can just believe that or
not, but that's what will happen. He has
already said he has got enough evidence to
indict me but he don't have enough evidence
to get a conviction. That's the reason I'm
not indicted right now. I guarantee you it

is.

ANDREW YOUNG: They would
indict you for being part of a conspiracy?

LOYD JOWERS: Yeah, they sure
would.

LEWIS GARRISON: They did make
that statement.

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(901) 529-1999

592

LOYD JOWERS: Sure they did.

The fact is I've investigated it. I had four
or five beers in my belly, and I called him.

I said, you son-of-a-bitch, do you think I'm
scared to you? You are wrong.

DEXTER KING: Was this Cook?

LOYD JOWERS: What was that
guy's name?

LEWIS GARRISON: Glankler?

LOYD JOWERS: Mark Glankler.

That's who it was. I sure called him, got
him out of a meeting. I told him, I said,
hell, I'll come over and talk to you in a

minute.

LEWIS GARRISON: They never did

talk to you?

LOYD JOWERS: Ug-huh. He didn't

have a whole lot to say. I went off on him.

I sure did do it.

LEWIS GARRISON: From the time

this occurred on April 4th, 1968, they never

talked to you about any part you had in it?

LOYD JOWERS: No, never have.

Whenever I went down to the police station

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(901) 529-1999

593

the next day -- maybe it was the next day. I

think it was on the 6th. I went down and

gave them a statement, you know, about who

was in there.

Of course, that had just happened.

I remembered everybody that was in the

place. I knew most all of them. I knew all

of them personally, even the black guy they

put in, Frank Holt, I knew him personally.

But as far as them asking me anything, no.

DEXTER KING: What was Holt

doing there? Do you know?

LOYD JOWERS: All I know is what

he told me. He was going to work at the

produce place. Damn, I can't remember the

name of it. It wasn't Frank Liberto's

place. It was the one over on Front Street.

LEWIS GARRISON: I can't think of

the name of it, either.

LOYD JOWERS: Well, Carter's,

that's where he worked.

DEXTER KING: Did the rifle

have a scope on it?

LOYD JOWERS: Oh, yes, sure

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

594

did. Clip-on kind.

LEWIS GARRISON: The problem

with what Mr. Holt is saying, Mr. Jowers, is

they didn't operate at night over at the

produce company, did they?

LOYD JOWERS: To my knowledge,
they closed around five o'clock.

LEWIS GARRISON: I don't know
that he had anything to do with this case at
all.

LOYD JOWERS: I don't know,
either. Not really.

LEWIS GARRISON: There is
nothing to indicate that he ever had anything
to do with it at all. You never told anyone
he had anything to do with it?

LOYD JOWERS: All that detail
that come out on ABC was Willie Akins' idea.

ANDREW YOUNG: Was there
anybody black other than McCullough that was
in on the early planning?

LOYD JOWERS: Not that I know
of. There could have been.

ANDREW YOUNG: But he was the

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(901) 529-1999

595

only one that showed up in your place?

LOYD JOWERS: He is the only one that ever showed up down there that had anything to do with it. If there was any more, if Jones was involved in it -- that was Dr. King's driver. I knew him pretty well. Is he still living?

DEXTER KING: People talk and say they have seen him, but nobody has been able to really pinpoint or locate him.

LOYD JOWERS: I hadn't seen him in years. But I did know him.

LEWIS GARRISON: Last fall, a year ago, Mr. Young, you've heard of an Officer Redditt, an African-American, I had a chance to talk to him a long time, and -- have you ever talked to him, Mr. King?

DEXTER KING: No, I haven't.

LEWIS GARRISON: He said that he was there and, as you know, had been watching Dr. King and I guess Mr. Young when they were in Memphis, and he told me he was startled because he had no knowledge of anyone ever threatening him and had no reason to. The

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(901) 529-1999

596

first thing he knew, some officer came, I forget the name of the officer, and got him and took him to the police department, and the police commissioner was there along with who they identified as FBI agents and told him that he had received a threat.

They took him to his home. An officer went home with him to make sure he stayed there. He said he knew what was going on. By the time he got home, he heard about the assassination. (Inaudible.) Strange thing to me, though -- I've seen so many strange things -- there is Mr. McCullough, undoubtedly with the police department it has been established, there he was, an African-American on the scene, yet Officer Redditt and the firemen, they were removed.

DEXTER KING: I think the point you made was he was not interviewed as a witness.

LEWIS GARRISON: Never. Not in the police department or anywhere. His name doesn't appear. He is shown in the pictures.

ANDREW YOUNG: Sam Donaldson was

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(901) 529-1999

597

the first one that pointed him out to me. He said he was with Army intelligence and that he was there to make sure that Dr. King was dead.

LOYD JOWERS: Make sure Dr. King was what?

ANDREW YOUNG: Was really dead.

DEXTER KING: He was checking his pulse when he leaned over.

LEWIS GARRISON: I heard he was supposed to give some type of a sign if he wasn't.

(Reporter note: At this point the tape ends and picks up with the following statement by Mr. Jowers:)

LOYD JOWERS: Snub .38, a

short-shot .38. It was and snub nose.

That's four-inch of barrel. It shot a projectile about that long. They called it a short .38. They didn't make many of them. I got it stolen from me.

LEWIS GARRISON: Mr. Jowers, you told Mr. King, too, before what happened to the casing of the bullet. What did you do

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(901) 529-1999

598

with that?

LOYD JOWERS: I put it down -- I tried to bend it together. Well, I did bend it together. I put it down in the commode and flushed it. It didn't go down. It stopped the damn commode up. Anyway -- this is the next day. I got it out. That night, whenever I closed, I drove across the Mississippi bridge, and about in the center of it I throwed it over the side while I was driving along. It is in the bottom of the Mississippi River, the actual shell, the

casing.

DEXTER KING: What time did Lieutenant Clark -- what time did you see him on April 4th? Like how many times or what time did you see him in the grill? Was he in before the actual shooting?

LOYD JOWERS: He had to be there before ten o'clock, because I left there about ten, ten-thirty.

DEXTER KING: That was in the morning?

LOYD JOWERS: In the morning,

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(901) 529-1999

599

yeah.

DEXTER KING: What was he doing there?

LOYD JOWERS: Pardon?

DEXTER KING: What was he doing there?

LOYD JOWERS: He just stopped by like the policemen used to always do.

ANDREW YOUNG: That was

Mr. Clark?

LOYD JOWERS: Yeah.

DEXTER KING: This is on April

4th?

LOYD JOWERS: This was on the

day of the assassination, yeah. I don't

think Johnny Barger come by that day, but I

know Clark did.

ANDREW YOUNG: But now Clark had

to come into the -- into your store and had

gone out through the back?

LOYD JOWERS: He didn't go all

the way to the back. You mean that

afternoon?

ANDREW YOUNG: That afternoon.

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(901) 529-1999

600

LOYD JOWERS: It is a long brick

building.

ANDREW YOUNG: I know it.

LOYD JOWERS: It had an opening

over here. All he had to do was walk in front of that fire station, walk on into the -- no, he didn't have to come through my place.

ANDREW YOUNG: What I was trying to figure out is how did the rifle get out in the backyard.

LOYD JOWERS: Clark had to carry it out there, if he is in fact the one that had it.

ANDREW YOUNG: So he carried it from the back of your store?

LOYD JOWERS: Wait a minute. He carried it from his car or a car. It could have been a police car for all I know. I wasn't back there. He carried it from the street. Here is the fire station over here. It ran around behind my store right around to wherever it was he wanted to do the shooting from, I guess.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

601

ANDREW YOUNG: But the box was
in your store on the day before?

LOYD JOWERS: The box had been
in my store, but I didn't give it to anyone.
That's what I'm telling you. I did not.

ANDREW YOUNG: Okay.

LOYD JOWERS: But now someone
picked it up. But I didn't give it to no
one. I couldn't swear it was a rifle. I
think it was. Which anyone -- you know, I
just didn't.

ANDREW YOUNG: But you are
pretty sure that when you were standing at
the back door, Clark gave you a smoking
rifle?

LOYD JOWERS: I'm sure it was
Clark.

ANDREW YOUNG: And then you put
it under the counter?

LOYD JOWERS: I broke it down
and put it under the counter. I breached
it. You know how you take the empty shell
out.

ANDREW YOUNG: Yeah.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

602

LOYD JOWERS: I broke it down
into two pieces, wrapped it in a table cloth,
put it up under the counter and put some more
towels on top of it. That's where it stayed
until the next day.

ANDREW YOUNG: And it was Raul
that came back and picked it up?

LOYD JOWERS: He didn't do
anything with it except left it wrapped in
that table cloth. He went out the front door
with it.

LEWIS GARRISON: What did he
tell you he came in for that day, Mr. Jowers?

LOYD JOWERS: What did who say?
Raul?

LEWIS GARRISON: Raul or Royal,
whatever --

LOYD JOWERS: He come to pick
that rifle up.

LEWIS GARRISON: Did he tell you
he came to pick the rifle up?

LOYD JOWERS: He asked me if I
had a package for him. I said, well, sure,
I've got it under the counter, I got it last

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

603

night. He said, that's what I'm asking for.

He was real short about it, like if

I wasn't going to give it to him, he'd blow
me away. Anyway, I give it to him, and
that's the last I seen of him.

DEXTER KING: Do you recall an
hour before the killing there was a phone
call made to Frank Liberto about -- in
Pepper's book they talk about this guy
McFerren overhearing a comment about "get the
SOB when he is on the balcony" or something
like that.

LOYD JOWERS: There was no phone
call that I know of made from my restaurant
whatever. I had a pay phone, but there was

not one made from my restaurant. If it
was --

DEXTER KING: You don't have
any idea who Liberto might have been speaking
with?

LOYD JOWERS: No, I do not.

Now, I had heard that, and I don't doubt it
taking place, but all I know is if somebody
made a phone call from my place, they would

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(901) 529-1999

604

have stepped inside and they called back
there while I was working. I was running
that place myself that night because I had no
help.

ANDREW YOUNG: Did you tell the
help to stay home?

LOYD JOWERS: No, sir.

ANDREW YOUNG: They just stayed
home accidentally?

LOYD JOWERS: I don't know if it
was accidental or not. I always wondered

about that, you know, because they were good workers. Betty was a good worker, always come to work.

ANDREW YOUNG: Is she still alive?

LOYD JOWERS: Yes, she is still alive. She lives in Memphis somewhere.

ANDREW YOUNG: Do you know where she lives?

LEWIS GARRISON: She gave her deposition.

LOYD JOWERS: She give a deposition. She lives at 931 Roland.

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(901) 529-1999

605

LEWIS GARRISON: I'm not sure.

Something like that.

LOYD JOWERS: That's where she lives. I understand she either has sold the house or done something with it and moved. I have no idea where.

DEXTER KING: You mentioned a

pay phone. Where was it located?

LOYD JOWERS: Right in the front of the building. There was a front door -- like there is a front door here. The pay phone was between the front of the building and my steam tables. Now, someone could have stepped in and used that phone.

DEXTER KING: You don't remember anybody --

LOYD JOWERS: I don't remember seeing anybody.

DEXTER KING: -- about four-thirty?

LOYD JOWERS: I sure don't. That don't mean someone couldn't have stepped in that door and used that phone and I never would have known about it. Because I was

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(901) 529-1999

606

trying to wait on everybody in the place. I think I had it full of customers, and I was trying to wait on them.

DEXTER KING: Did you discuss
any of the details of what happened with any
of your associates, like Adkins (sic) or
anybody like that?

LOYD JOWERS: No. Willie said I
told him a lot of things, but he is a big old
liar. I ain't told him nothing. I'll tell
him that, too, if I ever see him again.

DEXTER KING: What time did you
come to work on the 4th, April the 4th?

LOYD JOWERS: Four o'clock.

That's the time I came every day unless --

LEWIS GARRISON: Four a.m.?

LOYD JOWERS: No, p.m. You was
talking about in the afternoon, wasn't you?

LEWIS GARRISON: He was talking
about in the morning. What time did you open
in the morning?

LOYD JOWERS: I opened at five.

I thought you meant that afternoon. I
already told you that I was home during the

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(901) 529-1999

607

day.

DEXTER KING: Right. Did you
come in on April 4th in the morning?

LOYD JOWERS: I was in there
that morning, oh, yeah, about four o'clock,
because I opened up at five.

DEXTER KING: What were you
saying about four, that you came in at --

LOYD JOWERS: That afternoon I
come in. See, after I got lunch ready, I
turned it over to my cook, and she handled
the lunch crowd. Then I come back to work
that afternoon at four o'clock.

DEXTER KING: What type of car
were you driving that day?

LOYD JOWERS: I don't know if I
was driving my station wagon or my Cadillac.
It was one or the other. Whichever one my
wife wasn't driving, I was driving the other
one.

DEXTER KING: Did you hear --
were you told that there would be --

actually, I read it -- that there would be
somebody in the organization, in Dr. King's

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(901) 529-1999

608

organization, that would get him on the
balcony, so to speak, or get him in the
position? Had you been told that?

LOYD JOWERS: To my
recollection, I don't remember anybody
telling me that, I do not. Now, that doesn't
mean they didn't do it. We're talking about
thirty years ago or longer.

DEXTER KING: Had you heard of
anybody on the inside that they had
infiltrated or penetrated?

LOYD JOWERS: Sure, I heard
that. I sure did, from customers in the
restaurant. I heard plenty of it. How much
of that talk was true, I don't know. Maybe
none of it. I tend not to believe half of
it.

DEXTER KING: What kind of

stuff did you hear?

LOYD JOWERS: Well, I heard that Jones was involved in it. Then I heard that the other person I heard was -- it wouldn't make sense to me, but the guy that took his place, what's his name?

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(901) 529-1999

609

ANDREW YOUNG: Ralph Abernathy?

LOYD JOWERS: Abernathy, yes. I heard he had him moved from downstairs to upstairs. I always doubted that. But somebody had it done. It had to be someone in his organization that would do it, I would think, or his security. I always figured his security had to have done it.

DEXTER KING: You never heard anything mentioned about Reverend Kyles or Reverend Jackson?

LOYD JOWERS: No, sir. I never did. I never did. I heard a lot of good about them. I never heard anything bad about

either of those men.

DEXTER KING: Did Liberto ever mention his ties to Marcellous or -- what was the guy in Memphis? -- Genovise or Venovise?

LOYD JOWERS: No, not that I can remember.

DEXTER KING: But it was pretty common knowledge that he was associated with the Marcellous organization:

LOYD JOWERS: Oh, yeah. Half

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

610

the police department knew that. Or maybe more than that.

LEWIS GARRISON: I believe you are talking about prostitution, gambling and what else?

LOYD JOWERS: Who you are talking about?

LEWIS GARRISON: Mr. Liberto.

LOYD JOWERS: Oh, Frank? He had a little gun-running deal, selling guns

to I guess the Cuban rebels, I guess, or at least that is what I was told, you know.

LEWIS GARRISON: Gambling, drugs?

LOYD JOWERS: Oh, yeah.

LEWIS GARRISON: Prostitution?

LOYD JOWERS: I would think that money I handled for him before the assassination, that that money was going to buy drugs, guns, and payoff money. Now, he had to pay off, I can tell you that.

LEWIS GARRISON: Who did he have to pay off?

LOYD JOWERS: Well, he had the

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(901) 529-1999

611

police department in New Orleans, the police department in Memphis. That got him a long way. I'm not too sure he didn't pay

Mr. Crump some money back years ago. Because he was one powerful dude in this town, you can believe that.

DEXTER KING: Were there two
back doors from the building leading to the
brush area, one from the kitchen and the
other one from the rear stairway of the
rooming house?

LOYD JOWERS: Well now, are you
talking about where my restaurant was?

DEXTER KING: Yes, sir.

LOYD JOWERS: Okay. My
restaurant had a front entrance and it had a
back entrance. Okay. The upstairs had a
stairwell that come down the side, but it
stayed blocked off all the time. How they
got around the Fire Department blocking that
off, I do not know, but they did.

You could go down the steps, but you
get to that door and it would not open inside
or out. Of course, they had a front

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(901) 529-1999

612

entrance, and it went right down beside my
grill, which was inside the building, and it

went right out right next to my door.

My door was like here. Their
entrance was right here, just right around
the corner.

DEXTER KING: Do you know the
name of the people who were staying upstairs
in the rooming house --

LOYD JOWERS: Charlie Stephens.

DEXTER KING: -- on April 4th?

LOYD JOWERS: Charlie Stephens
is the only one I really knew. And the
crippled boy lived there. Damn, his name --
I'll be darn. I knew his name because he was
a customer that come in and bought a lot of
beer.

DEXTER KING: Was Earl Clark up
there or Raul that afternoon?

LOYD JOWERS: Not to my
knowledge. Not to my knowledge.

DEXTER KING: Do you remember
what Clark was wearing that afternoon?

LOYD JOWERS: No, I sure don't.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

613

He wasn't wearing a police uniform. I know that.

DEXTER KING: I remember you mentioning a white shirt I thought the last time.

LOYD JOWERS: Are you talking about the guy that handed me the gun?

DEXTER KING: Right.

LOYD JOWERS: Yeah, he had a white shirt on. Sure did.

DEXTER KING: Do you remember what else he may have had on?

LOYD JOWERS: Dark pants and a white shirt. Other than that, I cannot tell you, because it happened so fast, about like that and he was gone.

DEXTER KING: Are you pretty comfortable -- I should ask, did you see him fire the shot, the rifle?

LOYD JOWERS: No, I did not. I did not. I heard the shot when it went off.

I couldn't miss hearing it. Whether it went
off from upstairs or down in the bushes, I
couldn't miss hearing it. It sounded like a

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(901) 529-1999

614

damn cannon.

DEXTER KING: You say it did go

off upstairs?

LOYD JOWERS: Whichever place it

went off. There wasn't but how many feet up

there, ten, twelve feet. That was right over

my back door. That's where the bathroom is.

My back door is right here, and the bathroom

is about ten, twelve feet above.

DEXTER KING: But if he handed

you the rifle, how could he have been

upstairs?

LOYD JOWERS: He couldn't have

been. Now, how you explain that and the test

shows that that bullet was going down, there

is only one explanation for it, and two or

three different people have said this

happened. Jones said something to him about getting his overcoat or a coat, and he bent over the counter -- this is the only explanation I can come up with. He bent over the rail. That's when he got shot on the balcony.

DEXTER KING: From down in the

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(901) 529-1999

615

bushes?

LOYD JOWERS: Yeah.

ANDREW YOUNG: Your place was on a hill, though.

LOYD JOWERS: Yeah.

ANDREW YOUNG: So the bushes and the room were about the same level?

LOYD JOWERS: They were about the same level. You see, if you shoot a rifle --

ANDREW YOUNG: He was sort of like that, leaning over talking.

LOYD JOWERS: He was leaning

over trying to hear what Jones was talking about. That has to be the only explanation.

It went in long about here.

ANDREW YOUNG: It hit the tip of his chin.

LOYD JOWERS: Oh, it did? It did hit his chin? Okay.

ANDREW YOUNG: And then --

LOYD JOWERS: So he had to be leaning over that railing. Now, if he in fact was shot from there, from that backyard,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

616

then that's where it had to be. I would say it would be a pretty good angle from up in that rooming house. Whether that is the way it happened, I don't know. That's the only explanation I have for it.

LEWIS GARRISON: Was the door to the basement open that afternoon?

LOYD JOWERS: I never locked it. There wasn't nothing down there. I

figured there was no reason to lock it.

There sure wasn't.

DEXTER KING: Do you know whether Clark or anybody went down there after the shooting?

LOYD JOWERS: I have no idea.

DEXTER KING: Do you think Clark put on a uniform or had a uniform after the shooting?

LOYD JOWERS: I have no idea.

DEXTER KING: But if he had on a white shirt, would it have been easy for him to change into other clothes?

LOYD JOWERS: He could change shirts in a matter of seconds if you didn't

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

617

have it already buttoned up. Sure you could. He could have changed that when he got in the car.

DEXTER KING: So you never saw him anymore after that?

LOYD JOWERS: No.

DEXTER KING: Who was in the
brush area at the time of the shooting?

LOYD JOWERS: I have no idea.

DEXTER KING: So you took the
rifle and just went inside?

LOYD JOWERS: I was already
inside. He handed me the rifle through the
back door.

DEXTER KING: He just came into
the back door or to the back door?

LOYD JOWERS: He was about from
here to Junior there. He didn't have to hand
me the rifle. He threw it to me. He threw
it to me like you would do a soldier. Of
course, I caught it. It had just been
fired. I heard it when it went off. I done
what Frank told me to, I broke it down and
put it under the counter and went on and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

618

waited on my customers.

DEXTER KING: Did you see anybody driving the Mustang that afternoon, a white Mustang?

LOYD JOWERS: I did not. I know there was one parked in my parking place when I got to work at four o'clock. I pulled right up behind him like that.

DEXTER KING: That was on South Main?

LOYD JOWERS: On South Main. I did notice it had out-of-state tags, but I don't know what state it was. I knew it wasn't local. I figured it was shoppers over across the street over there shopping. That's what I figured. I got as far away from that sparkplug (sic) as I could and got on out and went to work.

DEXTER KING: In your opinion, and I know it is just an opinion, do you think Earl Clark was the trigger man?

LOYD JOWERS: Now, you know, I have an opinion of that. Now, my personal opinion, I think he was. I sure do.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

619

DEXTER KING: Why do you --

aside from him throwing you a rifle, was

there any conversation you all had beforehand

or any talk you had heard about did he have a

reason to or was it just money? Why would he

have done it? What was his motive, I guess?

LOYD JOWERS: I would think

probably for money. That's what I would

think. That's what I believed at the time.

ANDREW YOUNG: Somebody -- was

there any evidence that he lived a little

better after the shooting?

LOYD JOWERS: I really don't

know, Mr. Young.

ANDREW YOUNG: You didn't see

him anymore?

LOYD JOWERS: If I ever seen

that man any more up until -- he is dead,

isn't he?

LEWIS GARRISON: I think he has

died.

LOYD JOWERS: I don't remember.

I don't think I ever seen him anymore.

LEWIS GARRISON: Even though you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

620

had been a close friend and had been hunting

companions?

LOYD JOWERS: Oh, yeah, we had

been friends for years.

DEXTER KING: What about do you

recall which police officers interviewed you

after the shooting?

LOYD JOWERS: I have no idea.

They really didn't do any interviewing that

night. They took down a name and address and

telephone number and told us to go home when

they got all the information, name, address

and telephone number. That's all I give them

that night.

DEXTER KING: Who conducted the

crime scene I guess interrogation? Was it

FBI or the Memphis police?

LOYD JOWERS: I have no idea.

DEXTER KING: What about the
people, Barger -- is it Barger or Barjer?

LOYD JOWERS: Barger,

B A R G E R.

DEXTER KING: Zachery,
McCullough, Clark, Liberto, did you see any

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

621

of those people after the killing?

LOYD JOWERS: You mean that
night?

DEXTER KING: Right.

LOYD JOWERS: Or the next day?

No, sir.

DEXTER KING: Or even the next
day. I know you talked to Liberto.

LOYD JOWERS: I talked to
Liberto. I didn't see him. I didn't see
none of them the next day. I sure didn't.

DEXTER KING: How many times

did you meet McCullough?

LOYD JOWERS: As far as actually meeting him, like you telling me his your name is McCullough and me telling him my name, I don't think I ever did. I did know him. I knew him when I seen him and still would, I think, even though it has been thirty years.

DEXTER KING: How deep do you think he was involved in the killing?

LOYD JOWERS: I don't really -- really and truly? I think he was just

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

622

following orders. That's exactly what I think. I always believed that. I believed he was just doing what he was supposed to be doing.

DEXTER KING: How many planning sessions did you see him attend?

LOYD JOWERS: How many what?

DEXTER KING: How many planning

sessions did you see him attend?

LOYD JOWERS: Just that one time when he come in the grill. I had no idea what they were talking about. I got a word here or there. I knew it was illegal, whatever it was. It wasn't unusual.

DEXTER KING: And Barger brought him in?

LOYD JOWERS: I didn't say --

DEXTER KING: Did he work for Barger?

LOYD JOWERS: See, Barger was a field inspector.

DEXTER KING: What does that mean? He was over the uniformed division?

LOYD JOWERS: He was over a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

623

section of the uniformed. They had four field inspectors. I don't know how many policemen worked on each section. If I had to guess, I'd say about a hundred, maybe a

hundred twenty-five.

Of course, they had the city split up. Each one of them had -- I believe they call them assistant chiefs now, but they were field inspectors back then.

DEXTER KING: How much money was Clark paid?

LOYD JOWERS: I have no idea. I don't have the slightest idea.

DEXTER KING: What do you -- who do you think paid him, then?

LOYD JOWERS: The man who said his name was Raul. He is the one I gave the money to. He had to be the one who paid him.

DEXTER KING: Do you think that Raul approached Clark about being the trigger man?

LOYD JOWERS: I don't know. I wouldn't doubt it, but I don't know.

DEXTER KING: Do you know of

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(901) 529-1999

any other Memphis police officers that would have received money for the operation?

LOYD JOWERS: No, I do not. I

don't know that Clark got any money out of it. I just know I believe he did. But as far as I seen him getting any, he may have done it for the fun of it. I don't know.

You never know about people.

DEXTER KING: Did you ever hear anything about this hoax radio broadcast, you know, that this broadcast was put out over the police radio that the suspect was traveling in one direction?

LOYD JOWERS: Oh, yeah, I heard about that. He was supposed to have been out in Raleigh or somewhere like that, a white Mustang, the police were supposed to have been behind him, and James Earl Ray said he was going the other direction going down 65.

DEXTER KING: Going north?

Going north or south.

LEWIS GARRISON: South.

DEXTER KING: South, rather.

But the radio said he was going north?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

625

LOYD JOWERS: Going north, yeah.

DEXTER KING: Now, it has been
said the only people who would have had the
technology to break into police radio
frequency would have been the military.

LOYD JOWERS: They are wrong
about that. I had a scanner that picked
up -- I think they had four channels. I had
a scanner that picked up all four of those
channels.

DEXTER KING: No, no, not pick
up but to actually break in and broadcast.

LOYD JOWERS: Oh, yeah, to
break in and talk on it, that would be the
military.

DEXTER KING: In fact, that
came out in the House Select when they did
their investigation.

LOYD JOWERS: I misunderstood

you.

DEXTER KING: Sure.

LOYD JOWERS: I thought you
said --

DEXTER KING: To listen. You

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(901) 529-1999

626

can monitor. But to actually break in and
broadcast.

LOYD JOWERS: Yeah.

DEXTER KING: What about the
taxi driver that picked up the passenger at
the time of the killing and said they saw a
man who came down over the wall and get into
a Memphis police car up on I think Huling?

Is it Huling Street?

LOYD JOWERS: Huling, yeah.

DEXTER KING: And the driver
was killed that night.

LEWIS GARRISON: I don't think
he knows anything about that. What happened
with that was after this Prime Time telecast,

there was a gentleman that called me and gave his name to Dr. Pepper, like he states in his book.

The statement he made was that he was a cab driver that night and that a friend of his was also a cab driver and that this friend was over at the Lorraine Motel and radioed him and said I just saw -- well, he said he was unloading some luggage and that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

627

he was looking up and recognized Dr. King, and he said -- he radioed to his friend that "I just saw Dr. King was shot."

He said he called his dispatcher, and he told him to go ahead and get out of the area. So the gentleman called me who is still living in Memphis and said that he told his friend to meet him out at the airport at a place they frequent out there.

He said two officers came out there. He heard his friend give the police

officer an account of what he had saw. He had seen just what you said, someone who ran and got in a police car.

Then he'll tell you this today -- he has talked to several people. But at any rate, he said the police officer said, okay, come down in the morning to the station and give us a full statement. So the next morning they found the man's body across the bridge on the Arkansas side and they said he had been thrown out of a car.

LOYD JOWERS: I remember that cab driver getting killed. I didn't know

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

628

about all that.

LEWIS GARRISON: But there is no account of it. You can't find a thing about this. But this man will tell you that today. I gave his name to Dr. Pepper.

ANDREW YOUNG: Do you remember his name?

LEWIS GARRISON: No, sir, I
don't have it here with me right now.

DEXTER KING: This is actually
in Pepper's book, the name of the fellow?

LEWIS GARRISON: Yes. He gave
Dr. Pepper his name.

LOYD JOWERS: I didn't know
anything about it.

LEWIS GARRISON: I've had
someone interview him before Dr. Pepper did.
That's exactly what happened. Louis Ward, I
believe it is something like that.

DEXTER KING: You believe they
just got rid of the file?

LEWIS GARRISON: I think there
is no question. After we began to dig into
it, we could find no record where the man was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

629

even killed. I believe his name is

Mr. Ward. He will tell you today that's what
happened.

He said he heard the man at the airport tell the two police officers that he had seen Dr. King -- he was unloading luggage, looked up and saw Dr. King over the railing, and he said he saw him -- it looked to him like it blowed his whole face off. He looked around immediately and saw a man running and get into a police car.

Then he radioed his dispatcher. Of course, he said they were close friends.

This man said he was out in East Memphis. He said, well, let's meet at the airport and we'll talk about it. He said two police officers came out there and interviewed the man.

He said, I heard him give the statement, tell the police exactly what he had seen. They said to come in in the morning and give a full statement at the police station. But then he was found dead on the Arkansas side. The story was someone

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

630

threw him out of a car.

But we can't find even a trace of it. In fact, the cab company claims they can't find a company record that he even worked there. We went so far to check with the cab company. They couldn't find anything. They won't admit it.

DEXTER KING: What did you hear was learned about any prior knowledge about the killing or involvement of anybody with a public or private person in Memphis or elsewhere or any state officials or federal officials?

LOYD JOWERS: Any knowledge I had prior to the assassination?

DEXTER KING: Uh-huh. Or even after.

LOYD JOWERS: I heard everything in the world I guess after. But I didn't put much stock in it. Most of it was just beer talk, you know.

DEXTER KING: Anything before?

LOYD JOWERS: Never heard a
thing before.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
631

DEXTER KING: You mentioned
Solomon Jones. But you heard that after.
That is beer talk, is that what you mean when
you you said beer talk, the thing you said
about Solomon Jones?

LOYD JOWERS: Oh, yeah, I heard
that afterwards, that he was talking to Dr.
King up on the balcony. If he in fact was
shot from my backyard, Dr. King would had to
have been leaning over that balcony. He
would have had to have been. Otherwise that
bullet could have gone up. I mean, it was
that or it would have gone level.

ANDREW YOUNG: It could have
gone either way. It really -- you can't tell
which way it went because it was such a clean
wound that --

LOYD JOWERS: Didn't it hit a

bone in his --

ANDREW YOUNG: A bone in his
spinal cord. I don't think it hit anything
in his shoulder.

LOYD JOWERS: I thought it hit
his collar bone.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

632

LEWIS GARRISON: I don't think
so.

ANDREW YOUNG: The collar bone
is up here.

LOYD JOWERS: That's what I'm
talking about. It was like from here to here
just blown away.

LOYD JOWERS: Yeah.

DEXTER KING: Now, Mr. Jowers,
when we met the last time, it was clear that
we felt we needed to meet again to really
get --

LOYD JOWERS: Oh, yeah.

DEXTER KING: -- get more

detail. I'm trying to remember, and I'm going off the top of my head, what you had stated today that you haven't already stated, and I can't really seem to pinpoint anything much different than what you already said then.

I wanted to just ask for your -- if you could help me here, because I'm trying to recall was there something that I missed the last time that you stated today that you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

633

didn't state before.

LOYD JOWERS: The only

difference is that I'm almost positive it was Clark in my back door, and I'm not sure about the rifle. But I'll tell you what I thought. I thought it was a 30-30. It could have been a 30-06, as well as it could have been a 30-30.

Now, when the shot went off, it sounded like a 30-30, because they are a lot

louder than a 30-06 when they are fired.

That is two things. The other -- I told you something else that I didn't tell you before. I don't know what it was. It is on that tape, of course.

DEXTER KING: Well, is there anything you want to tell me that I haven't asked that you think might be helpful?

LOYD JOWERS: I can't think of a thing, Dexter. Now, I've told you up to now everything I know about it.

DEXTER KING: What have you -- or from your opinion or what you have heard, rumors included, at what level of government

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(901) 529-1999

634

or involvement do you think this assassination was carried out by plan?

LOYD JOWERS: What you want to know is where the order come from?

DEXTER KING: Right.

LOYD JOWERS: It is my opinion

and my belief that the order come from J.

Edgar Hoover. Now, that's where the order
come from.

How to prove that, there is no way.

I could just easily said the President, but I
know better than that, because I don't
believe the president would have done that.

But now J. Edgar Hoover hated your dad.

DEXTER KING: How could -- if
military were involved, wouldn't the
Commander in Chief by just from you being in
the service and knowing --

LOYD JOWERS: Well now, wait a
minute now. The CIA or FBI are not
military. No.

DEXTER KING: No, I'm
saying --

LOYD JOWERS: You mean if the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

635

military was involved?

DEXTER KING: Right.

LOYD JOWERS: Yeah. Not only that, but there would be a record of it.

DEXTER KING: And wouldn't the Commander in Chief have to give the order if they were involved in something like that?

LOYD JOWERS: Some word between the guy that was doing the assassination and the President, somebody in between there would give the order. But first it would have to come from the head honcho.

ANDREW YOUNG: Hoover had a man who was his number two man who was almost staying in the White House, Lee DeLoach. He was the one that was keeping -- that was sort of telling Lyndon Johnson what they wanted him to know.

LOYD JOWERS: Yeah.

DEXTER KING: Let me also ask you is there anyone that you know of that can present scientific evidence about this case, anything that occurred that you know of, somebody who is still living that would

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

636

have -- that would be able to say not only did I see this, here is evidence, a rifle or, you know, anything concrete?

LOYD JOWERS: To my knowledge, I don't know of anyone that has scientific evidence of which rifle did actually kill him. I definitely don't believe it was the one the police found. I'll never believe that in a million years.

ANDREW YOUNG: Where did they find that?

LOYD JOWERS: Right in front of -- see, this was the street here and the sidewalk. My building was right here.

You've got the rooming house, two doors here, two rooming house doors, then you've got an amusement company over here. His front door sits back I guess it must be ten feet.

That's where the rifle was found.

DEXTER KING: So it is your feeling that James Earl Ray did not --

LOYD JOWERS: No. He didn't no
more kill him than you killed your own dad.

No. No. Nope. I'd never believe that in a

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(901) 529-1999

637

million -- even if he told me I wouldn't
believe it.

DEXTER KING: So why was he set
up?

LOYD JOWERS: His own fault.

They got him out of jail. They furnished him
money. They furnished him passports. Now,
they come up with that tale about him setting
up a gun deal, but that wasn't true. They
may have told him that, you know.

But now he stalked your father
halfway across the United States, went to
Atlanta, had all that written down. Now, he
was doing that for the CIA and the Mafia.

That's exactly why he was doing that.

DEXTER KING: What if they told
him to go to these places so they could

establish a paper trail with established documentation? If they were in fact using him as a set-up person, wouldn't they want him to appear that he was stalking him?

LOYD JOWERS: Why, certainly they would. Sure they would.

DEXTER KING: So is it possible

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

638

that he was doing things that appeared to be stalking but maybe he didn't realize it?

LOYD JOWERS: He probably didn't even realize it, yeah. Yeah. I'm sure that's the way it went down. I'm sure.

Because if he wasn't going to -- if he had no intention of hurting Dr. King, which I don't believe he did, why would he want to be stalking him?

He was doing what he was told to do. That was to make it look like that he was stalking Dr. King, whether he was or not.

DEXTER KING: Well, I think I
have asked --

ANDREW YOUNG: Do you mind me
taking a picture of this?

LOYD JOWERS: No, no. We'll
make you a tape of that, if you want to.
Help yourself. Go right ahead.

ANDREW YOUNG: Why don't you
lean toward --

LOYD JOWERS: Can you see all of
us?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
639

ANDREW YOUNG: Yeah, I can.

LOYD JOWERS: Do you want me
to -- do you want to take some pictures for
your family?

DEXTER KING: Sure.

LOYD JOWERS: Do you want me to
smile or not? Okay, I was just kidding.

DEXTER KING: Do you want me to
snap you?

LOYD JOWERS: Well, Dexter, I wish I knew exactly who done the killing, but I don't. If I did, believe me, I'd say it. But I do know this for sure: It was a for-sure conspiracy.

LEWIS GARRISON: Well, Mr. Jowers, isn't it true that Mr. Young and Mr. King --

LOYD JOWERS: Lewis, I can't hear you.

LEWIS GARRISON: Isn't it really true that Mr. -- that lieutenant Clark did it? You know that, don't you?

LOYD JOWERS: I'm almost positive. But as far as seeing his face, I

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(901) 529-1999

640

did not.

LEWIS GARRISON: But he had on the clothes and all that you had seen him in earlier?

LOYD JOWERS: Yeah, I had seen

him in the same clothes. But as far as me seeing his face, I did not. Now, I saw the back of his head.

ANDREW YOUNG: The people who were involved in this as far as you know that are still alive would be --

LEWIS GARRISON: Lieutenant Zachery.

LOYD JOWERS: Zachery is still alive.

LEWIS GARRISON: McCullough. McCullough is still alive.

LOYD JOWERS: McCullough.

LEWIS GARRISON: Who else? Of course, Mr. Jowers. Ms. Spates in front of Mr. Jowers -- he knows because he was there -- she says what he saw.

LOYD JOWERS: That was a big old lie.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

641

LEWIS GARRISON: You know she

described it in lengthy statements under oath
that she saw this.

LOYD JOWERS: Oh, yeah, sure.

LEWIS GARRISON: You heard that
under oath, heard her say that?

LOYD JOWERS: Sure, I was right
there.

LEWIS GARRISON: She had given
the deposition. She gave affidavit after
affidavit and described what she saw. You
know, that don't you?

LOYD JOWERS: Yeah.

DEXTER KING: That's what I
don't understand. How would she -- why would
she go to that extent?

LOYD JOWERS: To get at me.

DEXTER KING: What?

LOYD JOWERS: That's why. No
other reason. She is really and truly -- she
is serious about that, too. There is not a
dad-gum word of it that is true, but she
believes it, and there is nobody that can
change her mind, that I actually done the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

642

shooting.

DEXTER KING: Oh, she thinks
you did the shooting?

LOYD JOWERS: Damn right she
said it. I don't know if she said it in the
deposition or not, but she told me that.

DEXTER KING: Now, how many
times did you see Clark that day in your
grill?

LOYD JOWERS: One time.

DEXTER KING: That was in the
morning?

LOYD JOWERS: That don't mean he
wasn't in there more than that. See, I left
about ten, somewhere around ten.

DEXTER KING: You said
Ms. Spates used to be your girlfriend?

LOYD JOWERS: Yes, sir.

ANDREW YOUNG: Hell hath no
fury like a woman scorned.

LOYD JOWERS: And, buddy, she
got one hell of a temper, too.

LEWIS GARRISON: She has two
children and says he is the father.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

643

LOYD JOWERS: I offered to go
with her to take a blood test. Then we'll
find out if I am or not. She backed out.
Right on up to the time to go, then she
backed out. She knew damn well I wasn't the
father of those children. If I had been, I
would have been supporting them.

LEWIS GARRISON: Mr. Jowers,
under oath, though, you said you were engaged
in a sexual relationship with her?

LOYD JOWERS: Well, hell, yeah,
for some period of time.

LEWIS GARRISON: That went on
for a year or two?

LOYD JOWERS: It was longer than
that, more like five years.

LEWIS GARRISON: I several
years?

LOYD JOWERS: Like I say about
the President, a man is allowed to do any
damn thing, you know, especially a lounge
man.

LEWIS GARRISON: Why don't you
step outside a moment and let me talk to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

644
them.

LOYD JOWERS: Okay.

ANDREW YOUNG: We really
appreciate your seeing us, your coming
forward.

LOYD JOWERS: I hate I'm not any
more help now. If there is anything I can
do, you can believe I'll do it.

DEXTER KING: You said if you
thought it would help, you would come
forward --

LOYD JOWERS: Yeah.

DEXTER KING: -- to the media?

Don't you think it would cause people to
start --

LOYD JOWERS: I think it would
get me put in jail. I think it would get me
indicted. That's exactly what I think. I
could be wrong, but I don't think so.

DEXTER KING: Okay.

ANDREW YOUNG: Thank you very
much.

LOYD JOWERS: See you later.

ANDREW YOUNG: Okay."

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

645

(This is the end of the tape
proceedings played in the court room.)

THE COURT: All right, ladies
and gentlemen. This is a good time for us to
break for lunch.

(Jury out.)

(Lunch recess.)

THE COURT: All right. Bring

the jury out, please, sir.

(Jury in).

THE COURT: All right, Mr.

Pepper. You may proceed.

MR. PEPPER: Your Honor,

plaintiffs call His Honor Judge Arthur

Haynes.

ARTHUR J. HAYNES, JR.

Having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Judge Haynes.

A. Good afternoon, sir.

Q. Thank you very much for joining us

here this afternoon: Would you state for the

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(901) 529-1999

646

record, your full name and address.

A. Arthur Jackson Haynes, Jr., 3533

Spring Valley Terrace, Birmingham, Alabama.

Q. And what is your present occupation?

A. I'm a circuit judge, Tenth Judicial Circuit, Birmingham, Alabama.

Q. How long have you been a circuit court judge?

A. Fifteen years.

Q. And before you were a circuit court judge, what did you do?

A. I was a lawyer, a courtroom lawyer.

Q. You were a trial lawyer?

A. Yes, sir.

Q. Was there a time in 1968 that you were asked to become involved in the case of the assassination of Martin Luther King, Jr.?

A. I was.

Q. And what was the position that you undertook at that time?

A. Well, simple arithmetic will tell you I was a very young lawyer at the time. James Earl Ray contacted my father, who was also a trial lawyer. We had had some success in

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(901) 529-1999

defending highly-publicized difficult,
unpopular cases.

When James Earl Ray was arrested in
London and contacted us, asked us to
undertake his representation. Actually, we
were contacted by R. J. Sneyed, which was the
name he was traveling under on a Canadian
passport. We went to London.

Q. You and your father then became
defense lawyers for James Earl Ray?

A. Yes, sir.

Q. You were his first defense lawyers.
Is that right?

A. Yes, sir.

Q. And did you undertake the trial
preparation of that case?

A. Absolutely.

Q. And were you ready to go to trial?

A. Yes, sir. Absolutely. He changed
lawyers the night before I was going to give
the opening statement in the case.

Q. You were prepared to go to trial
right up to the night before the trial date

and then what happened?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

648

A. I left James Earl Ray on Friday. I spent all day with him here in Memphis on Friday getting ready for trial. I returned to Birmingham late Friday evening and came back on Sunday night. I had to get new suits, do some final things to get ready for trial. When we arrived, we were handed a note saying that when changed lawyers.

Q. Were you able to eventually learn what happened and why he made that change of counsel at the midnight hour?

A. I never did know for sure, Mr. Pepper. That remains a mystery to me. I know that he contacted us approximately one week later and said, gentlemen, I made the biggest mistake I ever made, would you please come back to try this case for me, all this new fellow wanted me to do is plead guilty.

Q. It was too late by then?

A. Yes, sir. The case was so bolloxed up that we just weren't willing to get back involved in it.

Q. Judge Haynes, since you took that case up to the eve of trial and diligently

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

649

prepared the trial, you were very familiar with the evidence that the State had?

A. Yes, sir.

Q. We're going to talk about a particular aspect of that evidence here this afternoon, but in general what is your view, what can you tell us now in terms of how you saw the case?

A. In 1968 on the eve of trial the State was absolutely confined to a theory of one man: James Earl Ray, acting alone, killed Dr. King. Our view of it was that the evidence and testimony was inescapable that that was an impossible result both factually and it was an impossible result at the

trial. We were absolutely confident that the case would be won.

Q. Were you and your father not in fact asked to take a plea bargain to James Earl Ray offered by the State early on because they didn't want to try this case?

A. I don't know what they wanted to do, but, yes, we had a plea bargain offered earlier and took it to James Earl Ray.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

650

Q. What were the terms of that plea bargain, do you recall?

A. I've forgot exactly what they were, Mr. Pepper. Whatever the plea was, the plea we were offered allowed for parole in ten years. I believe he took a ninety-nine year sentence, which at that time made him eligible for parole in thirty-three years. And we were offered a sentence that allowed for parole in ten years. Of course, parole wasn't a likelihood in that case, anyway.

The offer was better than the one we had, at least theoretically.

Q. What was James Earl Ray's response to that offer?

A. It was preposterous. Neither he nor we were going to consider a plea of guilty in a case that should have been won. Obviously we would have considered a reasonable plea, but I think the circumstances were such that a lesser plea simply was not something that the prosecutors were putting forward.

Q. Okay. Moving on, you and your father and your team of investigators obviously

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(901) 529-1999

651

interviewed a good number of witnesses.

A. Yes, sir.

Q. Did you do some of this interviewing yourself personally?

A. Yes, I did.

Q. And did you at one time or another interview a man called Canipe, who owned a

store on South Main Street?

A. Sure. Canipe Amusement Company, yes,

sir. We interviewed Mr. Canipe.

Q. So that we can set the location of

that, Judge, if I can bring you back to an

area which I'm sure you haven't thought about

in many years, but --

A. I recognize it vividly.

Q. This, you see, is a depiction of the

rooming house --

A. Yes, sir.

Q. -- which it had two wings?

A. Right.

Q. And underneath one wing do you see

roughly where Canipe's store would have been?

A. Put your pointer right back where it

was. I believe there was a doorway to the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

652

rooming house there and then to the right

there was an angle doorway. If you would cut

off that corner roughly there was an angled

entranceway to the Canipe Amusement Company.

It would be in the lower right-hand portion of that building where you are pointing, right about where your pointer is.

Q. That's where Canipe's Amusement Parlor was located?

A. Yes.

Q. Now let's put up a couple of photographs. Does that look familiar?

A. Yes, sir.

Q. This is the amusement company you are speaking about?

A. Right. That's the angled entranceway.

Q. That's the angled entrance here?

A. Yes.

Q. This is the entrance -- one of the entrances to the rooming house.

A. Yes, sir.

Q. The other entrance is right over here between the two wings of the rooming house.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

653

Q. There was a -- on the second floor --

I never went out that entrance, but there was a crosswalk used by anyone that went in that entrance there. There was another entrance there or around the back, one, I forget which.

Q. Right. Now, what was the State's contention with respect to evidence that was found in this area?

A. The State's theory was there was a Browning box, a Browning rifle box, that contained some items of clothing, a radio that had James Earl Ray's Missouri state penitentiary number on it and a Remington 760 rifle that James Earl Ray had bought in Birmingham. That box was -- I believe the rifle itself was wrapped in clothing. I'm not totally sure of that. The box itself was wrapped and tied in some fashion.

The State's theory was that James Earl Ray had fired the shot that killed Dr. King, had run across the entranceway there in

that slant between the two buildings.

Adjoining these two buildings was sort of a

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(901) 529-1999

654

rickety metal connecting-way. The State's theory this was James Earl Ray had fired the shot from the bathroom on that second floor, come down that hallway into his room and carefully packed that box, tied it up, then had proceeded across the walkway the length of the building to the back where that stair from that door came up, had come down the stairs out the door, placed the Browning box containing the rifle and the radio there in the Canipe entryway.

That was the State's theory. It was the only theory that they could have with James Earl Ray acting alone in order to prove their theory.

Q. Then he proceeded to get into a Mustang and drive away?

A. That's right.

Q. The Mustang was supposedly parked somewhere around here.

Would you put on the second photograph. Now, that's a closer view of the angled doorway. Where did they say this evidence box was --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

655

A. I've never seen that picture, Mr. Pepper. I believe the evidence box was to the right sort of up against that brick wall to the right, I believe.

Q. Right here?

A. Yes.

Q. We're talking about thirty-one, thirty-two years ago. I believe that's where it was. Mr. Canipe, who owned that amusement company, was on the scene at the time of the killing. Is that right?

A. That's what they told me, yes, sir.

Q. Did you have an opportunity to interview him?

A. Yes.

Q. How long after the actual event do you recall that you interviewed him?

A. How long after the event was it when we interviewed him?

Q. Yes.

A. Dr. King was killed April the 4th.

James Earl Ray was arrested in June. He contacted us immediately. We started investigating it immediately, even before we

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

656

went to London. I would say it was in the

August range, July, August of 1968.

Q. The summer of 1968?

A. I'd say so, yes, sir.

Q. That was at a time when the events would have been fresh in the mind of Mr. Canipe?

A. Of course, I don't know what was -- here I am being a judge. I'm sustaining the objection. I don't know what was in his

mind, but it should have been fresh. It was immediate.

Q. When you spoke with him, did he appear to be aware of --

A. Absolutely, sure. He remembered it very vividly. In fact, we turned over that entire area, as you can, imagine looking for not only witnesses but also to exclude people who later may or may not have knowledge about it.

He was one of the more reliable people truthfully that we found down there.

Those in Dr. King's party, they were not aware of what was happening, as they were on

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

657

the other side of the street.

Q. What did he tell you -- precisely what did he tell you about what he recalled about the dropping of that evidence?

A. He said that the package was dropped in his doorway by a man who dropped it in his

doorway and headed down South Main Street, headed south down Main Street on foot, and that this happened at about ten minutes before the shot was fired. He was tied up doing something but saw it happen and didn't go out to check what it was.

Q. He told you that this bundle of evidence was dropped in his doorway about ten minutes before the shot was actually fired?

A. Yes, sir.

Q. What did you think of that?

A. We thought it was terrific evidence.

Furthermore, it was very credible, because

right next to that was a fire station, and

the fire station was packed with Memphis

Tactical Squad detectives, firemen, curiosity

seekers, people who were security for Dr.

King and also surveilling him. The fire

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

658

station was packed with people looking out

the back.

Of course, when they saw Dr. King go down, the fire station erupted like a beehive, and they poured out down the driveway out the door coming looking both in the bushes, where most of them thought the shot was fired, and also on down on Main Street.

So to us it is circumstantial. In addition to the time involved, it was circumstantially almost impossible to believe that somebody had been able to throw that down and leave right in the face of that erupting fire station.

Not only was Mr. Canipe a credible witness, but what he said was very credible taking into account all the circumstances.

We were very very impressed with his testimony.

Q. Judge Haynes, at this point in the plaintiffs' case we're dealing with the rifle, the rifle in evidence.

A. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

659

Q. And the death slug. Was the rifle that was found in that box the weapon that the State contended was the murder weapon?

A. It was. It was the only weapon found.

Q. Were you familiar at that time with any ballistics testing of that weapon?

A. Yes, sir, from the FBI lab. Of course, they took it to Washington and performed ballistics tests.

Q. What were the results of that testing that was done at the time?

A. I believe the phraseology used in the report was that the evidence slug, that is, the slug taken from Dr. King's body, and the rifle, that the evidence slug was consistent with the type of slug fired by that rifle.

In essence, the best they could do was that Dr. King was killed by a 30-06 rifle and that this was a 30-06 rifle.

Q. That's all they could say. Could

they match the bullet, the death slug itself,
to that rifle?

A. We didn't think they had a chance in

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(901) 529-1999

660

the world of matching it. As the FBI -- if
there is a match, if they can make a match
out of a little piece of a slug the size of
your little fingernail, if they did, the
testimony would be that the evidence weapon
to the exclusion of all other weapons in the
world fired the evidence slug. No, sir, they
could not do that.

Q. But is there any doubt in your mind
that if they could have matched that death
slug they took from Dr. King's body to that
rifle in evidence, that they would have done
so?

A. There is no doubt about that. They
would have prized that testimony. That would
be crucial testimony. Then you wouldn't have
to rely on any of the vagaries of eyewitness

testimony. Sure, that would be very important testimony. Well, we thought it was important.

Q. Now, did there come a time in the course of your investigation when you actually yourself saw, held, examined personally the death slug?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

661

A. Yes, sir. I held the slug that killed Dr. King in my hand.

Q. Had you seen other death shrugs and other bullets at that point in your career?

A. Yes, sir.

Q. What was your view with respect to that particular slug that you examined at the time?

A. To the naked eye, it was as good an evidence slug as you can have. It was a Remington core lot bullet and it had a metal base to the slug. The metal base wasn't skewed. It was almost perfectly round. See

could the lands and grooves, the marks on the slug with your naked eye. Visually it was an excellent evidence slug.

Q. As you looked at it, did you think that it could be matched easily if it was in fact the death slug?

A. It was a very small room I guess this courtroom, certainly the criminal courthouse, and when I saw that slug, I knew right then if the James Earl Ray fired that slug, we were going to see every expert that you can

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

662

imagine in the whole world to put that slug with that rifle. It just didn't pan out that way.

Q. Judge Haynes, as a result of your intensive trial preparation and analysis of the State's case right up to that November date, how did you believe that a sitting jury at that time analyzing that evidence and weighing that charge would have voted?

A. Well, of course, all a trial lawyer can do is the best he can in assessing what a jury is going to do. I have considered in my thirty-five-year career a jury is the best lie detector there is. But we felt like the jury would, if it would follow the law and the evidence, that on the evidence available and the law in the case, there was virtually no chance that the State could prove beyond a reasonable doubt that James Earl Ray could have acted alone in firing the shot that killed Dr. King.

MR. PEPPER: Nothing further.

Thank you.

CROSS-EXAMINATION

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

663

BY MR. GARRISON:

Q. Judge Haynes, I'm Lewis Garrison representing the Defendant Loyd Jowers. I'm going to ask you a few questions.

During your interviews with Mr. Ray

and the others you interviewed, did they ever mention anything going on in James Grill located here next to the rooming house?

A. Yes, sir. James Earl Ray said at some point in the afternoon -- he said he had an accomplice, an associate by the name of Raul. He said at some point in the afternoon that one or both of them had gone into Jim's Grill I think to have a beer. We interviewed everybody we could lay our hands on who was in Jim's Grill and could find no corroboration that they went in there.

Q. Did you ever hear the name Loyd Jowers mentioned in the investigation?

A. Yes, sir.

Q. In what capacity was he mentioned?

A. Renfro Hayes was an investigator who worked for us at the time. We had hired Renfro because, among other things, he knew

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(901) 529-1999

664

that area of town and a lot of people

involved.

Q. I knew Mr. Hayes well.

A. Then you know what I'm talking about. Hayes knew Loyd Jowers and at the time Loyd Jowers was operating Jim's Grill. Hayes reported back to us that there was nobody in Jim's Grill that had testimony to offer that would in any way affect the case. We had so much ground to cover, we just excluded that.

Q. Did you ever hear the name Frank Liberto mentioned by Mr. Ray or anyone during your investigation?

A. I never heard the name Jowers or Liberto mentioned by Ray at all. The answer to that question is no. I think I heard the Liberto name -- yes, before today I've heard the name Liberto. I know that Hayes mentioned it to me maybe in the 1970's but not contemporaneous with this.

Q. Did you make some effort to locate this person called Raul?

A. Yes. To some extent. To some

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

665

extent. Bear in mind the question we had on the table was defending a murder case, not proving who killed Dr. King. Therefore, our focus was different than the search for Raul. But if you want me to go forward to the extent that we were interested in him --

Q. Yes.

A. -- there was some information about New Orleans. We thought it was very -- there was something about it that triggered us as being very important. In fact, Ray told us the reason the rifle was in Memphis was that it was part of an operation to bring guns from Mississippi down to New Orleans to Cuban revolutionaries.

We wanted to go to New Orleans. We thought it was very, very strange that James Earl Ray refused to allow us to go to New Orleans. He instructed us that no matter what happens, to do nothing to investigate

that connection.

To that extent, yeah, we were trying to trace down -- if nothing else, to -- a criminal case, as a criminal lawyer, you try

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

666

to make your case on the evidence. You just cannot rely on what the client tells you. To some extent we were trying to corroborate what he had told us, but he wouldn't let us go.

Q. Judge, did Mr. Ray ever tell you that he -- let me ask you, first of all, did you really think there was such a person name Raul?

A. It was inescapable to us that there weren't conspirators.

Q. I spent two days taking his testimony in prison. He never could tell me at any time that anyone ever saw him with this person named Raul.

A. Mr. Garrison, we looked and looked

just for that, something that would corroborate that, to no avail. In fact, that's why we were interested in the Jim's Grill people, because that was contemporaneous. We were looking for anything, anybody that saw a stranger there who knew Ray or, ideally, Ray with a stranger. But nobody there at that time

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

667

would say anything about that.

Q. Did you ever learn at any time that there was a witness who saw someone in the brush area? Did anyone ever tell you that, that they actually saw some person that in that brush area?

A. If I may reflect on the question you are asking. The only person that we talked to who we believe ever knew who fired the shot was a man in the rooming house. I'll tell you about him in a minute if you are interested.

As far as the brushy area is concerned, there were some associates of Dr. King who were on the hotel side of the street who said that they thought the shot came from there. But that was all regarding that issue.

MR. GARRISON: Thank you, Judge Haynes. Nothing further.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Judge Haynes, I know you said you did an extensive investigation of potential

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

668

witnesses. Were there any Memphis Police or Fire Department witnesses the State shared with you?

A. I know we received none as far as the police or fire department.

Q. But you uncovered some of these witnesses yourself?

A. Sure, yes, sir.

Q. Are you familiar with the contention of the prosecution at that time that the bullet has fired from the bathroom window of the rooming house?

A. Yes.

Q. And that it was fired from the bathroom window, having been rested on a window sill?

A. I think so.

Q. And that the prosecution claimed that a dent in that window sill was made by the rifle itself?

A. I've heard that. I just cannot believe that they would have actually tried to prove that in court, though. That's beyond belief.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

669

Q. Well, would it surprise you to learn that in fact at the guilty plea hearing on March 10th, 1969, this contention was put forth as a matter of certainty that it could

be proven that the dent was caused by the rifle?

A. I would be shocked if a lawyer said they could prove that with certainty based upon what I know of the layout.

Q. Did they turn over to you at any point in your investigation FBI reports with respect to laboratory analysis of evidence?

A. No, sir. Of the window sill?

Q. Yes.

A. I don't think so.

Q. It has been entered into these proceedings as evidence, plaintiffs' evidence, those reports which indicated that they could in fact not prove that the window sill -- that the rifle rested on the window sill.

A. A report saying that they could not prove that?

Q. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

670

A. I didn't need a report. I could see the window sill and the rifle. That just wasn't an issue.

Q. I'm just wondering if that was disclosed to you in the course of your investigation, that report?

A. I don't remember, Mr. Pepper, specifically. I know this: There were reams and reams of evidence, much of which, as soon as we realized what it was, we were on to something else. We just didn't have time to chew on every little piece.

The window sill -- you could not prove that that rifle rested on that window sill. There is no way. We know that as lawyers. If we saw a report that said we can't prove the rifle rested on the window sill, we would just flip that over and say, sure, and then move on.

MR. PEPPER: Judge Haynes, thank you very much.

MR. GARRISON: No questions for Judge Haynes.

THE COURT: You may stand down.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

671

THE WITNESS: May I be excused?

THE COURT: You may.

(Witness excused.)

MR. PEPPER: The plaintiffs call

Ms. Bobbie Balfour.

BOBBIE BALFOUR

Having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Ms. Balfour.

A. Good afternoon.

Q. Thank you very much for coming here

this afternoon.

A. Oh, you are welcome.

Q. Would you please state for the record

your full name and address.

A. Bobby King Balfour, 422 (Inaudible.)

Q. Ms. Balfour, are you presently

employed?

A. Yes, I am.

Q. What do you do?

A. I'm a cook.

Q. Where do you work?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

672

A. At Embassy Suites on American Way.

Q. In 1967 and 1968 were you employed at
Jim's Grill on South Main Street in Memphis,
Tennessee?

A. I probably was, sir, but it has been
so long, it is hard to remember what year it
was.

Q. Well, do you remember being employed
in Jim's Grill at the time of the
assassination of Martin Luther King?

A. Oh, yes, I do, uh-huh.

Q. On April 4th, 1968?

A. Right.

Q. And who was your employer at that
time?

A. Loyd Jowers.

Q. Mr. Jowers, Loyd Jowers?

A. Uh-huh.

Q. What were your duties then,

Ms. Balfour, at the time?

A. Waitress and cook, all around. I did everything.

Q. So you waited on tables and you

cooked and you --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

673

A. Short-order cooked and cooked.

Q. Goodness. How many hours a day did

you work?

A. We came to work in the morning time when he'd pick us up about four-thirty and stay there as long as he needed us.

Q. So you started at four-thirty?

A. Yeah. He would pick us up.

Q. He would pick you up and drive you?

A. Uh-huh.

Q. And who else did he pick up?

A. Another lady was named Rosetta.

Q. On April 4th, 1968, did he pick you and Rosetta up on that day as well?

A. I don't don't think Rosetta came to work that day, but I did.

Q. Do you think you were picked up by Mr. Jowers and independently taken to work on that day?

A. I know I was.

Q. You know you were?

A. Uh-huh.

Q. And you started at the usual time that morning?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

674

A. Uh-huh.

Q. Now, in the course of your work at Jim's Grill, were you familiar with a lady who lived on the second floor just above the grill in the rooming house named Grace Stephens?

A. Yes. I would take her breakfast.

Q. You used to take her breakfast?

A. Uh-huh.

Q. What time did you take her breakfast
up there as a rule?

A. Between eight-thirty and nine
o'clock, somewhere like that.

Q. Eight-thirty or nine o'clock you
would take her breakfast up?

A. Yeah.

Q. And would you leave the food with her
and then come back downstairs?

A. I would set it beside the bed.

Q. And then would you go and get the
dishes at another time?

A. No.

Q. What happened to the dishes that you
left there?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

675

A. I don't know, but I guess they got
back. I didn't bring them back.

Q. So you didn't bring them back?

A. No.

Q. So you just went up -- you delivered the breakfast to her?

A. Right.

Q. Why was that? Was she ill?

A. She was in bed all the time.

Q. She was in bed all the time?

A. Uh-huh.

Q. Do you know if she had an illness or sickness?

A. No, I don't, didn't know what it was.

Q. You didn't know?

A. No.

Q. How long did you have that practice of going up there and delivering her food?

A. Oh, just sometimes. I didn't go all the time because sometimes Rosetta went.

Q. Sometimes Rosetta went?

A. Right.

Q. Was Rosetta working that morning on

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

April 4th, as you recall?

A. I don't think so. It has been a long time. I can't hardly remember, though. I don't think Rosetta worked that day.

Q. You don't think she did?

A. I don't think she did.

Q. You were there alone?

A. No, I wasn't there alone. He had another girl there, too.

Q. He had another girl working there?

A. Yes.

Q. Ms. Balfour, did you take breakfast up to Ms. Grace Stephens that morning?

A. No, I did not.

Q. And why didn't you take breakfast up to Mrs. Grace Stephens that morning?

A. Mr. Jowers said I didn't have to take it up there that day.

Q. Mr. Jowers said you didn't have to take it up there that morning?

A. Uh-huh.

Q. So he told you not to go upstairs

with the breakfast that morning?

A. Right.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

677

Q. Did he explain to you why he did not want you to go onto the second floor of the rooming house?

A. No, he did not.

Q. Did you ask him?

A. No.

Q. You just followed him because he was the boss?

A. Right.

Q. Do you know if Grace Stephens got her breakfast that day?

A. I don't know.

Q. Ms. Balfour, how long did you work on that day?

A. Well, I went in that morning, and I don't know the exact time it was, but just as I run across the street just in time to catch the bus, then I made it in the house and it

came on the TV that King had got killed.

Q. So you left Jim's Grill sometime early prior to the assassination, and by the time you got home, you heard about it?

A. Right.

Q. Now, did you go to work the next

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

678

morning?

A. Yes, I did. He picked me up.

Q. Mr. Jowers picked you up the next morning?

A. Right.

Q. And he drove you to work?

A. Right.

Q. In the course of that ride to work the next morning, do you recall if he mentioned a rifle to you?

A. No. I remember him saying, you should have been here last night, we had a lot of excitement. I asked him what was he talking about. He said that the police had

come through our place of business and found
a gun.

Q. The police had come through the
restaurant?

A. Right.

Q. And found a gun?

A. Uh-huh.

Q. Where did they say they found the
gun?

A. In the backyard.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

679

Q. In the backyard?

A. In the backyard.

Q. Did you ever look out into that back
area through the back door?

A. I have looked out that back door, but
it was kind of woody out there, a lot of
grass, weeds and stuff out there.

Q. Could you describe that area as you
recall it as you looked onto it?

A. There was a lot of grass out there,

you know, little trees that had grown up back there. It was in bad shape back there.

Q. Bad shape?

A. Uh-huh.

Q. Mr. Jowers said the police came through there and they found the gun in that back area somewhere?

A. Right.

Q. Did he say anything else about the finding of the gun or about the events of the night before?

A. Ug-huh.

Q. Nothing more than that?

A. No.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

680

MR. PEPPER: Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Ms. Balfour, you had gone to work that day at the grill about four or five o'clock in the morning?

A. Right.

Q. Mr. Jowers as usual had come to your home and gotten you that morning and took you on to work?

A. That's true.

Q. Let me ask you something. On the day that this occurred, April the 4th, 1968, that was a Thursday, had you worked all that week as you recall?

A. Yeah.

Q. Did you ever see any money in that restaurant, anyone bring any money?

A. No.

Q. You were there most of the time in and out of the back?

A. Yes.

Q. Did you ever see a gun?

A. No.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

681

Q. No gun at all?

A. No.

Q. Did you ever hear Mr. Jowers make any statement before it occurred about the assassination of Dr. King or Dr. King, any talk about that at all?

A. No, Jowers wasn't that type person.

Q. He was not prejudiced at all, was he?

A. No, he wasn't.

Q. Very fair, wasn't he?

A. He sure was.

Q. Did you ever see any police officers in the grill before the assassination of Dr. King, did any of them come in on a regular basis?

A. No.

Q. Let me ask you, Ms. Balfour, on the day of the assassination, what time did you leave?

A. I don't know what time it was, but it was kind of late. Because after I made it in the house, it came on the TV that King had got killed.

Q. Did you see any new faces that were

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

682

there, any strangers in the grill that day
that you remember?

A. No.

Q. Now, as far as taking the breakfast
to Ms. Stephens, do you know if Mr. Stephens
was paying Mr. Jowers for this?

A. No, I sure don't. Charlie Stephens
paid him all the time.

Q. In fact, that day Mr. Jowers had run
Mr. Stephens out of the restaurant because he
was so drunk he told him to get out of there,
didn't he?

A. Several times.

Q. That had some problems, didn't they?

A. Yeah.

MR. GARRISON: That's all.

THE COURT: Anything further of
this witness?

MR. PEPPER: Just briefly, Your
Honor.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Mrs. Balfour, were you -- did you
ever give a statement to the police or any

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

683

investigating authority about what you told
this Court today?

A. After King got killed?

Q. Yes.

A. No, they never did ask me.

Q. I'm sorry?

A. No, didn't nobody ever question me at
that time. When they came in that next day,
they asked me a question, but when I gave
them an answer, they told me to go back in
the kitchen.

Q. They told you what?

A. Go back in the kitchen.

Q. Told you to go back in the kitchen?

A. Uh-huh.

Q. They asked you a question, you gave
them an answer, and they told you to go back

in the kitchen?

A. Right.

Q. And no investigating authorities had ever questioned you about what you saw or what you heard or anything?

A. No.

MR. PEPPER: Thank you very

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

684

much, Mrs. Balfour.

MR. GARRISON: Let me ask you

one other thing.

RE-CROSS-EXAMINATION

BY MR. GARRISON:

Q. Did anyone from the police, FBI or Sheriff's Office ever come into the grill while you were there to look around, investigate anything after the assassination?

A. No.

MR. GARRISON: That's all.

THE COURT: You may stand down.

(Witness excused.)

MR. PEPPER: Your Honor,
plaintiffs call the clerk of the criminal
court, William key.

WILLIAM R. KEY

Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Key. Thank you
very much for coming here this afternoon.

Would you state your full name and address

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

685

for the record, please.

A. William R. Key. I live at 1574

Cherry Park Drive, Memphis, Tennessee, 38120.

Q. Mr. Key, would you tell the Court

what is your present position?

A. I'm the criminal court clerk of

Shelby County.

Q. What are your responsibilities as the

clerk of the criminal court?

A. Basically the clerk of the court is the keeper of the records. In our case, we also keep the property and evidence.

Q. And you maintain an evidence room over in the criminal court clerk's office?

A. That is correct, on the 4th floor.

Q. When you keep property in that evidence room, what is the nature of the property that you keep there?

A. Those properties are brought in for court proceedings, and after that we continue to hold the property until the case disposed of, some of it for twenty, twenty-five years.

Q. And has the property in the case relating to the assassination of Martin

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

686

Luther King been kept in your office or property room?

A. The property in the case of Martin

Luther King's death is kept in a vault. We have a large room larger than this room here

where most of the property is kept. However, in the case of the King killing, it is kept in a safe that is separate from that where we keep money and diamonds and things of that nature.

Q. Would you say that all of the evidence in that case that is known that has been turned over is kept in that facility?

A. That is correct. There are thirteen boxes of it, two hundred sixty-seven items.

Q. It is under your direct supervision?

A. That is true.

Q. Your care and custody?

A. Yes, sir.

Q. That evidence that has been kept in that vault in terms of its custodial chain, it has been kept in that vault since 1968?

A. Not in this particular vault. The criminal court clerk's office was moved

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

687

across to 201 Poplar from 157 Poplar, and

when it was moved there, it was formerly in a vault in 157, and when we moved into the new quarters there at 201 Poplar, it was moved there in 1981.

Q. So it has moved to a different facility?

A. Yes.

Q. But it has always been under the supervision, control, care and custody of the clerk of the criminal court, which includes your predecessors?

A. Yes, sir.

Q. You are the most recent in a long line?

A. Five years. I've had it for five years. Previous to that Mr. Blackwell had it.

Q. Now, Mr. Key, are you in attendance here this afternoon under subpoena?

A. Yes, I am.

Q. Have you been asked to bring a piece of evidence with you to this courtroom?

A. That is correct.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

688

Q. And what is that evidence that you have brought here to show us?

A. The rifle that is purported to have been the weapon that slew Dr. King.

Q. This is the evidence rifle in the case, the assassination of Dr. Martin Luther King?

A. That is correct.

Q. Is that evidence in this courtroom?

A. Yes, it is.

Q. Where is it?

A. It is over there.

MR. PEPPER: Your Honor, if the evidence may be brought forward.

THE COURT: Go ahead. Test it to make sure it won't fire.

(Rifle passed to the witness.)

Q. (BY MR. PEPPER) Now, do you recognize that as the evidence rifle in the case, the alleged murder weapon of Dr. Martin Luther

King?

A. Yes, it is. This is the weapon that

we've had since I've been there, and it was

taken to Rhode Island and Pennsylvania for

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

689

firing and testing.

Q. That is the weapon that has been in

the care and custody and has not been

tampered with or exchanged or replaced in any

way?

A. That is correct, since I've been

there. Before I came into that office, I

can't testify to that, but I have some

feeling that it was kept there in the office

that we presently keep it in.

Q. Mr. Key, is that rifle presently, as

far as you are aware, capable of being used?

A. Yes, it is. It still is. We

witnessed it being fired in Pennsylvania and

Rhode Island.

MR. PEPPER: I have nothing

further of this witness.

MR. GARRISON: I have no questions for Mr. Key. I know Mr. Key well. I've known you many years. What is it, forty?

THE WITNESS: A few years.

THE COURT: Let me see it.

(Rifle passed to the Court.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

690

MR. PEPPER: It is a 30-06 760 Gamemaster. Your Honor, we would just like the jury to have a visit with that weapon, if it is possible.

THE WITNESS: Let me mention this. I am under court order that no one examines it nor holds it.

THE COURT: You may hold it for their inspection.

MR. PEPPER: Nothing further, Your Honor. Plaintiffs would like the weapon to remain in the courtroom for the next

witness.

THE COURT: Is the next
testimony concerning this?

MR. PEPPER: The next witness is
on his way, yes.

THE COURT: Would you stay?

THE WITNESS: We will stay
here.

THE COURT: All right.

(Witness excused.)

JOE B. BROWN

Having been first duly sworn, was examined

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

691

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Judge.

A. Good afternoon, sir. How are you.

Q. If you would state for the record,
please, your full name address.

A. Joseph B. Brown, business address,

201 Poplar.

Q. Thank you. What is your present position, sir?

A. I'm a state judge for the 30th Judicial District, State of Tennessee, Division IX, Criminal Court of Shelby County.

Q. Are you testifying here this afternoon voluntarily or under subpoena?

A. Under subpoena.

Q. Thank you again for joining us. Judge Brown, would you tell the Court some of your qualifications and professional training.

A. All right. I have a law degree from the University of California, Los Angeles, 1973. Came out here -- let's see. I've been

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

692

a member of the bar of the State of Tennessee since 1975, worked for Legal Services here, then the Equal Employment Opportunity Commission.

I was I believe the first black
prosecutor for the City of Memphis and I ran
the City Public Defender's Office for awhile,
then I went into private practice, and in
1990 I was elected judge for Division IX of
the Criminal Courts, August of 1998
re-elected for another term.

Q. Prior to your law career, could you
tell us what was your professional training
and what was your --

A. You mean relative to the subject at
hand?

Q. Relative to the subject at hand.

A. I've always had an intense interest
in the field of ballistics, firearms and such
like. I've been a hunter, target-shooter.

It is sort of a hobby of mine.

At one time in life I thought when I
might go into criminal law it was a decision
I made to get as much into the subject as I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

might so I would be able to properly defend certain defendants.

Q. Over what period of time did you develop this knowledge and experience with weapons?

A. Let's see. My father taught me to shoot when I was six years old. So that would be going on too close to fifty years ago.

Q. And had you on your own studied and read about the science of ballistics and weapons?

A. I have.

Q. Over what period of time have you done that?

A. About the last forty years or so.

Q. How long have you handled weapons of various kinds?

A. Like I said, starting about six or seven years old.

Q. How long have you handled or had experience with rifles such as the type involved in this case?

A. I'd say thirty, thirty-five years

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

694

worth of experience.

Q. And during the course of that experience, have you explored the nuances of ballistics and the matching of bullets to particular weapons?

A. I have, sir.

Q. Are you familiar with the techniques used in that process?

A. Yes, sir, I am.

Q. Have you familiarized yourself with the types of weapons and the types of bullets that go with those weapons, the range of weapons?

A. I have, sir.

MR. PEPPER: Your Honor,

plaintiff would move that Judge Brown be --

Judge Brown's testimony testimony here be

admitted as that of an expert for the purpose

of this discussion.

MR. GARRISON: I certainly agree
and have no objection.

THE COURT: All right. You may
proceed.

Q. (BY MR. PEPPER) Judge Brown, would

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

695

you please initially begin a discussion so
that the Court and the jury can become aware
generally of what the science of ballistics
is about and how it is practiced.

A. Actually what ballistics is about is
the flight of projectiles, in other words, a
projectile that has an initial impetus placed
upon it such as a ballistic missile, where
there is a thrust at the beginning of the
flight of the object, a projectile fired out
of a catapult in Ancient Roman times where
there is a slinging of an object, what
happens once it gets that initial impetus,
closely at hand what happens when you fire a
bullet, projectile, from a rifle or pistol or

such like, how does it behave as it travels from its point of firing to its target or until it impacts the ground or, in other words, stops its forward flight.

Now, in that process there are certain specified or special categories such as studying the internal ballistics they call the subject, that is how does a projectile behave in the barrel of a weapon, what

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(901) 529-1999

696

happens when you take one of the self-contained cartridges that are about universal today, put that in the appropriate weapon, pull the trigger and fire it, what happens. Those are called internal ballistics. That is called internal ballistics.

One of the things that is common today is to take a projectile, a bullet, if you would, that has been found in the body of the victim of a homicide or a wounding and

attempt to compare that bullet with the known sample fired from the suspect weapon. What commonly happens is the bullet is placed in a device that amounts to a microscope where the examiner can carefully move the suspect bullet around and then take the known sample and attempt to compare it using striations, which are fine grooves that are engraved on the bullet based on the particular characteristics of the weapon.

There are basal or base characteristics that are determined by the nature of the weapon, what caliber it is, who

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

697

the manufacturer is, and then there are individual characteristics of weapons that are brought about by manufacturing flaws.

Nothing is perfect, and everything that is manufactured basically is going to leave some tool marks in the bore of the weapon. The idea is to see if you can

compare the individual signature of a weapon that it would leave on a specimen or bullet, sample bullet, and see if you can match that up with the bullet that you have removed from the body of the victim.

Q. Right. Your Honor, would you describe for the jury the kind of bullet, projectile -- but bullets are we're talking about here -- that is involved in this case?

A. We're talking about a bullet that is nominally a .308 diameter, commonly known as a .30-caliber bullet. The allegation of the State was that that bullet was fired from a weapon known as a 30-06, in other words, a .30-caliber weapon firing a cartridge that was based on a military cartridge known as .30-caliber of 1906.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

698

It was a modification of the earlier .30-caliber of the model 1903 which resulted in a shortening of the case neck of

that cartridge, a reduction of the weight of the initial military bullet from 220 grains down to appointed 150-grain bullet. That became known as a 30-06.

The actual caliber of the projectile is .308. In European terms that is known as a 7.62 by 63 millimeter cartridge. We know it as a 30-06.

Q. Judge, would you describe for the jury the difference between a military bullet or a hard point and a soft-point bullet?

A. As a result of the Geneva Convention, the military establishments of most of the world agreed to not use expanding bullets for humane purposes. In the latter part of the 19th Century, the English in India were concerned about the lack of stopping power that their bullets showed on some of the native population, so they had a dumb dumb arsenal in India.

They started producing a bullet with

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(901) 529-1999

a large amount of lead exposed at the tip of the bullet, and in certain instances hollow pointed, that is, the bullet has a hole in the front or a large amount of lead exposed, and that would cause the bullet to expand when it hit flesh, which would result in a recovered bullet looking something like a mushroom. That caused a very, very bad wound.

So as a humane matter, most of the world has agreed not to use soft-point bullets, and they use what they call full metal jacketed bullets, where the point of the bullet is covered with a gilding of steel or brass or composite jacket so it does not expand. Most bullets still have a lead core.

Q. Would you explain how the bullets are manufactured by various manufacturers in terms of the composition of the lead and the similarity from batch to batch?

A. Regarding the case at hand, the situation is this: A manufacturer, say

Remington, Winchester or Olin, Federal, when

they make up a batch of bullets, they are

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(901) 529-1999

700

faced with this: They do not have any

machines that are dedicated to one particular

type of bullet. So what happens, they may

make a run of twenty-five million or

thirty-five million of a given type a bullet,

say 150-grain .308 bullets.

Then after they make that run, they

may switch over to 6.5 millimeter with the

same machine and run fifteen to twenty

million of those. Then when it comes time to

convert it back to .30-caliber, which was

the .308, they can't get the tolerances

exactly as they were before, so what they

tend to do is they run batches which they

call lots, L O T S, and they give each batch

a lot number.

When they load up ammunition, that

is, the completed cartridge, they generally

try to make the lots consistent so that the customer can be assured that he will get reasonable accuracy and predictability with any cartridge that he buys from this company.

So what happens is they have a lot

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(901) 529-1999

701

of bullets or a batch of bullets with an assigned lot number. The powder varies, too, from one batch number, so they'll have a lot number assigned to a particular batch of powder and they'll have a batch with a lot number assigned to the cartridge case that is to be used in the loaded cartridge. They will also do the same with primer.

So when they make a run, a batch of these cartridges, everything will have similar lot numbers, in other words, the bullets might be EO71565J3 with a number on that, and the same with the cartridge. They will use the same run or batch of lead, the

same run or batch of gilding, the same run or batch of copper or alloy or brass for the cartridge case and the same applies.

So what happens is if you run a metallurgical analysis on any of the materials, you will expect to find that there is a metallurgical consistency from one cartridge to the next in the same batch, from one sample of powder taken out of a cartridge with another in the same batch, and the same

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

702

with the bullets, the gilding metal of the jacket will be the same and the lead cores would be the same.

Q. Thank you, Judge. Have you familiarized yourself with the death slug in this case?

A. I have, sir.

Q. Have you familiarized yourself with other bullets and cartridges that were found in an evidence bundle in this case?

A. Yes, sir. What seems to have happened is that when the rifle in question was recovered, there were four unfired cartridge cases that were recovered along with the rifle and one fired cartridge case.

A primitive metallurgical analysis done some thirty years ago revealed or suggests that the fired cartridge case and the four unfired cartridge cases are metallurgically identical, that is, they are from the same lot.

The bullets from the four unfired cartridge cases are metallurgically identical when the lead cores are analyzed, whereas the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

703

bullet removed from Dr. King is not identical. It is metallurgically different in its composition, which would suggest it is not from the same lot. That would be totally contrary to the policies of the ammunition companies.

Q. Let us understand what it is you are saying here. It is that the evidence bullets that were found in the bundle, the evidence bundle that was dropped, have a different metallurgical composition than the slug that was taken from Dr. King's body?

A. That's correct.

Q. Are you saying --

A. Further, the significance of that is developed by the fact that this cartridge case that appears to have definitely been fired in the rifle that is in evidence is in fact of the same lot as the other four unfired cartridges. You would expect the bullet that had been removed from Dr. King's body to have been of the same lot.

That suggests that this bullet was not fired from that empty cartridge case that

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(901) 529-1999

704

was found with the rifle, and it was definitely fired in the rifle as per some

tests that were run on that cartridge and that rifle and other sample cartridges.

Q. All right. Thank you. Now, would you tell the jury about the nature of the weapon -- we're going to take a look at that in a minute -- but the nature of the weapon as you understand it, the alleged murder weapon in this case?

A. The murder weapon in this case is a Remington 760 Gamemaster, caliber 30-06.

Q. And what is significant about the 760 Gamemaster rifle in terms of its comparison with other 30-06's?

A. It is what is known as a pump-action rifle. It is basically the only one still manufactured in America, though Browning last year came out with a weapon similarly activated.

At one time it was popular, but over the years since the end of the 19th century that is basically the only remaining center-fire pump-action rifle. There is also

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(901) 529-1999

705

a slightly different version of that which is a semiautomatic weapon.

Q. Is there a counterpart weapon that is a military issue?

A. Well, I wouldn't say it is exactly a counterpart, but what you are talking about is .30-caliber weapons generally. It is perhaps the most popular caliber in America.

You have several weapons that will fire an identical bullet. By that, I mean that if you manufactured a lot of or a batch of these bullets, you could load those bullets correctly in several different caliber weapons.

One is what is known as a 308 Winchester, which is a civilian nomenclature applied to something known as a 76 2x51 nail round. It was adopted in 1954 by the U. S. Government and most of the NATO forces after some tests. It also fires a .308 bullet.

Likewise, there is what is known as

a 300 Holland & Holland Magnum, a 30 Supra is
another name for it, and it fires a .308

bullet, the same one. If you hand load, you

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(901) 529-1999

706

can take a .308 bullet that you would buy in

a gun shop, and if it is suitable for your

purposes, you could load that in a 308

Winchester, a 30-06, a 300 H&H, also in a 300

Winchester Magnum.

You can load that very same bullet

in a 300 Weatherby. Now you can load it

in -- let's see, I'm talking about factory

ammunition only -- a 30 x 378 Weatherby, and

they have a 330 Super Magnum that Remington

has that will take the same bullet.

There is something Laseroni has out

called a WarBird, a very specialized thing.

There is a company called Dakota that puts

one out. They all use this exact same .308

bullet.

Now, what happens, back to your

question about the military, is currently, since it is a standard NATO round, you have such items as the M-60 machine gun, which we're not talking about here, but you do have what is known as the M-14, which was adopted in 1956 as the standard battle weapon for the U.S. military, that is, the Marine Corps and

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(901) 529-1999

707

the Army, that has been superseded by the M-16 family of weapons.

There is also an M-21, which is a sniper edition of the M-14. You have an M-24, which is a Winchester Model 70 that the military used in the late 1960's that was a bolt-action sniper weapon.

You have a version of the Remington 700 bolt-action weapon that the military currently uses as a sniper weapon, along with refurbished editions of the M-21. You have various and sundry permutations of weaponry that are .30-caliber that the military has

used from time to time.

On the civilian market there are also a number of semiautomatic weapons that had military intentions initially, such as the F. N. Fowl that was commonly available and the G3/H and K91, which are available from time to time. So there are a number of weapons that will be such as to fire a similar bullet.

Q. And were there a number of weapons that could fire such a bullet back in 1969?

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(901) 529-1999

708

A. There were. A number I could think of. The 308 Winchester was popular. The 30-06 was even more popular at the time. Those two would have probably been what you would have encountered if you were talking about a hunting caliber center-firing 30-06 or a 308 Winchester. You also have the old .30-30, which fires a similar diameter bullet, but that would be a

blunt-nosed slug, which is an entirely different design for feeding through a tubular magazine.

You also had a .30-40 Frig that was this use starting from 1892 and the U.S. military used a .308 slug,, and if somebody was shooting one of those, you would have had it firing a similar bullet. Or if someone hand-loaded it, that would still be the case. There were very many foreign copies of the same weapon.

Q. So any one of those range of weapons could have fired this type of slug at that time?

A. That's correct, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

709

MR. PEPPER: If it please the Court, I'd like to have the witness examine the weapon in evidence.

(Rifle passed to the witness.)

Q. (BY MR. PEPPER) Do you recognize that

weapon?

A. Yes, that's the 760 Gamemaster in evidence in this case.

Q. What can you tell the jury about this particular weapon?

A. Although it doesn't exactly look it right now, it is a fairly new weapon. It has a Redfield 2 to 7 variable scope on it. It is mounted in Weaver scope rings, and mounts it is a pump-action weapon. And it is from the evidence, the marking on the barrel, 30-06 in caliber.

Q. Did you have occasion to consider this weapon as the murder weapon in this case in some degree of depth and careful consideration?

A. I did, sir.

Q. When was that?

A. That was during the course of

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(901) 529-1999

710

proceedings brought by the late James Earl

Ray, what are known as post-conviction relief proceedings to challenge his conviction.

Mr. Ray had never confessed to the killing of Dr. King, but he had entered what is known as an Alford versus North Carolina plea. That is a plea delivered under the principle of the case of Alford versus North Carolina, which is a moderately old U.S.

Supreme Court case that stands for the proposition that you may plead guilty even if you are not actually guilty if you believe it is in your best interest to do so, from all of the proof in evidence you think it in your best interest to do that and you did it freely, voluntarily, knowingly, advisedly and intelligently if the State otherwise has a reasonable factual basis upon which to proceed.

In other words, you might say you may plead guilty even if you are not guilty if you think that is in your best interest if the State otherwise has a reasonable factual basis upon which to proceed. In other words,

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(901) 529-1999

711

you might say you may cop out and plead guilty even if you are not guilty if that is in your best interest if the State has some case that they can go forward upon.

The entirety of that case, according to the petitioner's theory, was based on this rifle, which is what hooked him up with the case. During the course of reviewing the record for this matter, it developed that there was a transcript of James Earl Ray's guilty plea.

It develops that Mr. Ray aforesaid had never actually confessed to the killing of Dr. King. I believe there are at least two places in that transcript that revealed that when an investigator for the District Attorney's office testified during the course of the guilty plea proceedings and indicated that James Earl Ray acted alone, in at least one instance Mr. Ray rose and in sort of a

mild outburst indicated that that was not true, that he did not act by himself, whereupon a recess was taken. That happened again. Another recess was taken. And then

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(901) 529-1999

712

he did not rise the third time. They then went through the process.

It is not unusual, and we have a lot of cases that are disposed of on what we call Alford pleas. In other words, the defendant has a criminal record that would be revealed to a jury in the event that he testified which might be something that he would be leery of. There would be an instruction given to the jury to the effect that if the defendant testifies and you find that he has any felony convictions, you are not to consider this as touching upon his guilt or innocence but you may consider it in terms of evaluating his credibility.

Well, unless there is an exceptional

situation, and you get in front of a jury and they find out you've got a criminal history, they are not going to look at you as well as they might have otherwise even in spite of the instructions give by the judge. You may think that the case is so outrageous or so gross or horrible that you don't really want to take your chances in front of a jury and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

713

you will settle for what has been offered.

So that is what we had going on here as far as the petitioner's theory. In other words, at the time, considering the person who was slain, the public outcry and uproar and the possible sentence he could have gotten, he thought it was in his interest to enter what is known as an Alford plea.

Q. Now, Judge Brown, how long did you preside over those proceedings?

A. I'd like to say about three years.

It all sort of shifts into a blur. It got in

my courtroom, there was at that time a set of laws and cases that had been decided that basically caused me to deny the petition of James Earl Ray for not being timely.

However, I did note that there was a loophole in the existing laws in the State of Tennessee, and it was this: A person could be sitting on death row, let's say, and through the use of DNA evidence he could prove his absolute innocence. But unless he had filed that case within the existing statute of limitations for post-conviction

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

714

relief proceedings, which at that time was three years, and raised that evidence or he was able to avail himself of what was known as petition of *era crim nobis*, which has been an ancient thing, of within one year, then he had no remedy.

The law abhors a situation which is legal where there is no judicial remedy,

which, of course, the only thing he could do was apply to the governor's office for clemency.

So what I ordered is that the petition would be denied, but I would allow the petitioner to put on what is known as a proffer of proof. In other words, if he were allowed to present this evidence, this is what it would show so an appellate court could determine whether or not the law needed to be reviewed.

Well, in any event, I ordered that the rifle be retested. That was in accordance with an order given by the late Preston Battle, who was the original judge.

In 1968 Judge Battle entered an order that

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(901) 529-1999

715

said the rifle was to be tested since he was not satisfied with the ballistics tests that had been run at that point. But that rifle was never retested.

So I ordered it retested. It went to the Court of Criminal Appeals who went along with the prosecutorial side of things and declined to allow that rifle to be retested and issued a stay.

Well, a few weeks after that stay was issued, it developed that the legislature, which I was aware of, had been working on a new post-conviction relief statute and they passed that statute and they said if there is new scientific methodology that would establish the innocence of a petitioner, there is no statute of limitations, and such post-conviction relief petitions have no time limit on when they can be filed and no time limit on when they can be reopened for showing by new scientific evidence or methodology that the defendant is innocent. That is so you don't get someone stuck on death row when there is methodology

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

such as DNA testing that would show he is not the fellow.

Q. Judge Brown, in the course of preceding over those proceedings for post-conviction relief, did you consider very carefully the testing history of that rifle and familiarize yourself with it?

A. I did, sir. I thought that it was totally inadequate. At the time this weapon was tested by the FBI, what they did is they took four cartridges and fired them through this weapon into what is known as cotton waste. If you fire a high-velocity projectile into cotton waste, you totally obliterate, that is, destroy, the fine striations that would enable you to do a valid ballistics test.

The only thing you can get to out of that would be the basal characteristics, in other words, the base characteristics, which would be this weapon fired a .30-caliber bullet of .308 in diameter, and it had four lands and grooves with an apparent right-hand

twist.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

717

One thing they never did resolve out of that was what was the rate of twist.

Historically 30-06's had rates of twist of one full turn in every ten inches. Weapons that are designed from the front end as 308 weapons have one full turn every twelve inches, though there are examples of each where the rifling twist is as the other would be. It depends upon what you are trying to achieve with the weapon, whether you think you will fire a heavier bullet or a lighter bullet for the caliber.

But, in any event, the tests that they did indicated -- the tests that they did were totally incapable of giving a valid basis of comparison to determine whether the bullet removed from the body of Dr. King was in fact fired from this weapon.

Now, in any event, there are some

other things that happened that I became aware of during the course of my examination of the record. One thing, I believe Mr. Key came up with this, that is when I asked for an inventory of all evidence in the case, he

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(901) 529-1999

718

noted that there was a picture of the bullet or the slug that was removed from Dr. King's body before it was transmitted to the FBI.

That picture revealed that the bullet was intact, though mushroomed.

What the FBI sent back after the conclusion of the test was three jacket fragments and three lead core fragments that had been cut as though you were taking a banana and just pulled the peels all the way off of the banana and then took a knife and cut the banana length-wise in three equal sections.

Q. Judge, let me just stop you there.

Let me put this picture up. Is that the

photograph you referred to?

A. You found the picture, I see. It looks similar to that. I can't say if that is the actual item in evidence.

Q. Does it look similar to the evidence photo? That was a photograph of three fragments?

A. Right.

Q. So would you describe, as best can

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(901) 529-1999

719

you --

A. What you can see in the lower right-hand corner is the jacket itself. It has been peeled back by a mushroom process.

What you are looking at is the other two items are pieces of the lead core.

Q. Would you explain how that could occur.

A. Well, it could be that it was not a very well-constructed bullet and it simply fell out at some time during the course of

testing. But what I found later in there was not just what you look at there but before the jacket had been peeled back so there are three separate fragments to the jacket itself.

Q. So the bullet that was taken from Dr. King's body was in one piece?

A. It was in one piece. It is a hunting bullet. It is a soft-core bullet. That bullet is designed for the human harvesting of animals. You don't want an animal to suffer. So what you want is for the maximum energy of the rifle to be dumped into the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

720

target so it dies quickly due to massive injuries. It mushrooms so the bullet transfers most of its energy into the animal rather than putting a clean hole through it.

If you were to shoot an animal between one hundred and about three hundred fifty pounds, any of the animals that are

typical of this continent, with a 30-06 from
say under a hundred fifty yards, which would
be typical hunting range, if you got a solid
torso hit in the lung or heart area, you
could pretty much count on that animal
dying. That would be a non-survivable
wound.

You would dump the entire energy of
the weapon into the target, and that would be
about a ton and a half of energy at somewhere
between a hundred fifty yards down to close
to the muzzle.

In other words, if you fired this
weapon, you would have 150-grain bullet
moving at a nominal velocity, and with the
type of ammo they were likely to have had in
1968, at about twenty-seven hundred,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

721

twenty-seven hundred fifty feet per second,
which would leave you going on three thousand
foot pounds of energy.

In other words, if you put a scale in front of the muzzle of this rifle, one foot in front of it, and fired it, you could register what that bullet weighed, and it would weigh about a ten and a half when it hit this scale.

What usually happens is when you shoot somebody with a military bullet, which is a full metal jacket, you put a nice clean hole in them and most of the energy is dumped in the dirt or in a tree or rock behind the target. If you shoot an animal with this, you dump all the energy in the animal and it expires quickly.

Generally hunters prefer these days to have the bullet completely penetrate the animal so you can leave a blood trail. But I will assure you it leaves a much bigger hole on the way out than it does going in.

If you shoot a deer, very seldom will one of them drop right in its tracks.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

It will usually take off and run twenty-five, a hundred fifty yards, and you've got the task of tracking that animal through the underbrush until you find the body which has expired from blood loss.

If you shoot the animal right and the bullet does not penetrate downward but stays inside and disintegrates, which is known as a bullet failure, then you may still disrupt the animal's central nervous system and it will drop in its tracks. That happens from time to time.

Q. Judge, do you recall from the evidence before you at that time how the petitioner came to buy that particular rifle?

A. What seems to have happened from the record is that James Earl Ray went into a business that sold firearms and bought what is known as a 243 Winchester. It is one of the 308 rounds that we had been talking about or at least the cartridge case, neck down, to .243 caliber. In other words, about six

millimeters versus seven point six two
millimeter.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

723

He brought it back the next day and
advised the proprietor that he had been told
or advised to get a .30-caliber weapon,
whereupon he reportedly purchased this item
right here and they mounted a scope on this
weapon.

Q. Judge, I'm going to come to the
scope, but could I ask you, was the 243
Winchester not an adequate rifle for the
purpose that this one was allegedly used for?

A. Actually a 243 actually probably
would have been a better weapon for the
purpose than this would have been, commonly
used to dispatch deer and also varments.

Also, it is a pretty accurate round, and
we're talking about a range that is less than
a hundred fifty yards, if you have any idea
of the ultimate layout of the scene, which is

Dr. King at the Lorraine Hotel with the apparent point of firing being somewhere within a hundred fifty yards.

Q. The 243 Winchester in fact was as good or a better a rifle for the purpose of assassination than that weapon?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

724

A. At least as well. It would have been quite a bit better caliber than the one that was used to kill President John F. Kennedy.

Q. Why, then, in your opinion, after considering the varieties of the two rifles and the choice ultimately settling on this 30-06, why was petitioner instructed to buy this caliber rifle?

A. Based on the entirety of the record and the entirety of the circumstances of the case, it was my belief that it was so there could be a number of common-caliber weapons that might have been on the scene of the killing.

Q. That would have had the same caliber -- produced the same caliber bullet?

A. Same caliber bullet. If the test for ballistic comparison purposes were run as they were by the FBI, that is, firing the sample projectiles into cotton waste so that you could not get more striations on them so you could compare the bullets with what was taken from Dr. King's body, you would have about sixteen or so million weapons that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

725

could have been the one that fired this bullet.

I think Remington ultimately made right now somewhere around eight or nine million of these using the same barrel machinery, either with this permutation of the 760 Gamemaster, the 740 semiauto or the Model 700 bolt-action series.

Q. Moving on to the scope, you were about to tell us about what you concluded

with respect to the scope.

A. It is interesting in that the proprietor of the shop never did what they call polarimated this scope. You can't just take a new rifle with a scope mount on it, put some rings on it and then put a scope on it and expect to hit anything. You've got to zero the thing. That is not very neat.

There is a device called a polarimeter, which looks like a small telescope, that has a little spindle that will fit down in the muzzle of this weapon.

Usually when you get a polarimeter, they give you a number of spindles that will fit most

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

726

common calibers.

You put that spindle-mounted polarimeter into the muzzle, you line it up.

There are some crosshairs on it. You take these scaps right here of the scope and you'll see in here a slot. What you do is

you move these screws or these devices around using a coin until you get the crosshairs on the scope matching the crosshairs on the polarimeter.

There is another alternative method that you can use with a bolt action, which is to take the bolt out, and the receiver will be open. You lay this rifle on a sandbag and you aim down the barrel itself at some item about a hundred yards away, a small circular item, and you try to align it in the middle of the bore with the same amount of the bore showing around this item. Then you manipulate the adjustment knobs on the scope to align the crosshairs with the item one hundred yards away, and you keep looking back and forth.

As you can see with this rifle, it

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(901) 529-1999

727

has got a closed receiver, so you cannot

bore-sight this using that particular

method. You'd have to polarimate it.

It has been my experience over the last thirty years firing I don't know how many hundreds of rifles that even when do you get it polarimated or you bore a sight, right after, when you take it out to the range to finalize your sight-in process and you put up a target at about twenty-five yards distance, that I would say would be about the size of one of these picture frames on the wall, you might be lucky to get it in at the bottom left-hand corner at twenty-five yards. Then you'd have to dial in sixty clicks up, sixty clicks to the right or left to get it close on and then back out to a hundred yards and then try to sight the thing in further, and by a slow process make it so that the bullet impacts where your crosshairs are located.

Now, usually what you do on a .30-caliber weapon, if you are a hunter or somebody else, you try and get the typical bullet impact approximately two inches, maybe

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

728

an inch and be a half or two inches, above point of aim. That would put your rifle dead on at two hundred yards, maybe two fifty actually, two hundred fifty yards.

That would mean if you fired at a target with the weapon cited in like that at twenty-five yards, you'd hit with a scope like this on it about three quarters of an inch to an inch below the target. At about fifty yards you would start crossing over that target line. At about sixty-five to seventy you would hit right on.

At one hundred yards you'd be about an inch and a half, inch point nine, maybe two inches high. You'd be slightly over that at two hundred yards. And at two hundred fifty you'd be dead on. And at three hundred you might be six or seven inches low.

So you would have to sight this thing in. It does not appear that this weapon was ever sighted in.

Now, there was also an FBI report in
the record that talked about this weapon
having been test-fired shortly after it was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

729

taken into evidence. And that report
revealed that it shot several feet to one
side at a hundred yards and slightly half
that low. So this does not appear to have
been a sighted-in weapon.

Now, it is possible that it could
have been knocked out of zero, but this rifle
is not one for that to be something that was
as likely as it would be with other weapons.

You will note that it has got a
two-piece stock. This stock really is not
firmly affixed to the barrel. There is a
rod, an operating rod, upon which this slide
is affixed. That keeps it from having any
impact on the barrel at all. This barrel is
fixed tight with the receiver. You simply
have a butt stock here which keeps this thing

from occurring like your typical bolt action where there is wood that goes all the way up the receiver and up along the barrel which tends to warp one way or the other depending upon the temperature and humidity.

So this rifle probably would not have gotten much out of zero, and what I call

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

730

out of zero is maybe an inch or so one way or the other. If you get real finicky, you make sure you get it right back on.

So this weapon, if it was in the condition it was in three some days, four some days after it was taken into evidence, literally could not have hit the broadside of a barn if somebody was shooting with it at a target.

That brings up some other circumstances if you want me to go into it about what I was observing about the target conditions themselves.

Q. Yes, I'd like like you to briefly summarize that. Let me also understand what you have told us now. Based upon your review of the --

A. You want me to say it simply? In other words, you buy one of these, put a scope sight on it, you've got to sight it in. It takes a bit of doing. It takes a little help with some mechanical devices on the front end. That was not done with this weapon.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

731

It does not appear that this weapon was sighted in. And when it was recovered and first taken into evidence, it would not hit what it was shooting at. It would hit several feet to either right or left. I think it was four feet one way and two feet down.

Q. Yes. That is what the FBI report indicates?

A. That's right. Anyway --

Q. Could that rifle scope have been thrown out that amount had it been dropped on a sidewalk?

A. That amount, no. I had one of these very scopes, fell out of a tree and landed on the bloody thing. Damn near broke my leg. But I could carry on with the hunt.

Q. The scope was intact?

A. Scope was intact. Rugged scope. That's why they sold a lot of them, the Redfield two to seven variable. One of the earlier variables, but a pretty good one.

Q. Let me just ask you: Moving on, based upon all this analysis and review of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

732

this rifle, the testing information, the documentation, is it your opinion that this weapon was the murder weapon that killed Martin Luther King, Jr.?

A. Well, I've not discussed the further

ballistics tests I ordered and the result.

But based on the entirety of the record and the further ballistics tests I had run on this rifle, it is my opinion this is not the murder weapon.

Q. Could you just summarize for us the basis of that opinion?

A. Okay. The basis of that opinion would be run based on the subsequent ballistics analysis that was done with this weapon using scanning electron microscopy to analyze the sample bullet and compare it with the slug removed from Dr. King, the circumstances attendant upon the lack of similar batch status of the bullets from the rest the cartridges, this weapon itself in terms of it not being sighted in and also a description of the shooting itself in terms of what supposedly transpired that makes this

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

733

a rather unique weapon.

Now, if you would like, I'll talk about the ballistics test that I got the results of.

Q. Yes, please. Go on.

A. Okay. What ultimately happened is I ordered this rifle thoroughly cleaned for this reason: It is a new weapon. The bore has not been shot in. It has not been broken in. The bores of rifles need to be broken in just like your car needs to be broken in.

They are still rough.

Remington was not the worst at that, but in 1968, 1967, 1966, the firearms companies were switching over from a lot of hand labor to machine-manufacturing processes that had not been perfected. There was a big hue and cry in the whole gun world about the defects that you often found with new products. I know I had to send one back every four or fifth time I got a hunting rifle. There was a flaw in it that had to be sent back for correction.

In any event, I ordered this weapon

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

734

cleaned, because even though it had -- you can look through it right now. It looks like you've got a shiny bore. If you look under it -- at it under certain light conditions, this whole bore is smeared with jacket powder. Basically a bullet fired in a hunting weapon has a lead core. It has a gilding metal jacket or a bronze jacket, and there is coating over the top of that.

When you fire it down this bore with the high heat of the combustion process and the higher pressure and the velocity, it leaves trace elements of that jacket all down the barrel. The more of the barrel that is broken in and the smoother it gets, the less it leaves.

When I inspected this weapon initially, the bore impressed me as quite filthy. I used a bore sight. It is a little device with a light in it. You can

look through this thing. It is absolutely filthy.

In any event, I ordered it cleaned.

They apparently did not clean it more than to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

735

run a patch down one or twice through it. I

had given as a suggestion that they use

something known as a file out, which is a

device made by a company known as Outers,

that is nonintrusive.

You fill this barrel with a

chemical. You put a plug in it, an electrode

in it, hook the barrel up to the other

electrode and you leave it for twenty-four

hours and it works a reverse-plating process

and you get all the filings stripped out of

this barrel and it adheres to the electrode.

So you would have a pristinely-clean

weapon in twenty-four hours. They chose not

to do that but to simply run a patch through

it for a number of reasons, which through

mistake -- which was going against their mistaken understanding of my order -- they thought I order them not to clean it.

But in any event, they fired eighteen bullets from this weapon into a water tank. Twelve of those bullets, that is, sixty-six point three four or seven five or sixty-seven percent, showed a similar

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

736

characteristic that was a very unusual characteristic.

What usually happens when you take a bullet and you fire it down a rifle barrel is that the actual diameter of the bullet, that is, the .308 in this case, would match the bore diameter. But when you have the bore, there are some lands, some ribs that stick down. Those ribs would engrave the bullet. They would press markings into the bullet.

What was unusual about the characteristic of the projectiles that were

fired out of this weapon is that there was a defect somewhere in this barrel that caused the bullet not to be pressed down but to come up into this particular flaw. So what you did is instead of a rounding, say one of these styrofoam coffee cups, with grooves that had been indented in that, imagine, if you can, that there would be a bump that would be sticking up on the surface.

So that is very unusual and indicated that there was some shattering in the tool that was used to make this barrel.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

737

It very seldom happens. It is very rare.

But it was present on these bullets.

Now, because this weapon was not cleaned, what happened was that the filing material was being blown out of this flaw.

So one of these bullets would have a gross reflection of this flaw. The next shot through it would be somewhat less impressed

because of the filing that had filled up this defect. The third one would have even less of an impression. Then the filing would get blown out. The next bullets through would not show it to a gross extent.

So you've got twelve bullets with the same common characteristic, that is, this raised area on the surface of the bullet.

There was not -- that was not found on the corresponding portion of the bullet removed from Dr. King.

Now, using scanning electron microscopy, you can get a much more clear view of what you are looking at than the traditional method. One of the problems with the so-called experts that were called in on

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

738

this is none of them were really expert in much of anything concerning firearms other than simply looking at one bullet, comparing it with another bullet, in a microscopic

setting.

None of them had any experience in scanning electron microscopy, none of them had any significant experience in actually shooting or using a rifle or anything other than what they did in the laboratory.

None of them had ever cleaned a rifle other than I believe the testimony was that when they found one clogged with mud or dirt or debris, they would run a rod through just to get that out so they didn't destruct the weapon.

In any event, this characteristic was common. Sixty-seven percent of the bullets showed it. I ordered the weapon be retested once this cleaning was done. The nature of the defect was such that it would be expected that one hundred percent of the rounds fired would show this defect.

If I can give that to you in lay

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

terms, it is like this: You are sixty-seven years old, seventy-four years, you are having trouble urinating. You go to the doctor. He says, I think you need to go see a proctologist, I'm noting a very hard area in your -- hard something in your prostate area. The proctologist says, okay, fine, we need to run some tests. Every test they run is saying, okay, you've got prostate cancer.

That's where we are with this rifle here. The next step would have simply been a confirmation of everything that had gone before. But this does not appear to be the rifle that was used to kill Dr. King.

There is another thing about that that is unusual, too: The testimony that the barrel of this rifle was rested across a hard wood window sill, that the gunman, using one foot to prop himself up, holding on and using another arm to hold the weapon, he supposedly rested this barrel on this window sill and pulled the trigger.

Well, there is an unusual thing

about this one. Being a slide-action, if you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

740

do that, nine times out of ten the slide is going to cycle itself before the pressure is dropped in the barrel, and what you'll get is a blown-up or ruptured shell casing, which will be quite exciting when it happens.

So this rifle fortuitously is incapable of being used as they indicated in the proof that was in the record.

So we've got, one, non-similar lots of components, two, we've got a rifle that has never been cited in, three, we've got a usage suggested for that that is impossible for this particular type of weapon, and then in addition, when we run the more advanced ballistic comparison tests, none of that matches up.

Q. Judge, after all of that analysis, you had come to order retesting under very strict guidelines?

A. Very strict.

Q. The cleaning and the retesting. That was about to go forward. What happened?

A. Well, they removed me from the case.

They said I was biased towards James Earl

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

741

Ray, which found rather astonishing. If anybody knows me, me being biased in favor of a self-avowed racist and bigot is absolutely disgusting as a concept.

What I've always tried to do is be fair and impartial and neutral and detached straight down the middle, and sometimes I know that upsets people when things don't go as they expect them to go.

Q. So you were removed from the case by whom?

A. The Tennessee Court of Criminal Appeals. It is interesting that was done before a full transcript was developed. I must say this: That during the course of

these proceedings, whenever the prosecution didn't like what I was doing, they would run up and file affidavits, which in my personal opinion misrepresented the state of the evidence, and they would go up there to get an emergency stay before a transcript was prepared.

Now, one thing that struck me as quite unusual is one of the affidavits they

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

742

filed in this particular case, which was, quote, the weapon should not be tested because if it is tested, it may be damaged, which would prevent it from being tested in the future, unquote.

Q. Judge, would you explain to the jury how firing that caliber weapon might generate what appears to onlookers to be smoke rising from a brush area?

A. It is my saying you do not get smoke from smokeless power, but when you have a

high-intensity cartridge like a 30-06, you don't, but what you might find is the following: The compression may cause a condensation of water, which is a phenomenon that I've observed from time to time hunting or shooting, or, two, you may kick up fine dust in the area immediately in front of the rifle, or, three, because this rifle slug may be moving close to the speed of sound, the shock wave from the bullet passing a bush or some foliage that has dust on it will cause it to rise and it will look to the onlooker like smoke.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

743

Now, there is another thing about this rifle that is of significance. It goes back to what you asked me in terms of my opinion about why the .30-caliber weapon. Not only could you use a number of civilian weapons, but if somebody were analyze the basal characteristics of a slug taken from

Dr. King and this weapon with what the FBI did, you could not tell whether that weapon came out of an M-14, a M-21, an M-24 or the Remington 700 military sniper weapon that they had at the time, nor could you tell if it came out of that.

One of the things that they did not do is attempt to analyze the twist of the projectile that was recovered which might have been helpful. But in any event, what you have is a situation where let's say you have one, two, three, four or five people who have been for one reason or the other convinced that they were doing something worthwhile, they could have all been out there attempting to carry out their own little particular portion in some perceived

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

744

assassination. Meanwhile, other people could have been involved, and if any of those people had been out there, then each of the

.30-caliber weapons they possessed could have been tied into the case just like this one was.

Q. That fatal shot could have been fired from any number of .30-caliber weapons?

A. Any number of .30-caliber weapons, military or civilian. Let's put it this way: As a professional involved in the criminal justice system for a very long time, as a prosecutor, public defender, defense lawyer handling murders, robberies, very serious crimes, this had to be one of the most inept and incapable, if not downright incompetent investigations, I've ever seen in my life.

It would it would have struck me that if they had really wanted to analyze bullets fired out of this rifle, they would have fired them into water, not cotton waste. It would have struck me that they would have done a more intense analysis of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

745

what you have over there.

Now, you've got a base of that bullet that is completely intact, and it is quite subject to even ordinary ballistic analysis for striations. They did not do that.

Q. Judge, on that tack, the FBI reports indicated that the death slug was too badly deformed for them to do that kind of analysis?

A. That's not a badly-deformed slug.

What you have here is an intact base. That is what you need. What has gone on here is that most of what is in this record is something that you would accept on trust.

Ballistics is an arcane subject.

The FBI is supposed to know everything there is about the subject. In 1996 the FBI was trusted. The FBI said in our professional opinion this is not capable of being analyzed. They didn't do anything on, absolutely nothing at all, except the worst

things you could do if you wanted to develop
some test results.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

746

Judge Preston Battle looked at what
they supplied, and even back in 1968 he was
not satisfied with these tests, and ordered
that they be redone. So from 1968 up until
James Earl Ray died, there was a resistance
on the part of local authorities to keep this
weapon from being retested.

The first judge ordered it. I
ordered it. When it was tested, sixty-seven
percent of the bullets were found to not
match that murder slug.

MR. PEPPER: Judge Brown, thank
you very much.

THE WITNESS: You are welcome.

MR. GARRISON: I have no
questions of Judge Brown.

THE COURT: Thank you, Judge.

THE WITNESS: Thank you, Judge.

(Witness excused.)

(Jury out.)

(The proceedings were adjourned

at 4:35 p.m.)

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(901) 529-1999

THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE

THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

CORETTA SCOTT KING, MARTIN

LUTHER KING, III, BERNICE KING,

DEXTER SCOTT KING and YOLANDA KING,

Plaintiffs,

Vs. Case No. 97242-4 T.D.

LOYD JOWERS and OTHER UNKNOWN

CO-CONSPIRATORS,

Defendants.

BE IT REMEMBERED that the

above-captioned cause came on for Trial on

this, the 23rd day of November, 1999, in the

above Court, before the Honorable James E.

Swearngen, Judge presiding, when and where

the following proceedings were had, to wit:

VOLUME VI

DANIEL, DILLINGER, DOMINSKI,

RICHBERGER & WEATHERFORD

COURT REPORTERS

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Memphis, Tennessee 38103

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748

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(901) 529-1999

749

- INDEX -

WITNESS: PAGE/LINE NUMBER

JERRY FRANCISCO

DIRECT EXAMINATION

BY MR. PEPPER:..... 751/16

CROSS-EXAMINATION

BY MR. GARRISON:..... 768/09

JOHN BILLINGS

DIRECT EXAMINATION

BY MR. PEPPER:..... 773/15

CROSS-EXAMINATION

BY MR. GARRISON:..... 819/04

ROYCE WILBURN

DIRECT EXAMINATION

BY MR. PEPPER:..... 821/03

CROSS-EXAMINATION

BY MR. GARRISON:..... 829/23

SIDNEY J. CARTHEW (By video)

DIRECT EXAMINATION

BY MR. PEPPER:..... 835/12

JOE B. HODGES

DIRECT EXAMINATION

BY MR. PEPPER:..... 858/17

CROSS-EXAMINATION

BY MR. GARRISON:..... 879/25

REDIRECT EXAMINATION

BY MR. PEPPER:..... 883/17

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

750

- INDEX CONTINUED -

JAMES W. SMITH

DIRECT EXAMINATION

BY MR. PEPPER:..... 888/25

BARBARA REIS

DIRECT EXAMINATION

BY MR. PEPPER:..... 905/19

CROSS-EXAMINATION

BY MR. GARRISON:..... 915/07

TRIAL EXHIBITS PAGE

6 ----- 761

7 ----- 773

8 ----- 803

9 ----- 808

10 ----- 827

11 ----- 829

12 ----- 857

13 ----- 888

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

751

PROCEEDINGS

THE COURT: Are we ready for the
jury?

MR. PEPPER: Ready, Your Honor.

(Jury enters.)

THE COURT: Good morning. We
are we ready to resume the trial, I think.

Mr. Pepper, call your next witness.

MR. PEPPER: Thank you, Your
Honor. Plaintiffs call Dr. Jerry Francisco
to the stand.

DR. JERRY T. FRANCISCO,

Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good morning, Dr. Francisco.

A. Good morning.

Q. Thank you very much for joining us
this morning. For the record, please, would
you state your full name and address.

A. Jerry Thomas Francisco, Memphis,
Tennessee.

Q. And what do you presently do,
Dr. Francisco?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

752

A. As little as possible. I'm retired.

Q. And what was your previous
employment?

A. I was professor of pathology at the
University of Tennessee, County Medical
Examiner for Shelby County.

Q. And what position did you hold in

April of 1968?

A. I was essentially in the same position -- in pathology at the University of Tennessee and county medical examiner for Shelby County.

Q. Would you tell us roughly, prior to April 4, 1968, how many autopsies had you performed?

A. I have no idea of the precise number, but it would be measured in thousands.

Q. Would many of those have been caused -- those deaths have been caused by homicide?

A. Yes.

Q. And would many of those homicide deaths have been caused by gunshot wounds?

A. Yes.

Q. And would a number of those gunshot

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

753

wounds have been rifle shots?

A. Well, the rifle is an unusual weapon,

and it's an uncommon form of gunshot -- at least in civilian practice.

Q. All right. But did you have previous experience with respect to deaths caused by rifle wounds?

A. Yes.

Q. When were you first notified of the death of Martin Luther -- well, the shooting of Martin Luther King, Jr.?

A. It was probably from the -- from the media.

Q. You heard it on the media?

A. That's correct.

Q. Do you recall was that shortly after the event?

A. Yes.

Q. And what did you do when you heard about the shooting?

A. Well, the shooting occurred on a Thursday night. And Thursday night in the Department of Pathology is a traditional time in which the faculty gather to have what we call a conference. It was called the

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(901) 529-1999

754

Thursday night conference in common parlance.

And several members would usually get together to have dinner prior to the conference which started at 7 o'clock. A friend of mine -- we were having dinner at what was then the faculty club when we heard the news that Dr. King had been shot. And we came to the Institute of Pathology at about 6:45, 7 o'clock, knowing that he was dead, and proceeded to do the things that needed to be done.

The conference was cancelled. The members left with the admonition if I needed help to give them a call and they would be glad to assist.

Q. Did you eventually perform the autopsy on Martin Luther King, Jr.?

A. I did.

Q. Do you recall the date that you

performed that autopsy?

A. No. It was the day he died.

Q. Dr. Francisco, let me provide you with a copy of this autopsy report just to assist in the refreshing of your

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

755

recollection.

A. All right.

Q. Okay. Do you see the date of that report?

A. Yes.

Q. When then was the autopsy performed?

A. April the 4th, 1968.

Q. And your report was dated April 11, 1968?

A. Well, the finalization of this report was April the 11th, 1968.

Q. Had any work begun on the autopsy before you arrived, or were you there right at the beginning and supervised the entire procedure?

A. The latter. The autopsy does not start until the pathologist arrives.

Q. Were there any assistants present at the time?

A. Yes.

Q. Do you recall who they were, Dr. Francisco?

A. No.

Q. That's understandable. It's a long time ago. Were there any other persons

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

756

observing the autopsy that you recall?

A. Well, they were not really observing. There was a law enforcement officer inside the autopsy suite with a shot gun, a law enforcement officer outside the autopsy suite with a shotgun. But as far as observing the autopsy, no, they were not. That's not their business. That's not their purpose. That's not their mission in life. They played no active role in the autopsy.

Q. Did you employ the standard procedures for the performance of this autopsy?

A. Yes.

Q. Are procedures -- do procedures vary? Are they different in terms of a rifle wound as opposed to any other type of gunshot wound?

A. No. There's much -- there's as much standardization of an autopsy as there is in trying a case. There's certain overarching principles that are applied. But in the detail, there are significant changes and variations that are professional judgements that each pathologist makes during his

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

757

autopsy.

Q. That's very helpful if you would continue to explain these procedures to the jury. We're calling you, of course, out of turn. You were originally slated to be a

background witness so that the jury can be aware of the procedure and the cause of death and the nature of the wound and so forth.

So it's very helpful that you will address the jury on these matters.

Did you dictate the -- your observations as you performed the autopsy?

A. I think so, yes.

Q. And those would have been reflected in your final report?

A. That's correct.

Q. Could you describe for the jury the condition of the body when you observed it at the beginning as you recall?

A. I don't understand the question.

Q. Well, can you describe the -- basically can you describe the condition of the body that you were about to perform the autopsy on. What did you observe in terms of the wound that had been inflicted?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

758

A. Well, it was a gunshot wound to the jaw which had been surgically altered at the emergency room in an attempt to stop the bleeding. Is that what you had in mind?

Q. Yes, that's right. And that was the -- that was the entry wound?

A. That's correct.

Q. Did you notice an exit wound?

A. There was no exit wound. The bullet was retained within the body.

Q. To the best of your recollection and your knowledge at this point, was that entry wound a single wound?

A. In contrast to a double wound?

Q. In contrast to multiple wounds, yes.

A. Yes, it was a single wound, right.

Q. And where was the -- to the best, again, of your recollection, where was the fatal bullet lodged in the body?

A. It was beneath the skin in the back on the left side.

Q. Inside the circle there is a shaded raised area. Do you recognize that as the

lodging -- the place where the bullet lodged

as you've described it?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

759

A. It could be. I can't orient myself

with that photograph.

Q. But that could be?

A. Well, I don't know what the

photograph is. I have no idea. I didn't

take it.

Q. The photograph is a photograph of the

body of Martin Luther King on the autopsy

table. And that's the lower left shoulder

blade.

A. Could you turn the photograph around,

please. One more turn. Yes, sir, that is

the correct orientation of the photograph,

and that is a photograph that could be the

location of the bullet beneath the skin.

Q. That is the bullet that could be the

bullet beneath the skin that you have

described?

A. That's correct.

Q. In the course of your performing this autopsy, were you able to determine the path of that bullet from entry to the final point of lodging?

A. Yes.

Q. Could you describe the path of that DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD (901) 529-1999 760

bullet for us, please.

A. Front to back, above, downward, right to left.

Q. Were you able to determine if any -- what -- in the path of the bullet if it hit any interior organs of the deceased's body?

A. Yes.

Q. Would you describe those for us.

A. The right mandible, or jaw bone, the right vertebral artery which is the artery running from the arch of the aorta up into the head, the spine, T1 and C7, the spinal cord, upper cervical -- lower cervical, upper

thoracic, the submucosal hemorrhage to the voice box, the larynx. This is the force of the bullet passing through. The force around the bullet path damaged the larynx, and there was a bruise or hematoma to the upper right lobe.

Again, this was the force of the bullet. There are circumferential forces around the path of a bullet that will bruise or damage organs not actually hit by the bullet but in juxtaposition to this bullet path.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

761

Q. Thank you. And what time did you determine was the time of -- the actual time of death?

A. The autopsy does not determine the time of death. The time of death in most cases is determined by the time a person is pronounced. And that's a historical fact.

The autopsy does not, independent of this

historical fact, elaborate and determine a time of death. The intimation that we had was some time in the p.m., in the neighborhood of 4, 5, 6, 7 p.m.

Q. While he was -- if he was shot at 6:01, presuming that the time of death would have been some time after that, between 6 and 7 p.m.

A. Again, those are historical facts.

And the time of death is determined by the historical facts, not by autopsy procedures.

MR. PEPPER: Plaintiffs move to enter the autopsy report.

(Whereupon said document was marked as Trial Exhibit Number 6.)

Q. (BY MR. PEPPER) Dr. Francisco, didn't you trace the path of the bullet in the

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(901) 529-1999

762

body? Did you actually conduct a tracing procedure with respect to the path of this bullet?

A. Yes.

Q. And it is as -- and how did you --
how did you actually conduct that tracing
procedure?

A. By looking. It was not difficult to
see what the bullet had passed through in its
passage through the body with the autopsy
techniques because the organs are removed,
the vital structures are removed. It's not
difficult to see what the path of the bullet
was. It's a relatively short path. The
entry point was clearly visualized.

The terminal point was clearly
visualized. And the bullet generally travels
in straight lines through the body. There
are very unusual circumstances in which the
bullet goes in something other than straight
lines. But bullets do not go zig, zag, zig,
zag. They just don't do that. That's not
the way bullets travel in bodies.

Q. Unless they're deflected. As you
said, unless they're deflected by --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

763

A. Well, bullets are hard to deflect.

If the bullet velocity is low enough that a body part can deflect it, generally the bullet stops. There are rare circumstances -- for instance, there are circumstances in which the bullet enters the skull and because of low velocity of the bullet, it will travel along the inner path of the skull coming around to this side.

But bullets do not entire here and go over the top of the skull and come out on this side. They just don't do it like that.

Science fiction notwithstanding, they just don't do it that way.

Q. Thank you. Did there come a time, Dr. Francisco, in 1969 when you were asked to testify before a guilty plea proceeding presided over by the Criminal Court of Shelby County?

A. Yes.

Q. And was that proceeding held on the

10th of March, 1969?

A. I presume so. Again, I don't have records of that date and time. But at whatever time the records reflect, there was

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(901) 529-1999

764

testimony in the criminal courts of Shelby County to the guilty plea of James Earl Ray, and it was necessary to establish cause of death by testimony.

Q. Dr. Francisco, let me pass to you for -- again, for refreshing your recollection, the relevant pages of your testimony before the guilty plea proceeding.

A. All right.

Q. It begins on Page 30, and you're subject to direct examination by Mr. Duire.

A. I'm sorry. Was that a question?

Q. No, it's a statement. Now, moving on to Page 32 -- if you would move to Page 32, after discussion of the cause of injury, how death occurred, you were asked: "Did you

recover anything from the body,

Dr. Francisco?" And your answer?

A. "Yes."

Q. The question was: "I'm going to show you an object and ask you if you can identify" -- "and ask you if you can identify those, Dr. Francisco." Your answer was --

A. "Yes."

Q. "And what is that, please." And then

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

765

you were shown, I believe -- do you recall this photograph of bullet fragments that you were shown?

A. I've seen that photograph more than once. Do you have the bullet?

Q. We don't -- we don't have the bullet in this courtroom. But do you recognize that as a depiction of what they showed you on that day?

A. Well, that certainly could be, yes.

That's the jacket and the two pieces of lead

that were present in that bullet. So they certainly could be the bullet that I was shown. However, there is a marking on the jacket that is the autopsy number that defines the jacket as the jacket that I removed. And I cannot see that from this photograph.

Q. But the question was at that time -- if this is a correct depiction -- this is the bullet that was removed from the body at the time of autopsy. And you answered -- you answered: "This is the bullet that was removed from the body at the time of autopsy."

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

766

A. Let me make something very clear. This photograph is not necessarily the photograph of the bullet that was shown to me during this testimony. What was shown to me during this testimony was the bullet that I removed. And I looked at that bullet, and I

said, yes, this is the bullet I removed.

I don't know anything about this photograph. But I do know that during this testimony the bullet that was shown to me was the bullet I removed.

Q. Dr. Francisco, could you describe the bullet that you removed from Dr. King's body.

A. It was a bullet with a jacket and with lead.

Q. Was it intact?

A. It was damaged. A jacketed bullet, in which the jacket has been peeled back, is a damaged bullet in which the lead that's on the inside is loose and can come out very easily, very readily --

Q. Dr. Francisco --

A. -- as it did in this case.

Q. Was the bullet that you removed from

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(901) 529-1999

767

Dr. King's body one piece, an intact bullet?

A. What I removed from Dr. King was a bullet that was intact at the time I removed it. However, there were two pieces of lead. One that was very daintily attached to the other because of its damaging and, therefore, any kind of handling, moving or examination, these two pieces of lead could come detached from one another. The lead that was still inside the jacket can come loose at any time and, therefore, representing three pieces at some later time because it's been altered in the examination process, just the handling process.

Q. How could you -- how did you identify the fragments that were shown to you though as the bullet that you removed?

A. Because it had the same topography, configuration, color, shape, of a photograph I made of that bullet at the time I removed it from the autopsy. It also had my autopsy number scratched on the base of the jacket, which is the most vital part of bullet, the numbers 252.

Q. So you have no question then that the

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768

bullet you were shown at the time of the

guilty plea hearing was the bullet that you

took from Dr. King's body even though it was

in different pieces?

A. No question whatsoever.

MR. PEPPER: Thank you, Your

Honor. Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Dr. Francisco, we have talked about

the wound. Was it a -- what you would

classify as a large wound -- the entry wound,

was it a large wound?

A. It had been enlarged by surgery. It

was not particularly large in terms of what

wounds -- what bullet wounds can cause. But

it had been enlarged by surgery. It

certainly was a lethal one.

Q. Did you do anything to probe the

wound? Insert anything to trace the path of it?

A. No. You don't -- you don't probe wounds for determining the path. That has a tendency to alter the wound. And probes are not something you do if you're going to do an

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(901) 529-1999

769

autopsy.

Q. Which side of the jaw was it that --
it's your understanding it would have been his right side?

A. To the right side.

Q. Just under the jaw bone?

A. Well, it was just adjacent to the angle of the mouth. It was present, as I'm pointing right here, just to the angle of the right side of the mouth.

Q. Dr. Francisco, I know you've performed thousands of autopsies. And are you familiar with calibers of weapons and a bullet that comes from a certain caliber?

A. In a general sense. The caliber refers to the cross-sectional diameter of the bullet. A .7 millimeter bullet is 7 millimeters in cross-sectional diameter. A .22 caliber bullet is 22 one-hundredths of an inch in cross-sectional diameter. I'm familiar in that sense, yes.

Q. Would this bullet have been a bullet that would have been fired from or shot from a weapon -- a rifle or a 30 aught 6?

A. Could have been.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

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770

Q. Was it conformed to that size?

A. Approximately that size, yes.

Q. And was this bullet an expanding type bullet where it -- or could you determine?

You said it was damaged.

A. Well, this is a partial jacketed bullet. And the whole purpose of a partial jacket is that it expands as it strikes a hard object and, therefore, mushrooms and

produces a larger surface after it strikes
than before it strikes.

Q. Now, Dr. Francisco, you were asked by
the district attorney to visit the scene of
where this supposedly occurred. Am I
correct, sir?

A. That's correct.

Q. And did you -- did you visit the
scene in the so-called rooming house where
you were upstairs in a bathroom and also down
in the lower area where there was -- up over
Mulberry Street but yet it was raised where
there were some bushes, I think, that had
been cut? Did you visit both of those
scenes?

A. I did.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

771

Q. And did you also visit the balcony
where Dr. King was supposed to be standing?

A. I did.

Q. And were you told as to what position

he was supposed to be in at the time of the wound -- the shot?

A. Well, there was a photograph. There was a photograph made of his position just before the shot was fired. So from the photograph I had seen what position it was.

Q. All right, sir. And did you determine or form any opinion as to what type of path this projectile took from the weapon it was fired from?

A. Yes.

Q. Okay. And what type of path did it seem -- appear to you that it took from the time it was fired from the weapon?

A. It appeared to be in a downward path.

Q. All right. Based upon your visiting the scene and the wooded area and the bathroom window and your observation of the wound and examining of the body, which location did you testify that it appeared to

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(901) 529-1999

you that the shot came from?

A. Well, the shot could not have come from the base of the building. You couldn't see Dr. King from the base of the building because the land was up. You would have to be up closer to the ridge itself to be able to see Dr. King in that location. From the bathroom window you could see the body, and it was quite consistent with having been fired from that bathroom window.

Q. When you visited the scene, Dr. Francisco, there were some trees -- I think what have been referred to as trees or bushes. Had they been cut at that time?

A. Yes, they had.

MR. GARRISON: That's all I have. Thank you.

THE COURT: Anything further, Mr. Pepper?

MR. PEPPER: I have nothing further, Judge.

THE COURT: All right. Doctor,

you may stand down. Thank you, sir.

(Witness excused.)

MR. PEPPER: We move to admit

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

773

the guilty plea proceeding testimony of

Dr. Francisco.

THE COURT: All right. Exhibit

7.

(Whereupon said document was

marked as Trial Exhibit Number 7.)

THE COURT: All right. Call

your next witness.

MR. PEPPER: Plaintiffs call

Mr. John Billings.

JOHN E. BILLINGS, Jr.,

Having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Morning, Mr. Billings.

A. Morning, Mr. Pepper.

Q. Thank you for joining us this morning. Would you please state your name -- full name and address for the record, please.

A. John Edward Billings, Jr., 787 West Drive, Memphis, Tennessee.

Q. And would you tell us, what is your occupation?

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774

A. Private investigator.

Q. And how long have you been a private investigator?

A. 30 years this year.

Q. And are you licensed by the State of Tennessee?

A. Yes, sir, I am.

Q. Did there come a time, Mr. Billings, when you became involved in the investigation of the assassination of Martin Luther King?

A. Yes, sir. My involvement began on April 4th, 1968.

Q. And how did your involvement begin on April 4th, 1968?

A. Well, sir, I was a junior at Memphis State University and I was working six afternoons and evenings a week at St. Joseph's Hospital. I was a surgical assistant. And we -- I had just come on at 4 o'clock that afternoon. And it was kind of a slow day. We had a few operations going in surgery.

And we were up on the sixth floor.

And we were standing outside the nurses' lounge, which is across from recovery and the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

775

cast room, which is a non-sterile room. And I remember standing out in the hallway when Mrs. Matthews, who is the head scrub nurse, came running out the door and said, get the cast room ready, Martin Luther King has been shot -- been shot in the leg.

So we were sort of stunned. And we

went over to start getting the cast room ready, which was a non-sterile room. We were kind of excited because, you know, we were getting ready to meet Dr. King. And being -- the cast room would be a flesh wound, so we didn't think it was a severe wound. But within a minute or two Ms. Matthews came back out and yelled at us to get Room 1 ready. And that's all she had to say because Room 1 was the neuro room, so we knew it was a head shot.

Then she asked me to go around through surgery around by the back elevators and get a gurney and come back up and meet her. So I went around -- walked through surgery and went around to get the gurney.

And before I could get the gurney, I noticed two male figures beating on the door. There

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(901) 529-1999

776

were these frosted doors back there, and they had a recessed button that would open them

up, and they were having a hard time finding it.

So I reached over and opened the door. And two men -- two male whites carrying machine guns -- what appeared to be machine guns at the time -- came running through the doors and down the hall. And this sort of startled a number of people, including some doctors who were doing surgery noticed this. So I got the gurney, and I started back up the hall. And Mrs. Matthews rounded the corner and met me. And she told us specifically to go down the back elevator which went directly into the waiting room from the top floor down, and to bring Dr. King back up when it was ready for surgery.

And she was explicit about not letting anyone -- mainly the press or anybody else on the elevator that was not concerned with Dr. King's health couldn't come back.

So we took the gurney and went down -- when the doors opened to the emergency room -- the

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777

emergency room was filling up with people
which appeared to be Dr. King's entourage or
his group of people. And I think
Dr. Abernathy had just gotten there.

And there was a -- kind of a
quietness about it. There was no panic.

There was no wailing or anything. It was
just sort of like shock. Everybody -- it was
like a bomb had gone off.

So I went around into Emergency Room
I through some other doors, and that was the
room they were working on Dr. King. They had
just brought him in at that time. And we
went into the room. We were wearing surgical
greens, so we went into the room and stood
against the wall and watched them work on
Dr. King. I believe Dr. Rufus Brown was the
resident in the emergency room that night,
and he was sort of leading the team.

And Dr. Julia who was our neuro --

resident surgeon was also -- had just arrived, and they were working, it seems like, in teams. There were other doctors who were coming in. All the residents were busy working, and we just waited against the wall

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

778

and didn't say anything.

This went on for a while. They were feverishly working -- it seemed like for 30, 45 minutes or so.

Q. Let me interrupt you there. At that point in time when they were feverishly working on Dr. King, was it evident to you that he was alive -- he was still alive?

A. Well, it appeared that they were because they were doing, it appeared to me, all the things -- of course, Dr. King was sort of against the wall at the back of the room. And I could see the backs of the doctors feverishly working. They were doing all the things that I knew of to bring him

around and resuscitate him. There was constant motion.

You know, they were -- it was just constant motion in front of us. So, you know, we fully expected to take him to surgery.

Q. So you just stood against the wall and watched these procedures being carried out?

A. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

779

Q. Who else was attending besides Dr. Rufus Brown and Dr. Julia at that time; do you recall?

A. I can't necessarily recall the names anymore. There was several doctors. I think one in particular that -- I can't think of his name -- was team leader. At the time it wasn't any designated people. It was like everyone was working together as groups, and there wasn't anybody really -- they were all

talking back and forth and doing things, and everybody was very involved in their work.

Q. Now, you just mentioned in passing two men, male whites, with machine guns who came running into the room --

A. Yes, sir.

Q. -- whom you saw. Did you recognize who they were?

A. No, sir. I never seen them before.

Q. Did they identify themselves?

A. No, sir, they didn't.

Q. Did you ever see them again?

A. I don't recall because that night was -- there were many men like that running around sur -- I mean, in the emergency room

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

780

that night. When we got down there, they were forming a ring around the walls which was maybe -- they were a foot or two apart.

And there were officers, some wearing

T-shirts, some wearing suits, some wearing

uniforms, a variety of weapons. And they formed a ring completely around the inside of the back of the emergency room around the wall.

I mean, all the way through the other rooms. So it was totally secure at that point. And we had heard also that they were setting up flood lights at the hospital because the hospital was receiving bomb threats at that time.

Q. Were any of the people in the room around the walls in the periphery in uniform?

A. Some were in uniform, yes, sir.

Q. What kind of uniforms?

A. City police, it seemed like Shelby County. Some were just wearing, you know, suits with their jackets off. Shoulder -- I mean, guns, pistols. There was -- like I said, there was a variety of weapons.

Q. What time did it become evident to

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(901) 529-1999

you as an observer that Dr. King was dead?

A. Well, the activity continued. And

then I believe it was Dr. Julia or one of the

doctors -- several turned and walked up to

me. They -- I knew them -- quite familiar.

And they said, go get someone in charge. We

need to speak to someone in charge.

So I turned and went out of the room

and went out into the emergency room area

where I had noticed one or two gentlemen

wearing suits seemed to be more or less

telling everyone what to do. So I approached

them and told them that the doctor wanted to

speak to them.

So we walked back around the corner

into the emergency room. Right in the

doorway of Room 1 where the doors open, they

stood in the doorway, and the doctors

informed them of something to the effect of

Dr. King is -- Dr. King is terminated. We

have done everything that we can. We feel

there's nothing left that we can do.

And at that time the gentlemen in

suits told the doctors that they would like
for them not to make any statements to the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

782

press or do anything for about an hour
because they had to call out the National
Guard. And if they could go out of the area
very quietly or up the back steps or any way
they could get out, they would appreciate it.

Q. Who were the gentlemen in suits?

A. I do not know. I don't know what
their names were. I only had watched through
observation that they were -- they were
telling other people what to do, so I figured
they were in charge.

Q. Were they local people?

A. I do not know. I had never seen them
before or since.

Q. You've never seen them before or
since?

A. No, sir.

Q. They seemed to take charge of events

at that point?

A. Yes, sir.

Q. Mr. Billings, moving on, many years

later --

A. Yes, sir.

Q. -- was there a time when you became
an investigator -- part of the investigative

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

783

team for James Earl Ray and his post-
conviction relief application?

A. Yes, sir, there was. I had -- I had
been working in Memphis a while. And I had a
particular client that was -- a high-profile
client needed some help on. And I requested
through an attorney, Sheldon Green, if he
knew an investigator that I could use that's
been around. So he mentioned Kenny Herman
who had been an investigator at that point, I
believe, 25 or 28 years.

So I met Kenny Herman, and we worked
on several cases over a period of a couple of

years. And during that period of time, he talked about working for you, Dr. Pepper.

And we used to laugh about the attorney who had a portable fax machine, because that was a new thing back then, and he would ride the train and take care of business on the fax.

And he talked about doing different jobs. I believe Kenny became involved when the BBC came over in the late 80's and did several documentaries on this. And Kenny did most of the research and looked up all these witnesses and, literally, between you and he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

784

pulled the case together. Which the BBC aired several different shows that was put together by you all.

Q. In the course of your work -- and would you say your role grew with time as that investigation continued?

A. Yes, sir, it did. We -- we sort of discussed it a lot. Not that much because I

was under the impression that James Earl Ray was the gunman, and what was the big question. You know, what's the big deal? He plead guilty. You know, I didn't understand all the flurry of activity. And we would talk about -- Kenny never pressed it until -- at one point we were talking -- we were doing surveillance one day. And he showed me a contract, and it was -- he said that I believe you and he had felt like it would be very difficult for James Earl Ray to ever get another real day in court.

And the idea was to possibly do a mock trial which had been done previous to this. And you felt that maybe through a mock trial you could get some of this stuff out and to the public.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

785

Q. So then you became involved in the investigation --

A. Yes, sir.

Q. -- prior to the television mock trial?

A. Yes, sir. We felt like that we as investigators probably did the first investigation that was ever fully done on this case. And the people we talked to, we found that that was probably true. That no one as far as James Earl Ray, in the early stages of his defense before he plead guilty, had really adequately done an investigation and touched all bases. And, of course, new information had been released from the government through their files that gave us more insight into the case.

Q. Moving ahead from the -- the television mock trial, did you become involved at one point in the investigation that focused on the existence of a man called Raul?

A. Yes, sir, we did. Up until -- throughout our investigation leading up to the mock trial, we discussed Raul. And we

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

786

had very little -- any -- no leads other than James' statements to the effect that, of course, Raul was the man he met at the Neptune Bar in Canada by the docks -- the maritime docks, and his descriptions of him and his various associations with him, traveling to Mexico, et cetera.

We all felt like ever finding Raul -- and we, of course, thought maybe that was just a code name, you know, or a nickname or something. We weren't sure. So we didn't hold forth a lot of hope. We investigated as best we could, but we had absolutely no leads.

Q. What did you understand -- according to Mr. Ray, what did you understand was the role that the alleged Raul played?

A. Well, according to James, the role that he played was -- James, of course, was on the run, looking for a way to get out of the country and had made it into Canada. And

James typically, looking at his record, would hang out in sort of seedy type bars and stuff to try to make contacts with people who could help him do things.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

787

And that was sort of his M.O. And he said that he was in the bar one time and he met a fellow named Raul. And they started talking. And Raul -- he said -- he described him as a Latin looking fellow. He said that Raul offered to help him. He said, I've got certain ways you can make some money if you would just do certain jobs for me, some of which included driving cars into Canada and out of Canada.

I believe at this time James got different sets of ID's. And James always told me that he was just looking for a way to get out of the country. He was trying to get away because he was a fugitive.

Q. Do you recall the bar in which he

said he met Raul?

A. I believe it was the Neptune Bar.

Q. Where was it?

A. I want to say -- I can't recall right now.

Q. All right.

A. But I do remember the Neptune Bar.

Q. Okay. So you're involved now with the investigation of the existence of this

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

788

Raul, focusing on him.

A. Yes, sir.

Q. Did there come a time after the mock trial when information came to you -- a person came to you who had information about such a person?

A. Yes, there was. Some months after the trial, we sort of went -- when we won the mock trial, we were all under the impression that something was going to come of it. We had raised a lot of issues. There had been a

lot of witnesses coming forth, and a lot of witnesses that were not included in the movie. The movie actually -- the trial lasted, actually, around 79 hours. I spent ten days with James in the prison passing notes and stuff because he was not totally familiar with that investigation. All of this had happened very rapidly.

So James and I really -- you know, I actually saw the entire 79 hours. They, of course, tried to condense this into three hours. And that's like trying to condense this into three hours. I think it would be very difficult.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

789

But some time after that a lady named Glenda Grabow and Roy Grabow came from Mississippi and contacted us and said that they had some information for us. And Kenny and I met with Glenda and Roy Grabow and listened to what Glenda had to say.

Upon hearing her first statements
that we got into with her, I found it -- I
didn't necessarily believe her. I thought
this was too -- too incredible. And it's
also -- it was -- I mean, the things that she
told us -- you know, at that point I thought
possibly that the government or somebody had
put her in to try to further discredit us.

Because that was an ongoing thing during all
this period of time.

And -- but the more that we talked
with Glenda and the more information that we
got as investigators, we, of course, felt
like we were going to check it out. And me,
I was sort of in the course of mood to
disprove her. Because I said, this is --
this is -- I mean, either we're getting
one -- a great break, or this is just a
fictitious story.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

790

Of course, once we began to check

out her story, it began to fall into place.

And that was -- that was the amazing part of it.

Q. What did you understand? What did you come to believe happened with respect to the existence of Raul? What new information came to you from this source?

A. Well, she discussed her -- her story was that she was a young girl whose family had moved to Texas when she was probably 12, 13 years old -- had moved to Houston. And while she was there, her family evidently was in an abusive style with her. I believe that was pretty much what it was. And she was -- she was hanging around the areas where she lived.

And in this area she met a fellow named Jack. And her -- she and Jack became somewhat friends, I believe later intimate friends maybe. And with this she had met Raul -- a fellow named Raul. And when she told us about Raul, she said, I don't know his last name because his -- he always went

by the name Dago. She didn't know what

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

791

nationality he was other than he was
foreign.

And she had had -- she had come to
know this man and his uncle called Amaro.

And she got to know them, and I believe she
stated that she had made some pornographic
movies.

Q. Did this individual whom she
described as Raul, in many ways describing
him and talking about this against her own
interests, did -- at some point did this
individual -- did it become evident to her
that he had played some role in the
assassination of Martin Luther King?

A. Yes. She stated that -- she made it
clear to us that -- she said that she thought
he was involved in other things. But she --
this -- we asked her what -- why would she
think he was involved with this. And she

stated that it had been rumored among the circle of people she was working with and running with at that time that they were involved in the King assassination.

And then there was an incident one time that really seemed to stand out in her

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

792

mind and sort of hurt her, and it was very painful for her to talk about. She stated she was working one day. And she worked with these people in various illegal activities or, shall we say, shady activities. And they sort of used her, I think, to do things for them, run errands and stuff.

But she stated that they were sitting at a table one day working on some things. And Raul came in, and she was looking through a little view finder -- a little plastic thing, which she still had one we looked through, and it was Martin Luther King, Robert Kennedy and John Kennedy, and

there was a little picture of them.

And Raul, she said, came into the room and said, what are you looking at? And he evidently looked at it and went off about it and told her that he had already killed the -- I believe she referred to it as -- the sonofabitch once, do I have to kill him again? Or something to that effect. And then drug her into a room and raped her.

Which was odd because they had had intimate relations before, but it was very upsetting

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

793

to her and him.

Q. It was an act of violence against her.

A. Yes.

Q. And a very traumatic experience for her as you perceived it?

A. Yes. And Glenda was sort of damaged goods. You know, she had been abused a good bit of her life. And she has -- she doesn't

have the complexities to -- to fabricate an elaborate complex story which is what she was telling without losing a train of thought which made it very credible to us.

Q. Has she from that day to this told basically the same story?

A. Yes, she has.

Q. In terms of the details.

A. Yes. She's very good on the details which, as an investigator, tells me it's -- it's hard to maintain a lie. The more complex the lie, the harder it is to remember the details, but --

Q. How long has -- has this story been told by this person?

A. From the day we met her.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

794

Q. When was that in terms of years?

A. Probably nineteen ninety -- I want to say maybe the fall of '93, '94, somewhere around in there. Right after the movie.

Q. So for some six years the details
have been consistent?

A. Yes, they had. And we have talked to
her on many occasions. I've deliberately
brought things up to test her memory to see
if she can recall what I was talking about.
And she does. And to me that gives her the
credibility.

Q. Did there come a time when you
actually went to Houston along with others --
or even independent of others and checked out
some of the aspects of her story for
yourself?

A. Yes. We discussed among us at this
point -- it was Kenny Herman and I and then
Jack Saltman who was the director of HBO --
Tim's movie, who after making the movie
became very involved in this.

Q. And by "the movie" you mean what?

A. The trial of James Earl Ray.

Q. The trial, okay.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

A. And Mr. Saltman had been -- he sort of -- when I first met him, he was skeptical. It was just a job to him. And once he had gone through and seen the 79 hours and the witnesses and heard all of this, he was totally convinced that something was wrong. And I believe Mr. Saltman felt like he wanted to help get to the bottom of this. So we discussed how can we find this information out in Houston.

And myself -- I knew some people in Miami and New York that I had worked for through some of the years. And it -- being an investigator, you meet a lot of different people. And, anyhow, I asked him a favor, if they could open some doors down in Houston.

And they made some phones calls.

These are some very, shall we say, powerful people. And they made some phone calls to a big bond company in Houston. And the people at the bond company met with us and opened the doors to people like retired

federal judges, people who owned theaters,
people who knew Glenda. Some of which said,
you know, yes, I -- I mean, all of them

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

796

admitted to knowing Glenda in somewhat of an
intimate way.

One of them even produced pictures
of her and gleefully said, these are
photographs I have of her. I keep them under
my bed, but I'm not going to show you the
good ones. Which stunned us. Everything she
said was becoming real.

Q. So you were able, in terms of your
own independent effort -- in the stint of
that, you were able to confirm a lot of the
details of her story.

A. Yes. And the more we checked, the
more it confirmed details. Which, you know,
it surprised me. Because I was the skeptic
of the group. I felt like this was just a
government plant. This just would really

disrupt the train. We did not want to get into Texas. We did not want to get into any of that. We were having trouble enough with just the King assassination -- the various resistance that we met through the press, through the government, through --

Q. Moving on, did there come a time when you were able to obtain harder information

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(901) 529-1999

797

with respect to the existence of this person?

A. Well, there was. We -- of course, we -- we located Amaro because they had -- they had worked on the docks. He, I believe, had a maritime card or something. And Jack managed to pull his Director of BBC influence out, and they gave him the information when normally they wouldn't. He told them they were making a movie and they needed this information. So we obtained that. So we knew there was an Amaro and we had the last name and stuff, but we still didn't have

Raul.

Q. Did there come a critical break-through at one point in time?

A. Yes.

Q. Right here actually in Memphis?

A. Yes, there was. Through our investigation -- Kenny had been around a long time and knew the police quite well and was very good friends with, at that time, Sheriff Jack Owens, I believe. So we had a lot of influence. And Kenny asked a fellow to help him. It was a lieutenant -- well, actually at the time Sergeant Tim Cook came and

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(901) 529-1999

798

produced a piece of paper that gave us a -- a history of the Raul we were looking for that led us to Portugal -- Lisben.

Q. Did this Memphis Police Department officer not become a member of the Attorney General's investigative task force on this case?

A. Yes, he did. He sort of ran with us for a couple of years -- or Kenny more than myself. I met him a few times. And he was trying to give information to Kenny. He gave us that big plum and seemed very interested. He was very, very interested in this case and spent a lot of time with Kenny.

And as we broke into Raul, he was sort of with us. And he began to meet with us a good bit. And then when the Attorney General's office ordered an investigation, he was picked. He called us up and he was ecstatic. And he said, you're not going to believe what happened. They picked me. And, of course, you know, we were saying, well, that's great. We got somebody that we felt was going to do an investigation -- you know, a thorough investigation.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

799

And during this period of time we would meet with him and he would tell us

various stories about the AG's -- Attorney General's office and the problems they were having. And he would always kind of degrade them. And he would say things that I felt that we wanted to hear. And I even mentioned to Tim a number of times that I didn't care -- there were several times I felt he was even wearing a wire.

I told him -- I said, I don't care if you wear a wire, I don't care if you're reporting, I don't care what side you're on because we're just after the truth.

Q. Did you come to believe that this officer who had provided you with some useful information at first had an ulterior motive?

A. I sort of thought that. Kenny and he were friendlier. And Kenny, I think, spent more time with him. But, once again, he was a police officer. He had a job to do. And I couldn't understand his enthusiasm for us because generally people that got into this or associated with us or helped us paid a high price. And I felt like, you know, he

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(901) 529-1999

800

was jeopardizing his career.

Q. What then would have been the purpose of giving you this information?

A. I felt like giving us this information is like anything. If you want to gain somebody's trust, you've got to give them something. And he gave us something and gained our trust through the fact that we thought we could get more information from him. And he had given us, you know, a good piece.

Q. What was the nature of the information that you were given early on?

A. Well, the information that we were given was that Raul had worked in Lisbon, Portugal, up until 1961 at the arms factory in Portugal making weapons. On this he was supposed to be just a worker, but Tim noted on the piece of paper that he had heard that he was far more involved than just weapons

making. Actually, he was in the sale of
weapons.

And this, of course, went in with
what Glenda was saying and Roy, that they
were dealing weapons and would go out on the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

801

dock and pick up various fire arms, stuff
like that. So there were little -- you know,
there's a lot of little ties that seemed to,
you know, to add to her story. Now, I don't
think Tim knew all of this, so we were
getting it from two sources, so --

Q. Mr. Billings, I'm going to show you a
report and ask you if you recognize it.

A. This is the report that Tim Cook gave
us. It says: "Word of mouth is he really
wasn't an assistant mechanic, but rather a
clerk" --

Q. Let me --

A. I'm sorry.

Q. Let me back up one minute.

A. Yes, sir.

Q. Let me ask you to read that report but not to use the last name of the -- of the person identified as Raul in that report.

A. Okay. It says: United States of America, Number 8920111, Certificate of Naturalization. DOB, date of birth,

7-16-34. Nationalized on 6-15 of '67 in the name of Raul. Okay. It's signed by a

clerk in the Supreme Court of the State of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

802

New York.

Serial number from Portugal Passport

is 760529 issued on 12-5-61, expired 4-4-62.

Passport Number 18425/61 issued in Lisben,

Portugal, on 11-16 of '61, expires 11-15 of

'63. Worked from 10 of '57 through 12 of

'61 at National Factory of Arms in Lisben,

Portugal, as a mechanic assistant. Reason

for leaving, left for America. Correct name

of business is Fabrica Nacional Municoes

Armao -- and it goes on in Portugal.
Word of mouth is he really wasn't an
assistant mechanic but really a clerk who
worked in the office who did all the
paperwork on shipping arms. When arms were
shipped out, they were shipped out
unassembled. New York State Liquor Authority
wholesale beer license for that was effective
7-1 of '92, expires 6-30 of '93. Certificate
Number D240634.

MR. PEPPER: Thank you,
Mr. Billings. Move to admit, Your Honor.

THE COURT: That will be
marked.

(Whereupon said document was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

803

marked as Trial Exhibit Number 8.)

Q. (BY MR. PEPPER) Did there then come a
time, Mr. Billings, when you were provided
with a photograph of this individual which
you then -- which was then incorporated into

a spread?

A. Yes, sir. At this time also with this piece of paper, Tim Cook gave us his passport photograph from 1961 when he entered America. So we did have a picture of him. And that was the first photograph that we had.

Q. Let me show you this spread of photographs, please. Mr. Billings, can you see those photographs quite clearly?

A. Yes, sir. That's a photo spread put together by Kenny Herman and myself.

Q. Let me ask you if -- do you see the photograph that you referred to as -- the person referred to as Raul?

A. Yes, sir.

Q. Which one is it?

A. It's the one on the right middle to my right. You may want to point that out.

Q. You're saying this --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

804

A. Yes, sir.

Q. -- this photograph here?

A. Yes, sir, that's the passport photo.

Q. And this was a photograph that you received independently and incorporated it into this spread?

A. Yes, sir.

Q. Did there come a time when you showed that photograph to James Earl Ray in his prison cell?

A. Yes, sir, it was. We -- when we had a lot more information, we waited to discuss this with James. I was visiting him quite a bit at that time. And we discussed when and how to show it to him. And we decided to go ahead and see if he could pick it out. So we went to River Bend Prison and met with James and sat down at the table. And where I told James -- I told him that we had a picture of Raul. And he seemed somewhat surprised. And I asked him if he would choose to attempt to pick out Raul in a photo spread. And he said that he would. So we

put this before him, and James put on his glasses and very -- for a minute or two

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

805

studied these pictures very carefully. And as he studied them, he looked down at them and just kind of dropped his finger down and said, that's Raul. And we said, are you positive? He said, yes, I am.

And then he said something that really surprised us. He said, I've seen this picture before. And I asked James, I said, what do you mean you've seen this picture before? You know, I was thinking, how could he have seen this picture before? And he said during, I believe it was, the House Assassinations Committee that someone had mailed him, with a no-return address, a picture. And it was this picture, and it had a name on the back of it. And he couldn't remember the name. And I asked him -- we asked him, well, did anyone ever identify

this? He said, no, no one could identify
it.

I said, did anyone else ever see
it? And he said, well, my attorney. He said
he believed April Ferguson, who was also
working on his behalf, had seen it. And that
it was somewhat passed around among people at

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

806

House Assassinations, but no one could
identify this picture.

Q. Mr. Billings, let me -- your
testimony here today is that when you showed
this photograph to James Earl Ray, he said he
had seen it before?

A. Yes, sir.

Q. Let me pass to you an affidavit
signed by James Earl Ray and filed in another
court on October 25, 1995. I ask you to
please read Paragraphs 8 and 9 of that
affidavit.

A. Okay. "In 1978, however, I did see a

photograph. And at that time I identified the person in that photograph as being Raul. In the intervening years I had reviewed 200 to 300 photographs but was only able to identify this particular one. I am certain that the person in that particular photograph identified was Raul. Attached hereto as Exhibit 1, a copy of the newspaper article which reported my identification at that time.

"In the spring of 1995 I was shown that same photograph of the man I know to be DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD (901) 529-1999

807

Raul by Private Investigator Kenneth Herman. At the time I confirmed that this was the same photograph I had seen and identified as depicting Raul. Mr. Herman told me he believed he had located this man."

Q. That's fine. Thank you. Now, what is attached to that affidavit?

A. It's James Earl Ray's signature

notarized.

Q. Is there a newspaper clipping

attached to that?

A. Yes, sir, there is.

Q. And --

A. It says something 30th, 1978. "Man

in photo is Raul. Ray."

Q. So that newspaper article is a report

on November 30, 1978, where James Earl Ray --

at which time James Earl Ray had been

reported as recognizing a photograph of a man

he called Raul?

A. Mm-hum.

Q. And to you he identified that

photograph as being the same as that one

there?

A. Yes, sir. Because he immediately

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

808

commented after picking him out that he had

seen this photograph before. And that was --

that was a real shock to us. I had not read

this newspaper article at that time.

MR. PEPPER: Your Honor, move to admit that affidavit and its exhibit.

THE COURT: Make that a collective exhibit.

THE SHERIFF: Yes, sir.

(Whereupon said documents were marked as Collective Trial Exhibit Number 9.)

THE COURT: Okay.

Q. (BY MR. PEPPER) Has there been any further activity on your part or the part of your associates in the conduct of this investigation of identifying Raul?

A. Yes, sir. Once we knew where he lived, we went up and made surreptitious photos of him on a cloudy rainy New York Sunday when he was walking back from church. He would walk down to the church in kind of the square where he lived in and would walk back up to his home.

And we had had someone stop him to talk about some campaign literature in an

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

809

attempt to get some fingerprints from him, which I believe we got six or seven prints off of it. And we did that. And then we went back another time -- we decided that Glenda and Roy were unsure. They were looking at the immigration photo which does look a little bit different, which you would expect.

So they were having a hard time with that. And then they looked at the new photos we had of the older Raul. And they hadn't -- I believe it had been something like 17 or 18 years or so since she had seen him.

Q. Let me ask you: During this time when you talked to Mr. and Mrs. Grabow, did -- where did you meet them? Where were they when these conversations took place?

A. Where were we meeting like here in Memphis? We would meet them at Kenny's house usually.

Q. So they were back here in Memphis.

A. Yes. They didn't want us to come to their house because they were still at this point trying to keep this low key. She

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

810

was -- they seemed very nervous about all of this.

Q. Have you yourself ever been able to speak personally with the man you've come to identify as Raul?

A. Yes, I spoke to him a number of times. We -- we decided -- Kenny and I talked about it, and we decided that we needed to try to get in to meet him and talk to him. And, of course, we saw where he had a liquor license. So we simply called him up and started a conversation that we were interested in opening up some pizza businesses in New Jersey.

Q. Opening up some business operations?

A. Yes, some business operations.

Q. What I want to get to -- did you notice how he spoke on the telephone?

A. Yes. He had an accent, but he spoke very clearly. I mean, you could understand him. He was very enthusiastic about us coming to buy some wine from him. And we discussed -- we called him three or four times in the discussions.

Q. Did you know where he was ostensibly

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

811

employed during this whole period of time?

A. No, we did not know that.

Q. You did not know that at that time?

A. No. We were hoping to get into that with him upon meeting him. And we went to New York, and we took Glenda and Roy with us. And we went to New York in an attempt to get -- let Glenda and Roy visually see this fellow.

So when we got there, I wanted to try to set this up with -- since we had a

fairly good rapport going with Raul, I wanted to set this up in a meeting. But Kenny wanted to do what we kind of call a cold call. And that means you just sort of knock on the door. I guess he didn't want to give him a lot of time to think about it. We just wanted to come in there. So when we got there, I phoned Raul from maybe ten minutes from his house, an area he was familiar with.

And we had set up cameras, video.

We had Glenda and Roy's position in place.

And I asked him to come pick me up. And he seemed very shocked, very surprised and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

812

almost scared. It really threw me. I didn't expect that kind of reaction because we had a pretty good rapport. And he kept saying:

What are you doing? What are you doing here? And I said, we discussed coming up.

And since we're here and looking at

locations, I said -- Kenny was posing as my uncle. I said, my uncle was overdoing it.

And, you know, I rode over here today from the area, and I thought I'd just go ahead and talk to you and see about, you know, purchasing -- setting up some purchases.

Q. He was put on his guard though at that point.

A. Yes. And he kept saying, all I have is Portuguese wine. And I said, that's fine with us. And I said, well, can you come get me? No, no. And he kept saying, I have to go to the port. Well, that kind of threw me. I thought he meant the airport. And he kept saying, no, I've got to go to the port, I got to go to the port. And I said, well, do you want me to come up there? And he said, no, I'm busy. I've got to go to the port.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

813

And so we immediately went to his

house and set up surveillance. And this was approximately -- maybe 11 in the morning. And we stayed there until probably 1 or so at night. And there was no movement there whatsoever. I mean, it was like the whole house shut down. He never went to the port. Nobody ever left the house, nobody ever came. Which we thought was rather odd. I did anyway from the various cases I've worked.

Q. When this became public, and it did become public at one point in time, was there a sudden movement or exit from his house?

A. Well, there was another time that I went up with another fellow. And we were going to try to get some pictures -- some clearer pictures than the ones we had gotten previously. And it was on Sunday morning. And we got there early Sunday morning, started doing some surveillance. And during -- and just when we set up, a large U-Haul type -- maybe Ryder rental truck pulled up in the front of the house.

And three or four white males got

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

814

out, rather husky, and they looked around

like they were going to rob a bank. We

started laughing because they were looking up

and down the street and appeared to be

nervous. So we wondered, what's going on?

And they went into the house. And where they

stayed, they got some boxes out. We didn't

see anybody for a couple of hours, and then

they started bringing stuff out and loading

it into the truck.

So we watched them load the truck

over a period of two or three hours. And we

were debating about whether or not to attempt

to follow the truck. We knew if we did that,

you know, they might make us. And the fellow

I was with was not a detective and wasn't

skilled in surveillance, so we didn't want to

take a chance.

Q. So you didn't follow the truck?

A. No. And then the truck left late that afternoon at which time, once dark came, I went and picked up the garbage. Which is something you do. It's not the cleanest of jobs and stuff, but you go pick up people's garbage. It's not against any laws. Once

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

815

you put it out, it's anybody's stuff. And we went through the garbage trying to determine what was going on at that time.

Q. Did you ever learn what was in the boxes that were being removed from the house?

A. Well, we learned through the garbage -- there was receipts there from a lady who had lived in the house evidently for a good period of time. They had like a housekeeper or a friend that lived there. I can't recall her name. And she had been there, and she was planning on -- according to the notes we found, she was planning on moving within a few weeks. And for some

reason -- at that time we didn't know why, we later found out why. For some reason she was leaving that morning.

It looked like a really hasty thing, that suddenly she decided to leave. Upon leaving New York -- once we got back to Memphis, we found out that that Sunday morning the news in New York came out with an article about Raul and, without giving the last name or giving the address where he lived, went through this whole story. So,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

816

evidently, they had read the morning paper, and this woman decided that she was leaving.

That's what we determined.

Q. Did there come a time in your knowledge that Mr. -- that this individual was sued here in the City of Memphis in another proceeding -- another civil proceeding?

A. Yes, sir. I believe that was a

number of years ago. I believe it was a civil suit that you and Mr. Chastain brought. And he -- we were -- well, of course, it's easy to say. But we figured, well, surely if he's innocent, he will come down here and testify and hire an attorney and sue everybody. So that would be the typical situation.

But he didn't want to come and seemed to fight tooth and nail. And he had a very, very expensive New York law firm in Rockefeller Center that suddenly popped up to represent him. And then he -- they obtained the services of a law firm down here that also defended him. And I -- of course, I can't say what the cost is, but we're talking

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

817

months of litigation. And I believe the hearings lasted several weeks. If memory serves me, it lasted a long time.

So we would have to get into a very,

very, expensive, for the average citizen, to afford these kinds of lawyers -- attorneys.

We later learned one of the questions we pressed on, a lady who represented the Lisben newspaper, the main newspaper in Lisben, we met with her. She later went and met with Raul and his family. I don't think she ever really spoke with him. She spoke with his daughter and his wife.

And one of her questions was how did you afford these legal services. And their answer was, well, the people at the church liked Raul and felt sorry for him, so they defended him. But the question to me is, I guess, did the people in Memphis also like him too -- enough to defend him for free.

And in my 30 years of experience, I've seldom found attorneys who would defend someone for free. Especially in a case like that because you're talking hundreds and hundreds of hours.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

818

Q. Did you attempt to do an income and financial analysis of this gentleman's background and status and position?

A. No, other than he owned -- owned some property up there and had owned property for some years. And he lived in a fairly nice neighborhood and had a fairly nice home. So he seemed somewhat -- you know, fairly comfortable. But I -- I mean, I would be scared to think what -- if I was in a similar situation and hired a Rockefeller law firm and a top law firm in Memphis to defend me in such things, the cost would be a lot when it would seem very simple to me to simply appear and say, you know, I don't have anything to do with this.

Q. Would your financial checks and the information that you obtained indicate that he could afford to pay for that -- those kinds of --

A. No.

Q. -- legal services?

A. No. Not to the best of my belief he couldn't. From my experience with lawyers and trial cases and expenses, no.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

819

MR. PEPPER: Thank you,

Mr. Billings. Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. You and I have talked about this case for many years, haven't we?

A. Yes, sir, we have, Mr. Garrison.

Q. Let me ask you this. In all of your conversations with Mr. Ray -- I know you had many, many conversations with him -- did he ever mention anything about Mr. Loyd Jowers that you can ever remember?

A. He mentioned that he went -- I believe he said he went into the grill that morning and met Loyd Jowers, that he actually talked to Loyd Jowers.

Q. Was that the only time that he ever

mentioned to you anything about Mr. Jowers?

A. He said that was his only meeting
with Mr. Jowers.

Q. Did you have any discussion with him
about what he and Mr. Jowers talked about?

A. No, other than -- I think he saw him
in there and they talked just in general. I
don't think he was fully aware of Mr. Jowers'

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

820

role in this.

Q. Ms. Grabow never heard of Mr. Jowers
when you talked to her, had she?

A. No.

MR. GARRISON: That's all, Your
Honor.

MR. PEPPER: Nothing further,
Your Honor.

THE COURT: All right, sir.

You're free to leave. Thank you very much.

THE WITNESS: Thank you, Judge.

(Witness excused.)

THE COURT: Let's take about ten minutes.

(Brief break taken.)

THE COURT: Bring the jury out, please, sir.

THE SHERIFF: Yes, sir.

(Jury in.)

THE COURT: All right,

Mr. Pepper, we're ready.

MR. PEPPER: Thank you, Your

Honor. Plaintiffs call Mr. Royce Wilburn.

ROYCE WILBURN,

Having been first duly sworn, was examined

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

821

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Wilburn. Thank you very much for coming down here this afternoon and joining us. Would you state your full name and address for the record,

please.

A. It's Royce Jeffrey Wilburn. And I --

what else did you ask?

Q. Your address.

A. What else did you ask me?

Q. Sorry.

A. Full name.

Q. Full name and your address, please.

A. I presently live in Nashville,

Tennessee.

Q. Mr. Wilburn, will you tell us what

you do for a living.

A. I'm a master electrician.

Q. How long have you been an

electrician?

A. 23 years.

Q. And do you have your own business or

are you employed?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

822

A. I had a business here in Memphis for

12 years, and I moved to Nashville. I have a

business there now.

Q. And is it your own business?

A. Yes. I'm an electrical
subcontractor, yes.

Q. And are you the brother of Glenda
Grabow?

A. Yes, sir.

Q. And did you, as a young person, live
in Houston, Texas?

A. Yes, sir.

Q. Do you -- can you tell us roughly how
long you lived in Houston?

A. About 1960 -- probably '61 until
probably about 1980.

Q. And as a young person living in
Houston, what was the neighborhood -- where
was the area where you lived?

A. It was near Hobby Airport. I don't
know if anybody knows where that's at.

Q. Near Hobby Airport?

A. It's near the south side of Houston
there.

Q. All right. Did you go to school in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

823

that area?

A. Yes, sir.

Q. And how did you get to school?

A. A lot of times my sister would walk with me to go to school. As I got a little older, I'd take the school bus, you know.

You know, because we moved several times, and it was a long ways, you know, to walk. So I'd take the bus.

Q. Okay. Did you at that time and during that time of your life become familiar or come to know an individual known as -- now known as Raul?

A. As -- at the time he was called Dago.

Q. He was called Dago. And would you describe how you came to know this person.

A. He used to follow my sister and I around, you know, in his car. He was kind of a dark-complected guy. I guess he talked

Spanish or some other -- you know, Houston
wasn't really integrated at that time.

That's why he kind of stood out to me, and I
was kind of scared of him. But he would pull
up and make us get in the car, things like

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

824

that.

And at one time had me lay down in
the back seat and put a hat over my head for,
you know, some reason. I don't know. Like
he didn't want me to know where he was
going.

Q. Made you lie down in the back seat
and he put a hat over your head?

A. Mm-hum.

Q. You remembered that vividly?

A. Oh, yes. Yes. I was scared to
death.

Q. And how often did you see -- did you
see this man?

A. Oh, probably ten, fifteen times. As

least as possible.

Q. Did he -- did he hang around a particular area?

A. Yes. There was a small gas station by a store my sister and I would walk to, and she would mail letters to her husband. And he would, you know, see us go by and he would get in his car and follow us. I thought he was an employee there. But now, come to find out, I don't think he even worked there.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

825

Q. He just seemed to hang around there?

A. Just seemed to hang around, yes.

Q. What's the time frame when you actually saw this person in years -- between which years did you see him?

A. It was probably around the Kennedy assassination -- '63, somewhere around in there, '64, something like that, and probably some after that.

Q. Did there come a time when he -- when

you didn't see him anymore, when he disappeared?

A. Well, I got older and we moved, you know, to a different neighborhood. And, of course, my sister's husband -- you know, he was in some rehabilitation center or something at the time. And, you know, he got out and they moved off, and I just -- we moved to another neighborhood. And I never really seen him again, but I knew some of his family. Or my sister knew some of his family that would come to their house.

Q. Which member or members of his family did you know?

A. Let's see. Mondo (phonetic) I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

826

believe is his cousin or uncle. He visited them quite often.

Q. You did see him quite often during this time?

A. Probably twenty, thirty times.

Q. Did there come a time when I placed a spread of photographs in front of you and asked you to look at them?

A. Yes, sir, a couple years ago, I think.

Q. And did you -- when that was done, did you recognize one of the photographs -- one of the individuals in the spread?

A. Yes. One was this Dago/Raul fellow.

Q. Let me show you these photographs. Just take your time, please, Mr. Wilburn.

A. It would be on the right, the second one down.

Q. Can we raise this so he can look at the individuals on the bottom as well.

A. It's kind of a bad picture, but that is him.

Q. Which one are you saying is the one you recognize?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

A. On the right, second one down.

Q. On the right, second one down?

A. Uh-huh.

Q. This one here?

A. Uh-huh.

Q. Do you have any question that's the man you saw in Houston, Texas?

A. No doubt about it unless he's got a twin brother.

Q. No question at all that that is the same person?

A. Nope. No question at all.

MR. PEPPER: Now, Your Honor, at this time plaintiffs will move the admission of this spread of photographs.

(Whereupon said document was marked as Trial Exhibit Number 10.)

Q. (BY MR. PEPPER) Now, at one point, Mr. Wilburn, your sister, Mrs. Grabow, will be testifying before this Court, probably out of order because she's not been well recently. But have you -- let me ask you: Have you discussed this identification that

you have given us with her?

A. No, not at all. Huh-uh.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

828

Q. This is your own independent
recollection and identification?

A. Right. Right. Yes, I was asked
to -- you know, by you, and there was
somebody else, I don't know who it was, that
come to my house and asked me could I
identify this Dago/Raul guy. And I said, if
you've got a picture of him, you know, I
can. They threw 15 or 20 pictures down
there. And I said, that's him. And they
said, you know, yes, it is.

Q. All right. Thank you. Now I'm going
to ask you to look at this affidavit,
Mr. Wilburn. Would you just please just look
through it.

A. Yes, this is the one I --

Q. Do you remember giving that
affidavit?

A. Yes, sir, I do.

Q. Would you just look at the last page.

A. What, the photos or the --

Q. Not the photos but the last page of the affidavit, the signature page. Is that your signature?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

829

A. Well, the very, very last page doesn't have mine on it. It's this one here.

Q. Yes, the signature page.

A. Yes. Okay. Yes.

Q. Now, would you look at the photograph which is an exhibit to it. And next to the -- somewhere on that photograph do you see your initials?

A. Yes, sir.

Q. Did you place your initials there?

A. Yes, sir.

MR. PEPPER: Thank you.

Plaintiffs move the admission of

Mr. Wilburn's previous affidavit.

(Whereupon said document was
marked as Trial Exhibit Number 11.)

MR. PEPPER: Mr. Wilburn, thank
you very much. No further questions. It's
Mr. Garrison's turn.

THE WITNESS: Oh, okay. I was
kind of nervous. Ready to go.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. I'm sorry, I did not get your full
name.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

830

A. Royce Wilburn.

Q. Mr. Wilburn, what years are we
looking at that you met this gentleman that
you've identified? '61, 2, 3?

A. I would say -- like I say, it was
right around the time, you know, Kennedy was
assassinated.

Q. '63?

A. Yes. This guy, he hung out, you know, right down the street from Hobby Airport where Kennedy would get on the plane, and then he went to Dallas and got assassinated, but --

Q. Did he appear to have a job where he was working anywhere?

A. I thought he worked at that gas station.

Q. You never heard -- you heard him engage in conversation, I guess; did you not? This gentleman, you heard him talking to someone; am I correct, sir?

A. Yes, he talked to my sister while we was in the car.

Q. You heard the conversations?

A. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

831

Q. You never heard him mention anything about the name of Jowers, I don't suppose.

A. Yes, sir, I do.

Q. Have you ever heard your sister
mention anything about the name Mr. Jowers?

A. I've heard it mentioned, but I really
don't know who the person is or anything.
You know, I think he lives in Memphis.

MR. GARRISON: That's all.

MR. PEPPER: Nothing further,
Your Honor.

THE COURT: All right. Now you
may stand down.

THE WITNESS: Can I really leave
this time?

(Witness excused.)

MR. PEPPER: Your Honor,
plaintiffs have an apparently lengthy video
deposition -- video/audio deposition, and it
probably would be appropriate to begin that
after lunch.

THE COURT: Okay.

MR. PEPPER: Unless you want us
to -- I estimate it will take 30, 35, maybe
40 minutes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

832

THE COURT: That's the length of the deposition?

MR. PEPPER: That's the length of the -- it was a telephonic/audio deposition, yes.

THE COURT: Okay. If that's what it's going to be, 35 or 40 minutes -- is that about right? It's going to take about 35 or 40 minutes. All right.

MR. PEPPER: Go ahead? Your Honor, the deposition is of a Yorkshireman -- it's an Englishman who lives in Yorkshire -- west Yorkshire to be exact. And since the speech is not always readily recognizable and distinct as possible, the plaintiffs have prepared a transcribed copy for each member of the jury and for the Court. With your permission, we would like to have these passed out.

MR. GARRISON: Your Honor, I have no objection. I requested the

deposition, in fact.

THE COURT: All right. Are there any members of the press present?

MR. PEPPER: Sorry. Excuse me.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

833

THE COURT: I was asking if there were any members of the press present.

I was going to let them have one. All right.

(The following is a transcript of the video deposition of Mr. Sidney J. Carthew that was played in open court.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

834

VIDEOGRAPHER: This is the videotaped deposition of Mr. Sidney J. Carthew. It's being taken by the plaintiffs in the matter of King versus Jowers in the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis.

Mr. Carthew is with us via
telephone. It's being held in the offices of
Daniel, Dillinger, Dominski in Memphis,
Tennessee on November 5, 1999, beginning at
approximately 2:39 p.m.

The court reporter is Kristin
Peterson with the firm of Daniel, Dillinger,
Dominski in Memphis. The videotape
specialist is Ted Schurch with the Data
Company in Memphis.

Will counsel now please introduce
themselves.

DR. PEPPER: William Pepper for
the plaintiffs in this action.

MR. GARRISON: Lewis Garrison
for defendant, Jowers.

VIDEOGRAPHER: Do you have any
announcements or stipulations you'd like to
put on the record?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

835

DR. PEPPER: None for the

plaintiffs.

MR. GARRISON: None for the
defendant.

VIDEOGRAPHER: If the reporter
will please swear in the witness, we'll go on
the record.

SIDNEY J. CARTHEW,

Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY DR. PEPPER:

Q. Sid?

A. Is that for me?

Q. Yeah. That's for you, Sid.

A. Yeah, I do.

Q. Okay. Sid --

A. The sound isn't too good, but carry
on.

Q. Okay. If you have trouble hearing
any of the questions, please ask, and I'll --
I will repeat them.

A. Okay.

Q. Sid, you were a merchant seaman in

the British Merchant Navy; is that --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

836

A. Yes.

Q. -- that right?

A. Yes.

Q. And do you recall the years that you

were a merchant seaman?

A. From 1956 until 1973.

Q. Right. And where would you go?

Where would your duties and your sailing

obligations take you as a seaman during that

period of time?

A. All over. All over the world.

Q. Right. Did you sail the North

Atlantic route frequently?

A. Yes, quite often.

Q. Right. Now --

A. Pardon?

Q. That's okay. That's fine. Now --

A. Yeah.

Q. -- do you recall, Sid, in -- in 1967

sailing from Liverpool to Montreal?

A. Yes.

Q. I don't expect you, naturally, to remember the name of the ship because you sailed on many different ships, didn't you?

A. It was a ship -- Canadian Pacific

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

837

Line. I think it was the Empress of Britain. There was two ships that were exactly the same and on the same run, and it was the Empress of England, Empress of Britain. They were two weeks apart in sailing dates.

Q. Right. Now, when you -- when you sailed from Liverpool to Montreal and landed in Montreal, how long would you stay in that city, and how long in that -- well, let me rephrase that. How long did you stay in that city on that -- on that particular time?

A. One week.

Q. You stayed there for one week?

A. On every trip, it's one week in Montreal, one week at sea, and then one week in Liverpool.

Q. Right.

A. But it's a week in Liverpool, one week at sea, one week staying in Montreal, and then, again, one week at sea. So it's one month all total -- that's sailing and docking.

Q. Right. Okay. Now, when you stayed in Montreal, was there a particular bar or

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

838

restaurant that you frequented on a regular basis?

A. Yes. The Neptune Bar and also the Seaman's Mission on the same street. I think they call it Commerce Street.

Q. Was it West --

A. It was near the ship.

Q. Yeah, West Commissioners.

A. It was right near the port where we

docked. And that was the first bar we got to was the Neptune Bar. It was the one that most seamen frequented.

Q. Right. Did you -- were you known to people who regularly frequented the bar?

A. Only two other seamen. Two other seamen -- seamen that frequently went in Montreal as their home port. One or two of them knew me, but mostly it was strangers.

Q. Right.

A. At the time that we're talking about, there was a lot of activity going on because I think there was some kind of world games there because there was an awful lot of people in and around Montreal in general.

Q. Around this point in time?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

839

A. Yes.

Q. That was the year of the International Youth Festival. It was -- it was held in Montreal in the late summer,

early autumn of 1967. Could that have been the event you are talking about?

A. Well, I don't know if that was it, but -- but the -- the all of Montreal was a height of activity with these international games.

Q. Right. Okay.

A. The ship may have got in during the games, so the -- I mean, international games would be of little importance to a merchant seaman, I'm afraid.

Q. Right. Sid, where did you sleep in the evenings after you left the Neptune Bar?

A. Well, I mean, if you had any female company, you would obviously stay ashore, but most nights -- I would say that most nights, back on the ship.

Q. Right. Now, toward the end of this stay in Montreal, did you meet a fellow in the bar, in the Neptune Bar, whom we have come to know as Raul?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

840

A. Yes. Yes.

Q. Could you describe that encounter,
Sid.

A. What? The conversation?

Q. Well, yeah, how you met him. Just
right from the beginning, how it all
started.

A. Well, at first, I -- I met a person
who I now think was James Earl Ray because
they were both standing at the bar together,
and the shorter one of the two, he was very
quietly spoken, and he asked me about going
on a ship to possibly work his passage.

And I explained to him that he
couldn't possibly do that in this modern day
and age -- even though I'm talking about
nearly thirty years ago, twenty-odd years
ago -- the -- the situation -- that he wasn't
able to do that, and I explained it to him.

And then he said that he would like
to get hold of a seaman's discharge book, and
I explained to him again that the discharge

books -- when you sign on the ship in your home port, you hand the discharge book into the ship. So you don't get it back until you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

841

return to the port.

And the books that he had seen previously, obviously from other seamen, were identity books, and I told him that there are fingerprints -- they put your fingerprints in, so if anybody was to -- if they wanted to, they could try it by changing a photograph. He may be able to do that, but he couldn't change the fingerprints.

So that was the end of that conversation. He went back to the bar, and, in fact, I thought he was an off-duty bartender because he was dressed in a white shirt, black tie. He spoke to the taller one, who was slightly of a Spanish look, but he didn't have black hair. He had brown hair, darkish brown hair. He came over and

introduced himself to me and a couple of friends that I was with.

Q. Now, Sid, let me just interrupt you here. You think the first conversation you had may well have been with James Earl Ray?

A. It may well have been, but I never even saw any photographs, pictures on television of him. It was only when I saw

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

842

him on the mock trial that was on television that I recognized it then that he -- he was a bit fatter then obviously. I mean, when I seen him on television recently, the poor man was a shadow of his former self I should imagine.

Q. Right. Okay. So you think it may have been James Earl Ray who was asking you about getting some papers to get out of North America and get on a ship?

A. Yeah.

Q. Okay. And -- and you had this

discussion with him. Then you went back and sat down, and -- and this other man came over with a brownish sort of hair; is that right?

A. Yeah.

Q. And --

A. He was asking me the same kind of thing. I think he was just trying to get confirmation for the first person, you know, to try and figure out whether it was possible, and I proved to him that it's been done many, many times where seamen had took other seamen, who maybe have jumped ship in Montreal, and they took them back on the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

843

ship, and they sailed back to Liverpool and kept away from the Master Arms in -- on the ship for a week.

It -- it was done on a more or less regular basis, and I said that if this friend of his -- he could take that chance. He could go aboard the ship with -- make friends

with seamen, and especially if he had relatives in England, I mean, they would've helped him to get back to England, but he didn't sound English, obviously, and if he had done that, he would have needed it to avoid ejection on the ship on certain days. And this person introduced himself to me, this Raul. He said, well, that's seven chances of getting caught, and I said, well, that's true. If you want to look at it that way, it's seven chances of getting caught. With a lot of hindsight, I didn't know how -- why he needed to leave Montreal, and, you know, the length he was willing to go to to get away.

Q. I understand that.

A. Yeah.

Q. Sid, the man who introduced himself

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

844

to you, he introduced him -- what name did he give you?

A. He actually gave me that name --

Raul.

Q. He introduced himself to you as Raul?

A. Yes. Yes.

Q. Right.

A. And it's only -- it's only when I was watching the tape, the recording, of the mock trial. I didn't look at it but a couple of months after that maybe because I put it on the shelf and forgot about it, and when I did see it, part of it was -- my daughter had taped something else, and when I put it in the television, it came up on the court scene where the prosecutor was ridiculing James Earl Ray and saying that this Raul was a figment of his imagination, and I called my daughter in the room and said, look, no, this isn't a figment or lie. I said, this poor man is telling the truth, and that is when I decided to try and locate you, which it took me a long time to do.

Q. Yes, I understand that, and you

really persevered, Sid, and I --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

845

A. I phoned the U.S. Embassy to ask them who was defending James Earl Ray, but they didn't tell me. They said they didn't know, and I asked several things, you know. I was being put to one department to another in the Embassy, but they didn't know, however, so I eventually found out by going to the Citizen's Advice Bureau that put me in touch with the bar, the lawyer's bar, and the rest is, as they say, history.

Q. Yes.

A. Left it to you, and that was it.

Q. That's right. Thank you. Thank you very much for your -- for your perseverance.

Now, Sid, what -- did you have other conversation with this man, Raul, at that point in time?

A. Yes. The lad that -- the lad that I was talking to, and I met him over a period of, what, say three years -- he sailed out of

Montreal. He sailed on Canadian ships, but he was talking about the election with George Wallace, and at -- at some point in the conversation, things became a bit heated, you know, as things do when you are talking

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

846

politics, and I think that this Raul thought that we were Irish because the other lad spoke slightly different to me.

I'm from Liverpool, but, unfortunately, a lot of people can't make the difference out between Liverpool and the Irish because there is a big Irish population in Liverpool, and I think he thought that we were Irish Nationalists, you know, connected to the -- possibly the IRA. He didn't say that. He didn't say that, but the conversation came down, and I -- at one point I said, I believe in the rights of the people to bear arms, and I'm sure that you'll understand this being an American.

As I've said on many occasions that the people -- I live in what the -- is largely called a democracy, but the head of our country is home elected, and if it ever came to conflict, you know, the only people that would have the right to bear arms in defense of themselves would be criminals and the police, and he said he would be able to get some guns.

Q. He said he would be --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

847

A. I remember it quite clearly because I said to him, well, I don't want any of that Second World War rubbish, you know, rusting rubbish, and he said these are brand new, Army issued, nine millimeter. He said they were Browning nine millimeters, Army issued, and they are new.

Q. Now, he --

A. And another thing why I remember it -- because although it sounds funny, it

wasn't. He said to me, how many would you want, and I said four. And he said, how, you know, how are you going to get them on the ship, and I said that I would get them on the ship, just put them in a shopping bag or even in the waistband of mu trousers and take them, and he said, four, what do you -- four, what do you mean by four. I said four guns.

He wanted to sell me four boxes of guns.

He said that he -- once he knew that

I would have only take -- took four, he was very annoyed, and he said that there was a Master Sergeant in the Army -- he wanted his cut out of this, you know, and it wouldn't be worth his while to deal in such a small

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

848

number, and that was the end of that conversation, and he went back to the bar.

Q. Right. Now, Sid, did you have

this -- all this conversation with him in

this one evening, or was this over a period

of two evenings?

A. Of two -- two evenings, yeah.

Q. Yeah. And the conversation about the guns, did that take place -- which evening did that take place on?

A. I think that was the first -- the first evening, yeah.

Q. So, you -- you and -- and --

A. It was at the same time when -- who I now think -- but it may not have been James Earl Ray, but, you know, it looks more to me as if it was. That was the -- but that was the same evening when he came over because he made it his business to come over and talk to me, and this friend of mine that was stuck at the table as if he was taking charge of what the first person was saying, you know. And looking at it now from the point of view of the mock trial on television, I can see now why he wanted to prove to the first man that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

it was no good going by ship.

Q. Well, because he might have had other plans for -- for James?

A. Right, if he did.

Q. Right. So, Sid, after you had this discussion with this man over two evenings --

A. Yeah.

Q. -- did you ever see him again at the Neptune?

A. No. No. We sailed shortly after that.

Q. Right. And you never -- and you never again saw him on any successive visits to the Neptune?

A. No. No. Nor the first man either.

Q. Right. Now, Sid, do you recall that when you did locate me and when we did meet up that you gave me and executed for me an affidavit?

A. Yes.

Q. And I'm looking at that affidavit now. You don't have a copy of it there, do

you?

A. No. No.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

850

Q. The date of it is the 23rd day of
January, 1997, and you've executed this
affidavit in West Yorkshire before

J. Brearley and Company?

A. That's right, yes.

Q. And do you know where they are
located?

A. What? The solicitors?

Q. Yes.

A. They're here in Elland where I live.

Q. And on which street, do you recall?

A. Small town where I live.

Q. Yes, but do you --

A. On Burley Street.

Q. Okay. I just wanted you to confirm
that for the record because that is -- that
is what the affidavit reads; that they are J.

Brearely and Company Solicitors on Burley

Street in Elland, West Yorkshire.

Do you recall at that time that I showed you a spread of photographs of six different people?

A. Yes.

Q. And did you identify one of those six people as being Raul?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

851

A. Yes, that's right.

Q. And do you recall those -- how those photographs were arranged on the page?

A. What? How they were arranged on the page?

Q. How the photographs were depicted on the page, yes, how they were arranged. Do you recall that?

A. I think there was three on the top, three on the bottom, or maybe two -- two sets of two.

Q. Three -- three --

A. It's such a while back, you see.

Q. Yes. It is a long time ago. There were six photographs.

A. Yes, that's right.

Q. And they were arranged in -- in three sets of two -- top, middle and bottom.

A. Yeah.

Q. It's very difficult for you to recall, but do you remember where the photograph of Raul was listed -- was depicted on that page?

A. Yeah. It was on the bottom to the right. And, you know, if people say -- would

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

852

say how could I pick someone out after all those years, it's very, very unusual to find someone of Spanish or even slightly Spanish with brown hair. I was at sea for many, many years, and believe me, it's a very small minority of people. That's what made me recognize him.

Q. When you saw that photograph of Raul,

did you -- did you know beyond any question of a doubt that this was the person you met in the Neptune?

A. Well, unless he's got a twin brother, that was him.

Q. You are certain that was Raul?

A. Yes.

Q. And do you remember affixing your initials on the photograph that you have depicted as being Raul?

A. Yes.

Q. Because I'm looking at the spread of photographs, and there is a -- there is your initials and then I think also the initials of the swearing solicitor.

A. Yes, that's right. Yes.

Q. Okay. I'm going to put this

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

853

affidavit of yours and the exhibits attached to it, one of which is the exhibit of the spread of photographs with your initials on

them -- one that you've identified as Raul --
into evidence as a part of this deposition,
Sid.

A. Yes.

DR. PEPPER: Plaintiffs' 1.

(Whereupon, documents were marked
collectively as Plaintiffs' Exhibit 1.)

Q. Now, I have really nothing further,
just to say at the conclusion at this point
that I want to thank you for -- one, for
coming forward initially. I know it was very
difficult for you to locate me, and, two, for
thanking you for giving the deposition
today.

And I think for the record, Sid, you
should just briefly tell us what has happened
to you following your coming forward and my
writing about your story in the -- in the
book that I published on this case.

A. Oh, well, the journalists have been
writing in the main saying how I'm a Nazi.

This is even after being a person who's been

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

854

with the National Union of Seamen defending seamen's rights and pay -- called me a Nazi.

And on the other hand, any people of mixed race -- you know, I'm getting the accusations from both sides, so I'm in the middle. I'm getting it from left and right, and my house was petro bombed, and I believe that that was through an article called Search Right that is distributed to not only trade unionists, but what they call fascists. I've never been a fascist in my life.

Q. You've been -- you've been really what is termed a nationalist in terms of Britain --

A. Oh, yes. I'm a nationalist, yeah.

Hard to be an Englishman.

Q. Right. And that has been picked up and twisted and distorted, and as a result of your coming out here in support of an action on behalf of James Earl Ray. That seems to have been turned into a pretty difficult -- a

difficult time for you.

A. Oh, yes. Not only me, my daughter as well. I mean, when the petro bombs were thrown at the house, it was closest to 2:00

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

855

in the morning, and my house is what we call here a back-to-back. There is only a front way in and out. There is no back way in or out. We could have been burned to death.

You know, it's a -- and

unfortunately, the -- you may have the same kind of journalists in America. They don't let the truth stand in the way of a good story, and it -- and it sounds a lot better if you can call the person either a Nazi or a fascist. It sounds good, but it's --

Q. Right. Well, it's -- Sid, do you

have any reason to believe that there are any official agencies of government behind these acts, or do you think this is -- all of this is simply spontaneous on the part of

hate-mongering people?

A. Well, I -- I don't feel that -- I don't know much about that kind of thing, but I do know that anybody who writes in magazines and -- destroying their living and helping to try to destroy their lives, I don't see how they could possibly get away with it unless it was being state protected.

Q. Has anyone been arrested for the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

856

petro bombing?

A. No. Even when the police came to the house, the journey that they told me that they came from would take less than five minutes, and it took twenty minutes for them to get here, and, again, you know, there is a lot of things that people might think is rather funny, but I don't, is that they said that the local patrol car were on their tea break.

Q. They were on their tea break?

A. Yeah. So, you know, if that doesn't sound funny, I don't know what does.

Q. So they were delayed in answering a call for a petro bombing.

A. That's right.

DR. PEPPER: All right, Sid.

Well, I wanted that on the record as well because I think you've shown a great deal of courage in coming forward, and, again, I'm grateful for you for doing so.

Now, I have nothing forward, and

Mr. Lewis Garrison may have some questions, and he will put them to you.

Thank you very much.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

857

THE WITNESS: All right.

DR. PEPPER: Nothing more.

MR. GARRISON: No, I have nothing, Mr. Carthew, to ask you. We appreciate your time.

VIDEOGRAPHER: Okay. This is

the end of the videotaped deposition of
Mr. Sidney J. Carthew, November 5, 1999,
approximately 3:07 p.m.

(End of the video deposition of
Mr. Sidney J. Carthew.)

THE COURT: Pass them from one
end to the other, please. And those people
of the press that had them, would you just
hand them back over to the attorney.

MR. PEPPER: Your Honor,
plaintiffs move admission of Mr. Carthew's
affidavit which was cited in the course of
the deposition.

THE COURT: All right.

MR. PEPPER: Which includes the
exhibit -- the photograph that he initialed.

(Whereupon said document was
marked as Trial Exhibit Number 12.)

THE COURT: All right. Now

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

858

we'll break for lunch and we'll resume at

about 2:30.

(Lunch recess.)

THE COURT: Are we ready for the jury? Bring them out.

THE SHERIFF: Yes, sir.

(Jury in.)

THE COURT: All right.

Mr. Pepper, call your next witness.

MR. PEPPER: Thank you, Your Honor. Plaintiffs call Mr. J.B. Hodges, Your Honor.

JOE B. HODGES,

Having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Hodges.

A. Good afternoon, Dr. Pepper.

Q. Thank you very much for coming all the way down here to give your testimony. We appreciate it.

A. Okay.

Q. Would you please state your full name

and address for the record, please.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

859

A. Joe B. Hodges, 174 Dillon Road,
Mickey, Tennessee.

Q. Thank you. And, Mr. Hodges, what do
you do now?

A. I'm retired from the police
department, yes, sir.

Q. And how long did you serve on the
police department?

A. 25 years.

Q. And what was your capacity? What
role -- position did you have on the police
department?

A. For a couple of years I was assigned
to a car. The last 23 years I was assigned
to the dog squad.

Q. And were you assigned to the dog
squad in 1968?

A. Yes, sir, I was.

Q. Were you assigned to the dog squad at

the time of the assassination?

A. Yes, sir, I was.

Q. And where were you on the afternoon of the assassination?

A. Myself and two other officers was at a restaurant at the intersection of Crump and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

860

Third Street.

Q. And how did you receive word that Dr. King had been shot?

A. It came over the car radio.

Q. What did you do when you heard that announcement?

A. We both -- well, all three of us proceeded back to the car and got in and went to the scene where the call was at. The dispatcher at the time he put out the information advised all cars in the area to move into that area.

Q. So your instructions were to pull into that immediate area?

A. Right. Yes, sir.

Q. And did you pull into that area?

A. Yes, sir.

Q. And how did you arrive into the area?

A. We came down north on Main Street in front of the hotel and then down -- I've forgotten the street. It's just north of there. But, anyway, back up in front of the Lorraine Motel and parked there.

Q. In front of the Lorraine Motel?

A. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

861

MR. PEPPER: Your Honor, may I show this to the witness?

THE COURT: You may, yes.

Q. (BY MR. PEPPER) Mr. Hodges, can you see this graphic drawing?

A. Yes.

Q. Now, there's Butler Avenue on one side and Huling on the other.

A. Yes, sir.

Q. Mulberry and South Main. Which route did you take to come into the area?

A. I would have come in on South Main to Huling Avenue, east on Huling and then south on Mulberry Street.

Q. You turned right on Mulberry and went south?

A. Right.

Q. And where did you park your car?

A. Just about -- I guess right at the edge of the dark green area just to the -- right along in there somewhere where the squad car was parked.

Q. Right here on the west side of Mulberry?

A. Right. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

862

Q. How long was this after the shooting?

A. Whatever time it would take me from -- to get -- that length from the Third -- Third and Crump area to there.

Q. Could you estimate that for the jury. They're not necessarily familiar.

A. Five minutes maybe. I don't know if it took that long. Maybe three. It's not that far up there. It's just a short distance up there.

Q. Maybe even three minutes?

A. Yes, sir.

Q. Very quickly.

A. Yes, sir.

Q. And you came in north on South

Main --

A. Right.

Q. -- made this right turn on Huling.

A. Yes, sir.

Q. Now, when you made the right turn on Huling, were you going at a pretty fast clip?

A. But at that -- at the time we got to the -- probably about where the fire station is, we had slowed down because we was kind of -- to observe, you know, anything --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

anybody that might be running in the area or anything like that. But we were still moving on to that area. But we was more alert to our surroundings is what we were.

Q. Okay. Now, did you see anybody or any cars moving quickly on South Main?

A. No, sir, we did not.

Q. Did you see any pedestrians on the sidewalk that came to your attention?

A. Not that I recall, no, sir.

Q. As you turned the corner at Huling and went down Huling -- east on Huling, did you see any movement at all?

A. No, sir, not that I recall.

Q. Not at that time?

A. No, sir.

Q. Did you notice any cars parked there at all?

A. On Huling?

Q. Yes.

A. No, sir, I don't recall whether there was any or not. I don't know to be honest

with you.

Q. That's fair enough. And then you
turned onto Mulberry. Now, at the time you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

864

arrived, had they set up barricades yet here?

A. No, sir, they hadn't.

Q. So they hadn't -- the police had not
yet arrived to block off Mulberry.

A. No, sir.

Q. Because they did block off Mulberry
on both ends; did they not?

A. No, sir, they were not blocked when
we arrived on the scene.

Q. So you were able to proceed unimpeded
in through here.

A. Right.

Q. To this spot here?

A. Yes.

Q. Now, when you turned onto Mulberry,
did you notice any movement on the street?

A. No, sir, none other than police

officers was all I had seen.

Q. You saw some -- and where did you see the police officers?

A. There was some in front of the -- on the east side of the street and also a few officers on the west side of the street there.

Q. Were there some officers --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

865

A. In that general area right in there.

Q. In and around this area here?

A. Yes, sir.

Q. Did you notice any firemen?

A. No, sir, not right offhand. I don't recall seeing any.

Q. And you didn't -- did you notice anybody on this sidewalk here?

A. Could have been some police officers. They was -- I believe there was some police officers on the sidewalk at that time.

Q. Okay. So you parked your car right around here.

A. Yes, sir.

Q. What kind of car were you driving?

A. A black -- I believe it was a '67 Ford. I'm not sure in that squad car -- a regular squad car.

Q. And what was the color of the regular squad car?

A. It was black -- solid black all over.

Q. Solid black?

A. Yes, sir.

Q. Is there a difference in the color

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

866

between the squad cars and the traffic cars?

A. Yes, sir. The traffic cars were white, best I remember, during that time.

Q. So the Memphis Police Department traffic cars were white and the regular squad cars were black.

A. Yes, sir.

Q. Now, were you alone in your squad car?

A. No, sir, there was two other officers with me.

Q. Who were those officers?

A. J.D. Hodges, and I don't recall the other officer's name.

Q. You don't remember his name.

A. There was two rookie officers that was just out of the police academy.

Q. Where was Patrolman Torrence Landers? Do you recall him?

A. Yes, sir. I knew -- I knew Officer Landers. At the time I arrived on the scene?

Q. Yes.

A. I believe that we had already -- was up and behind the building there behind the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

867

hotel when I ran into him. I believe that was the first time that I had ran into him.

Q. So you didn't see him when you were
in this --

A. No, sir, I don't recall seeing him
down on the street. No, sir.

Q. Now, you exited your vehicle.

A. Yes, sir.

Q. And when you exited your vehicle, did
you look around and see what was going on?

A. More or less just looking for a
commanding officer. Because on a scene,
normally you report to the officer on command
and the officer on the scene so he could
assign to you wherever he wanted -- whatever
he wanted you to do.

Q. Did you find the commanding officer?

A. Yes, sir, we did.

Q. And who was the commanding officer?

A. Lieutenant Cochran.

Q. Lieutenant Cochran?

A. Yes, sir.

Q. He was there ahead of you?

A. Yes, sir, I believe he was assigned
to homicide at that time.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

868

Q. So he would have worked under

Inspector Eddie Zachary?

A. Yes, sir, he would have.

Q. And what did Lieutenant Cochran

instruct you to do?

A. Well, he instructed us to go up to

behind the building area there. And I don't

know what he told the other officers. But to

me -- he wanted me -- he took a measurement

there. No, excuse me. We went up and just

looked in the general area around the

building there to start with. And later on I

helped him with some measurements there.

Q. Okay. Well, let's understand. You

parked here, you met Lieutenant Cochran

where, somewhere on Mulberry Street?

A. Somewhere right along that area right

here.

Q. In this vicinity. You exited your

car, you met him. Did you notice what was

going on over at the Lorraine Motel?

A. No, sir, I didn't. I just seen some people over there. That's all I could see.

Q. And you met Lieutenant Cochran, and he instructed you to go up behind the rooming

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

869

house.

A. Yes. Both myself and the two officers with me was just checking the general area for anybody.

Q. And you were advised to go up into this brush area here?

A. Yes, sir.

Q. Now, how did you climb that wall?

A. I don't recall. I believe there was a drum somebody had placed down there -- a 55-gallon drum or something, best I remember. But I know we did have trouble getting over because it was a fairly high wall there next to the street.

Q. How high would you say that wall was?

A. Oh, best of my recollection, probably at least six foot I would think. I'm not sure.

Q. So you put this drum --

A. No, sir, I didn't. I think some of the other officers --

Q. The drum was already there?

A. Yes, sir, I think some of the other officers had already placed it there.

Q. Was this drum standing upright?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

870

A. Yes, sir.

Q. And was it close to the wall?

A. Yes, sir, it was right up against the wall.

Q. And where was it in the area of the wall?

A. Best I remember, it was down close to where we parked the squad car, right in that area -- right along in there somewhere, yes, sir.

Q. In here?

A. Yes, sir.

Q. Would it have been near the corner of the wall?

A. Possibility it would have been near the corner of the wall.

Q. By "the corner of the wall," I'm pointing to the northeast corner -- northeast --

A. Yes, sir.

Q. -- section of the wall. All right.

So you jumped on that drum, did you?

A. Yes, sir. Best I remember I got up there, yes. Because I recall it was the -- the wall was fairly high. It would have been

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

871

difficult to climb up on.

Q. How tall are you?

A. Six foot.

Q. You're six foot?

A. Yes, sir.

Q. And how tall was this drum?

A. Well, a 55-gallon drum, probably 3 foot.

Q. About 3 foot?

A. Yes, sir.

Q. So if you stood upright on that drum, the top of your head would have been about 9 feet above the ground?

A. Probably. Something like that, yes, sir.

Q. Do you recall standing on the drum -- standing upright?

A. No, sir, I do not recall that.

Q. What did you do? How did you climb up?

A. I would have got on the drum and then pushed myself up on the wall and made my way through the -- it was real brushy, that area was. It was quite --

Q. Okay. Can you describe that area

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

872

that you made your way through?

A. Yes. It was real thick brush and stuff in there. It was quite difficult to get through. It was overgrown really bad.

Q. It was overgrown really bad?

A. Yes, sir.

Q. It was really thick brush?

A. Yes, sir. Once you got past the initial -- I would say kind of like a hedge area, it was weedy, but you could walk right behind the building there.

Q. Well, that's way in here --

A. Yes, sir.

Q. -- behind the building.

A. Yes, sir.

Q. But in this area here --

A. Yes, sir.

Q. -- it was thick --

A. Yes, sir.

Q. -- in the bushes. What did you do when you sort of fought your way through these bushes?

A. Where I went to first I'm not really

sure. But I just remember checking the sides
of the building to my right to the area in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

873

there. Too, of course, on the way in there
we was kind of checking the best we could
within the weed area itself where it was
overgrown, you know, looking around in
there.

And I came up to the -- then to the
back part of the building right in there, and
I worked myself around the corner to your
right -- right around like that into the open
area right in there between the building.

Q. Okay. So you're telling us that you
came up to the back of the --

A. Yes, sir.

Q. -- this wing -- the northern wing of
the rooming house and worked your way around
this corner.

A. Yes, sir.

Q. And there is an alley way between the

two wings of the rooming house --

A. Yes, sir.

Q. -- is that right? And did you go
down into that alley way in that area?

A. Yes, sir. I didn't get into the
alley way itself. I moved just a short
distance around the corner of the building

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

874

there when I found a -- a footprint.

Q. Now, you found then a footprint.

A. Yes, sir.

Q. Where did you find that footprint?

A. The best I remember -- wasn't -- it
was close just as I come around the corner
just a short distance. I ran into it right
along in there somewhere. I'm not really --
as far as foot wise, I wouldn't say how far.
I couldn't recall. It was just around the
corner shortly -- after I stepped around the
corner, I did observe it.

Q. Was it a very distinct footprint?

A. Yes, sir. I had no trouble seeing it.

Q. Did it appear to you to have been freshly made?

A. Yes, sir, at that time it did appear to be a fresh print.

Q. Was there more than one footprint?

A. No, sir. One was all I can recall observing.

Q. Somehow you saw this one, what appeared to be, freshly made footprint right in this area here.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

875

A. Yes, sir.

Q. What did you do after you discovered the footprint?

A. One of the officers -- I believe I spoke to one of the officers and told him to advise Lieutenant Cochran that I had located a footprint. And he sent word back for me to stay with the print until he had one of the

other officers arrive on the scene. He wanted to take a cast of it.

Q. Now, Mr. Hodges, do you recall in which direction that footprint was pointing?

A. Best I remember, it was -- let's see. That would have been west. It would have been pointing west.

Q. It was pointing actually toward the alley way?

A. Right. Yes, sir.

Q. Now, Mr. Hodges, did any of your group follow that footprint down the alley way to the entrance to the basement of this rooming house?

A. I don't know because I -- I stayed with the cast. And as soon as they got there, Lieutenant Cochran had me to -- he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

876

wanted to do some measurements to the bullet directly from the rooming house to the Lorraine Motel over there. And I stayed with

him, so I don't know if any of the officers -- I didn't myself, and I don't -- I didn't see any other officers go down.

Q. So you just remained with the footprint.

A. Yes, sir.

Q. Now, how long after the shooting -- now, we're trying again to get you to try to recall time frames. How long after the shooting would you say you actually had come upon that footprint?

A. 15 minutes at the most I would think. Because he assigned us immediately when we got there and told us to start scouring the area, looking, you know. And that was -- I came up behind -- through the brush to that point. And there was other officers -- I wasn't the only one in the brush. There was other officers looking in there also. And I came to that area and around the corner of the building there, and that's when I -- I would say probably a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

877

maximum of 15 minutes.

Q. A maximum of 15 minutes after the shooting you found this footprint?

A. Yes, sir.

Q. What were the other officers who were in the area doing?

A. Basically same as I was. Just trying -- working their way through the heavy brush to see if they could locate anything or anything like that. Those that I seen. Now, there was a lot of officers because the brush was so thick that I didn't see. I was just noticing the officers that was close to me.

Q. Do you recall the names of any of the other officers you saw in that brush area?

A. No, sir, I do not. Just only --

Landers is the only one that I actually call -- recall that was there. There were the two officers that were with me.

Q. Was Lieutenant Cochran informed that this footprint was pointing down the alley

toward the basement?

A. Not to me. He might have been informed by -- one of the other officers might have told him, but I didn't tell him.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

878

I just told him I had a footprint.

Q. Did you know Lieutenant Earl Clark --

A. Yes, sir.

Q. -- at that time? In the time that you were in this area after the assassination, did you see Lieutenant Earl Clark anywhere in sight?

A. I do not honestly recall or remember seeing him. I could have, but I just don't remember.

Q. But you don't remember seeing him.

A. Yes, sir. I don't remember offhand, no, sir.

Q. What kind of uniform were you wearing on that day?

A. The standard uniform would have been

dark blue trousers and the blue shirt --

light blue shirts, I think, best I remember.

Q. Would any officers have worn a white shirt at the time?

A. Yes, sir. Your commanding officers would have had white shirts on that was in uniform. But as far as the patrolmen, they would have the same uniform on that I did.

Q. Would lieutenants and captains have

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

879

worn --

A. Yes, sir, lieutenants and above would have white shirts on.

Q. They would have white shirts on.

A. Yes, sir.

Q. Thank you. How long do you recall remaining with this footprint?

A. Maybe five, ten minutes at the most.

I would say just as soon as he got somebody up there, I went on and checked with him to make the measurements.

Q. So you went to other duties after
that --

A. Yes.

Q. -- but in this -- still in this
vicinity?

A. Yes, I was in that same general area,
yes, sir.

Q. Did you at any time enter the rooming
house itself?

A. No, sir, I did not.

MR. PEPPER: That's fine. Thank
you very much, Mr. Hodges. Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

880

Q. Mr. Hodges, I believe this area was
the area in fact -- I think you call them
bushes or brush or something like that.

A. Yes, sir.

Q. Was that a very thick area -- was it
difficult to walk in?

A. Yes, sir, it was.

Q. And were there a lot of limbs?

A. Yes, sir.

Q. Were there leaves on the bushes and trees?

A. I believe that -- that some of them had begun to fall off, but I do not recall to be honest with you.

Q. How high were the bushes and trees? Were they over your head?

A. Oh, yes, sir.

Q. They were that high?

A. Yes, sir.

Q. Do you recall the ground area there? Was it muddy or dry or do you recall how it was?

A. Best I remember, it was -- had a little moisture in it because I recall that the impression of the footprint was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

881

distinct. You had no trouble telling that it

was a footprint. So I assume there was a little moisture in the ground.

Q. Now, when you say a footprint -- it was just one print of a shoe?

A. Yes, sir.

Q. You didn't find anything but one print of a shoe?

A. That's all.

Q. It was headed west?

A. Yes, sir.

Q. Would that be in the direction of the back of the rooming house or toward the fire station?

A. Well, it would have been towards the river, towards the front of the rooming house.

Q. How far was it -- how far was it away from the back of the rooming house there would you say?

A. Well, actually it was the side of the rooming house there.

Q. Oh, I see.

A. Maybe two or three foot away from the

side of the building on the south side.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

882

Q. Okay. And did you see a door around there on the rooming house in that area -- did you see any door entry?

A. I don't recall, no, sir.

Q. Let me ask you, how would you describe the print? Was it what you call a large one, a small one, a medium one? In other words -- it was a shoe print; am I correct?

A. It was a shoe size, yes, sir.

Q. All right. And did it have any markings on the sole of the shoe that you could distinguish?

A. No, sir, best I can remember it did not have any distinguishing marks. It was maybe a 10 or 11 size shoe -- just rough estimate.

Q. A 10 or 11 size shoe of a man -- did it appear to be a man's shoe?

A. Yes, sir, it was a man's shoe.

Q. When you said it appeared to be fresh, what did you mean by that exactly?

Does that mean that it was just made a few moments before or the day before?

A. Well, it hadn't been there long to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

883

get any trash or to deteriorate or anything like that. There was enough moisture in the ground that there was a good impression. And normally, as woody as it was around there and trashy, there would have been trash if it had been there very long, it would have got blown in.

Q. Let me ask you something, Mr. Hodges. When you walked back there, did your shoes leave tracks? Was it muddy enough that you left tracks?

A. I don't recall about that. I really don't.

MR. GARRISON: That's all.

Thank you.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Mr. Hodges, what was done with that cast that was made?

A. I have no -- I assume homicide -- well, at that time homicide would have been handling the scene. And I have no idea what they did with it.

Q. So you just -- you just stayed by it. And they came --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

884

A. They came and I left. I didn't even see them make the cast. I left before they even poured the cast.

Q. Did you ever hear about what happened? Did you ever inquire about what happened to that footprint?

A. No, sir, I didn't. I think I had seen some pictures at one time of the cast.

But as far as the actual cast, I don't recall

whether I've seen it or not. I don't believe
I have.

Q. And Lieutenant Cochran or anyone else
never told you what happened to it?

A. No.

Q. Or what investigation was done?

A. No, sir.

Q. Once again, to the best of your
knowledge, did you see any police officers
going into or coming out of the basement of
that rooming house --

A. No, sir, I did not.

Q. -- at that time?

MR. PEPPER: Nothing further.

THE COURT: All right, sir, you
may stand down. You're free to leave.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

885

THE WITNESS: Thank you, sir.

(Witness excused.)

THE COURT: Call your next
witness.

MR. PEPPER: Your Honor, if it please the Court, plaintiffs have a short affidavit to put into the record from Reverend James Orange. Reverend Orange's sister-in-law died, and he was due to testify and he had to attend a funeral that was called yesterday in Detroit.

This is an affidavit -- a statement that he gave under oath some while ago. This is the affidavit of Reverend James Orange.

"James Orange, care of Martin Luther King Center For Non-Violent Change, 449 Auburn Avenue, Atlanta, Georgia, being duly sworn deposes and says: In 1968 I was a member of the Executive Staff of the Southern Christian Leadership Conference. And in April of that year, I returned with the staff to Memphis, Tennessee, as a part of SCLC's efforts on behalf of the strikes being mounted by the Sanitation Workers.

"On April 4 we were in Memphis

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

preparing for a march which was necessitated by the eruption of violence on the previous march which was attempted on March 28th. On that day the Reverend James Bevel and I were driven around by Marrell McCullough, a person who at that time we knew to be a member of the Invaders, a local community organizing group, and who we subsequently learned was an undercover agent for the Memphis Police Department and who now works for the Central Intelligence Agency.

"It was later in the afternoon when he brought us back from a meeting to which he had driven us and both Reverend Bevel and I noticed that he took us back a different and longer route than we took when going. In fact, I recall that Jim raised the question, though I do not remember McCullough's response. In any event, when we returned to the Lorraine parking lot, it was about five minutes to six. And Bevel and I started wrestling and joking about below the

balcony.

"We continued the horseplay for a short while before the shot. After the shot,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

887

we ducked down. And the first thing I saw was Dr. King's leg dangling over the balcony. When I saw the leg, that's when I looked back and saw the smoke. It couldn't have been more than five to ten seconds. The smoke came up out of the brush area on the opposite side of the street from the Lorraine Motel. I saw it rise up from the bushes over there.

"From that day to this time I have never had any doubt that the fatal shot, the bullet which ended Dr. King's life, was fired by a sniper concealed in the brush area behind the derelict buildings. I also remember then turning my attention back to the balcony and seeing Marrell McCullough up on the balcony kneeling over Dr. King looking

as though he was checking Dr. King for life signs.

"I also noticed quite early the next morning, around 8 or 9 o'clock, that all of the bushes and brush on the hill were cut down and cleaned up. It was as though the entire area of the bushes from behind the rooming house had been cleared. They were

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

888

cut to the ground. The police was all over the place within minutes covering both the Mulberry and the South Main Street areas.

"I will always remember the puff of white smoke and the cut brush and having never been given a satisfactory explanation.

When I tried to tell the police at the scene as best I saw it, they told me to be quiet and get out of the way. I was never interviewed or asked what I saw by any law enforcement authority in all of the time since 1968."

This was executed on the 20th day of
January previously in 1993, Reverend James
Orange. We move admission of this affidavit,
Your Honor.

(Whereupon said document was
marked as Trial Exhibit Number 13.)

MR. PEPPER: Your Honor,
plaintiffs call Mr. Jim Smith.

JAMES W. SMITH,

Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

889

Q. Good afternoon, Mr. Smith.

A. Good afternoon.

Q. Thank you for coming here this
afternoon. For the record, are you here
voluntarily or under subpoena?

A. Under subpoena.

Q. Would you state your full name and

city address for the record.

A. James W. Smith, Memphis, Tennessee.

Q. Thank you. Mr. Smith, were you previously employed by the Memphis Police Department?

A. Yes.

Q. And for how many years did you work with the Memphis Police Department?

A. About seven.

Q. Would you tell us that time frame, please.

A. From '64 to '70.

Q. And what was your position with the Memphis Police Department at that time?

A. At which time? I served a lot of different -- during that time period a lot of different assignments.

Q. Why don't you just walk us through

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

890

the positions that you had from '64 on.

A. Okay. Started uniform patrol, worked

vice squad, worked special services, pretty much that -- plain clothes.

Q. What position did you hold in 1968?

A. In '68, special services.

Q. Special services. Would you describe for the jury what special services entails.

A. Well, it -- some of the assignments that I worked in special services was during the Sanitation Strike -- surveillance, escort on the garbage trucks, plain clothes assignments, uniform assignments, worked riot control.

Q. Were you involved in riot control on the afternoon of the 28th of March?

A. On the morning of.

Q. On the morning of the 28th of March.

A. 28th of March, yes, sir.

Q. And would you describe what your assignment was and what you did on that morning of the 28th of March.

A. I was assigned to a tactical squad -- TAC 5. I was assigned at the Memphis Fire Station Number 2 until the parade started,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

891

and then we were moved up to the parade route.

Q. And when you moved up to the parade route, where exactly were you located?

A. On the first move we were moved to Front and McCall. On the second move they put us down to Main and McCall.

Q. And where is McCall? It's obviously off this drawing.

A. Yes. I don't think that street is there anymore at all. But it's -- was a -- across the street from where the Light, Gas and Water is now. McCall came in right there.

Q. And what was your formation at that time?

A. We were in the tactical squad. The formation was a wedge formation.

Q. And could you describe a wedge formation. What does that mean?

A. A wedge formation is like this, and it's designed to move into a crowd to disperse it.

Q. All right. Were you spread across South Main Street at that time?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

892

A. We were on Main just south of Beale Street.

Q. Just south of Beale Street. But did you -- did your wedge -- your formation take up -- spread entirely across the street?

A. Well, there were 12 officers and a lieutenant, so I would guess we had six on each side of the wedge and the lieutenant in the middle.

Q. And is that where you were located when the march began?

A. Yes.

Q. What did you -- what did you observe after the march began?

A. We observed the march coming up Beale

Street. And just as it approached Main Street, we observed some people started breaking windows.

Q. You heard some shattered glass?

A. Yes.

Q. And where was that glass being shattered, did you --

A. All along Beale Street there near Main. There was also one person trying to knock the window out at the -- what's the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

893

Orpheum Theater now. I think it was a movie house at that time.

Q. Well, did you see anyone breaking any windows between your formation and the marchers?

A. Yes. They were on each side of the march. They were on the sidewalk, and the march was in the street.

Q. Okay. So windows were being broken behind the line of march and in front of the

line of march between the police formation
and the marchers.

A. Right.

Q. Did you or your unit do anything at
that time to apprehend the people who were
breaking the windows in front of the march
line between you and the marchers?

A. No, that was not our assignment.

Q. What -- what do you mean that wasn't
your assignment?

A. Well, they had other officers there
that would tend to that type of activity. We
were there only to prevent anyone from coming
south on Main Street.

Q. So you were told not to break the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

894

formation?

A. Right.

Q. Was that the usual instruction when
you were in that formation?

A. Right. If you break the formation,

you're just an individual acting on your own.

Q. Did you see any of the other officers interfering with the people or apprehending people who were breaking the windows in front of the march area?

A. Well, shortly after that, things really broke up.

Q. Well, before things broke up, the marchers started proceeding, you're in formation, windows are starting to be broken -- before things broke up, was there any attempt to apprehend people who were breaking the windows? This is before the march broke up now.

A. I didn't see -- see that.

Q. You didn't see any. Does that seem strange to you?

A. Well, I really had my hands full worrying about what I had to do, and I didn't

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

895

really pay attention to what the other officers would be doing. I was aware of the windows breaking, and I knew we had to maintain our formation.

Q. Okay. Now, as the marchers approached up South Main Street toward you, what -- could you describe, please, what happened next.

A. Well, another group started throwing bricks. They had just demolished a building there, the old M & M building. And bricks were stacked up there. And some people not in the march started throwing bricks, and that's when the march started breaking up.

Q. At whom were they throwing those bricks?

A. They were just throwing them. Anyone that was out there would have gotten hit by them.

Q. And what was the response of your unit as these bricks started to be thrown around?

A. Well, when the bricks started raining

down, they were coming down on the marchers
and everybody. And as people started south

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

896

on Main, we moved up to block them from
coming on Main.

Q. Which people?

A. Everybody. Anybody on the street
that was coming south on Main.

Q. So people started running or --
forward on South Main?

A. They ran in all directions. But
anybody that came south on Main we were
supposed to turn back the other way.

Q. Your instructions simply were just to
prevent them from going any further --

A. Right.

Q. -- as they reached you.

A. Containment.

Q. To contain them. Were you able to do
that? Were you able to contain them?

A. No.

Q. What happened?

A. First thing that happened, somebody got behind us and our lieutenant went down. And as we tried to help him, things broke up and everybody was pretty much on their own.

Q. So it just became chaotic; is that right?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

897

A. Very much so.

Q. During all this melee, did you see Dr. King anywhere?

A. He was hustled away as soon as all those bricks started.

Q. So around the time that the bricks started being thrown, he was taken away -- taken out of the area?

A. When I saw him, they were ushering him away.

Q. You saw him taken away.

A. And I didn't keep up with any movements after that.

Q. Did you ever recognize any of the people who were throwing bricks or breaking windows in front of you? Had you seen any of those people around?

A. I didn't recognize any of them.

Q. Didn't recognize any of them.

A. Huh-uh.

Q. Now, this was on March 28th when this all happened. Let's back up to Dr. King's first visit to Memphis related to the Sanitation Workers Strike which would have been on March 17th. He was in Memphis on

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

898

March 17th and 18th and delivered a speech.

Do you recall that visit?

A. Yes.

Q. Do you know where he stayed during that visit?

A. At the Rivermont.

Q. At the Rivermont Hotel. Did you have an assignment on that visit?

A. Yes.

Q. And what was your assignment during the course of that visit of Dr. King's?

A. I was told to meet the Feds at the dead-end of Calhoun Street on the river bluff.

Q. I'm sorry. Could you repeat that, I didn't hear it.

A. My assignment that day was -- I was on a surveillance at Danny Thomas and Crump, and I was pulled from that and sent to the dead end of Calhoun Street on the river bluff to meet the Feds.

Q. Okay. You were sent to the dead end of Calhoun Street -- pulled off another assignment and sent to the dead end of Calhoun Street. And what was your role in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

899

the place that you were sent?

A. Keep vehicular and pedestrian traffic out of that area.

Q. To keep vehicular and pedestrian traffic out of that area. Did you learn why you were given that assignment?

A. I'm not sure I understand your question.

Q. Well, why did they want to keep pedestrian and vehicular traffic out of the area at that time?

A. I learned the next day that there was a surveillance going on down there.

Q. There was a surveillance going down -- going on where?

A. In that area.

Q. In that area.

A. Right.

Q. And who was the target of that surveillance?

A. I was told it was Dr. King.

Q. Dr. King was under surveillance. And how was that surveillance being conducted?

A. Hearsay. Electronic surveillance.

Q. Well, did you -- did you see yourself

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

900

a van out of which the -- you came to believe that surveillance was being conducted?

A. Yes, sir.

Q. Did you see at any time any equipment in that van?

A. Yes, sir.

Q. What was the nature of the equipment that you saw?

A. It looked like radio equipment.

Q. And was that radio equipment manned by officers?

A. Yes. There were two people in there.

Q. There were two people in there. Were they Memphis Police Department officers?

A. No.

Q. What was your -- what is your opinion of where they came from or who they were?

A. Well, I was told to meet the Feds, so I assumed they were Feds.

Q. They were federal agents of one sort or another?

A. Right.

Q. Is it true that at one time you thought they might have been FBI agents?

A. Yes. At that time when I heard the DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD (901) 529-1999 901

word "Feds," I just assumed FBI.

Q. But have you subsequently come to believe that they were not FBI agents?

A. I've been told that they weren't.

Q. So they were federal agents from some other federal agency.

A. Some federal agency, yes, sir.

Q. Now, Mr. Smith, how is that kind of electronic surveillance normally conducted?

Would you just explain -- because you were involved in the intelligence operations and surveillance. How would that kind of surveillance operation be conducted? How would they be receiving spoken word in that van?

A. I would imagine they would be

monitoring some kind of transmitter.

Q. And would that transmitter have to be in Dr. King's suite at the Rivermont CHECK?

A. It would -- if that's who they were monitoring, it would have to be near that person, yes, sir.

Q. Did you ever come to learn that there was microphonic -- that there were microphones installed in his suite that was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

902

transmitting into that van?

A. That was the -- that was my understanding.

Q. Yes. Would those microphones have been in every room of the suite?

A. There's a good possibility, yes.

Q. Would they conceivably have been also out on the balcony picking up any conversations out there?

A. There -- there could be, but I'm not sure they would get a good, clear return on

something like that.

Q. Now, you weren't a part of the group that did the actual installation.

A. No.

Q. Who would have done the actual installation of those microphones in Dr. King's suite?

A. It would be a guess on my part. But someone connected with the people in the van.

Q. It was their equipment, so that would make sense, wouldn't it?

A. Yes.

Q. Did you ever have any discussions with the -- any of the officers -- any of the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

903

people in the van?

A. A couple times I was sent to get sandwiches and drinks. But other than that, no real conversation.

Q. Did they ever tell you what they were doing?

A. No.

Q. They ever discuss what they were doing with you?

A. No. They just told me to keep vehicular and pedestrian traffic out of that area.

Q. Keep traffic away from where they were. And exactly where was this surveillance van located?

A. It was on the bluff overlooking Riverside Drive across from the Rivermont.

Q. Are you aware of the fact that throughout this -- this sad and sorry history that the Federal Government has always denied having Martin Luther King under surveillance when he was in Memphis prior to his assassination?

A. I'm not sure I understand that either.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

904

Q. Well, the question is: Were -- are

you aware that the government -- that the Federal Government has consistently denied having Dr. King under surveillance when he was in Memphis?

A. No, I wasn't aware of that.

MR. PEPPER: Thank you. Nothing further.

THE COURT: Mr. Garrison?

MR. GARRISON: I have no questions of this witness. Thank you.

THE COURT: All right, sir.

You're free to leave. Thank you very much.

(Witness excused.)

THE COURT: Does anybody on the jury need a break? All right. Call your next witness.

MR. PEPPER: May we approach, Your Honor?

(A bench conference was held at sidebar outside the hearing of the jury.)

THE COURT: All right. Ladies and gentlemen, while they're lining up the next order of proof, we're going to take a

short break.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

905

(Brief break taken.)

THE COURT: Bring the jury out,
please.

THE SHERIFF: Yes, sir.

(Jury In.)

THE COURT: Mr. Pepper, call
your next witness.

MR. PEPPER: Your Honor,
plaintiffs call Barbara Reis to the stand.

THE COURT: Barbara Reis.

MR. PEPPER: She's in the
courtroom, Your Honor.

THE COURT: Barbara Reis, come
around, please.

BARBARA REIS,

Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Ms. Reis, would you state your full name and address for the record.

A. Barbara Reis, R E I S, 167 Avenue Way, Apartment 8, New York, New York 10009.

Q. Ms. Reis, what do you do for a living?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

906

A. I'm a journalist.

Q. And for whom do you work?

A. For Publico. It's a Portuguese newspaper.

Q. Is Publico a large Portuguese newspaper?

A. It's the leading daily newspaper in Portugal.

Q. Were you the -- the correspondent of Publico in the United States?

A. Yes.

Q. Are you taking this stand willingly?

A. No, I'm not.

Q. Would you rather not testify about

the events about which I am going to question
you?

A. Yes, as I stated many times.

Q. Ms. Reis, what are your reasons for
not wanting to testify about these events?

A. Because I came to Memphis to cover
the trial, and I don't feel it's -- it's my
place to change from that batch to this one.

Q. Do you believe that your testimony
here in any way could compromise your -- your
professional integrity?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

907

A. I think in a way, yes.

Q. Even though you are not testifying
voluntarily and you have been -- you have
been called against your will?

A. Yes.

Q. How long have you been here in
Memphis covering this -- these proceedings?

A. Since Sunday.

Q. You are aware of the fact that this

section of plaintiffs' case has been dealing -- it's disjointed to some extent because of witnesses coming and going and problems -- but basically dealing with the issue of the existence of a man called Raul.

A. Yes.

Q. And you are aware of the fact that plaintiffs believe on the basis of evidence that Raul is a native of Portugal.

A. Yes.

Q. Is that one of the reasons why you and your newspaper have taken an interest in this case?

A. Yes.

Q. Have you written articles about this

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

908

case that have been published in Publico in Portugal?

A. Yes.

Q. And how long have you been writing

articles about this case that have been published in Publico?

A. Two years.

Q. Two years?

A. (Witness nods.)

Q. Would you say how many articles you've written?

A. Well, on -- on Raul specifically, just two.

Q. I'm sorry.

A. On Raul's part --

Q. Just on the case generally or any -- any aspect of the case.

A. Well, I -- I did many articles two years ago when it was the 30th anniversary of the assassination. I came to Memphis. I covered the events that took place here. I reviewed many people for that -- for those articles, and I did other stories related to the case.

Q. So you have familiarized yourself

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(901) 529-1999

quite considerably with the case.

A. A little bit.

Q. Now, how long have I known you --
have you known me?

A. Personally -- two weeks I would say.

Q. Not very long.

A. No.

Q. Do you recall where we met for the
first time?

A. Yes.

Q. And where was that?

A. At the Harvard Club.

Q. Where?

A. In New York City.

Q. All right. And at that time did I
ask you a range of questions about Raul and
what information you might have concerning
Raul?

A. Yes, you did.

Q. And did you ask me -- as a reporter,
a journalist, did you ask me a number of
questions about the case?

A. I did.

Q. So there was this kind of exchange of

information. Did you not tell me at that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

910

time that at one point you took it upon

yourself, out of interest, to attempt to

visit with Raul himself?

A. Yes. I actually had tried that

before.

Q. And were you successful?

A. No, he wasn't at home.

Q. But you -- you went to his home.

A. Yes.

Q. Did you at some point, in the course

of your interest and your visit to his home,

develop a certain understanding or obtain

certain information from a source connected

with the family?

A. Yes.

Q. Did that source tell you that these

proceedings and these accusations had been a

burden to the family?

A. Yes. They felt harassed.

Q. And that it had to some extent
disrupted their family life?

A. Yes.

Q. And, in fairness, did the source also
maintain that there was no basis, that this
was the wrong person, not the Raul?

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(901) 529-1999

911

A. Yes. They say that absolutely they
have no connection.

Q. To all of that -- all of that was
laid out for you, all of that objection to
the identification in the proceedings were
laid out to you.

A. They feel they are victims.

Q. Sorry.

A. They feel they are victims of
mistaken -- a mistake.

Q. They feel that they are victims of
mistaken identity?

A. Mm-hum.

Q. That Raul is the victim of mistaken identity?

A. Right.

Q. Plaintiff has and will be putting on continual evidence about -- about Raul. And you may or may not choose to cover that and review that evidence yourself. But, moving on, did this source indicate to you that the government of the United States was giving them assistance?

A. Not in a specific way. But the person mentioned they, as the government,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

912

having visit them.

Q. The government had visited them?

A. The person said "they." And I asked who is "they." And the person said the government.

Q. The government. How many times had the government visited them?

A. Three times.

Q. Three times. And what did the government -- presumably agents of government here -- what did the agents of government do when they visited them?

A. I have no idea. It was a very brief conversation, and I didn't ask specifically what, and she didn't say what they did when they went there.

Q. Well, did you have the protection -- did you have the impression that the government -- that she believed that the government was giving them some kind of protection?

A. The person mentioned that they are protecting us. So in a way of telling me, go away. You won't get anything from me and, plus, we are protected. So she said a

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(901) 529-1999

913

general statement regarding --

Q. We are protected, meaning the family

is being protected?

A. They are looking over us. That

was --

Q. They are looking over.

A. That was the expression.

Q. Looking over us. Did the source indicate that the government was monitoring their telephones?

A. Yes.

Q. That was a way of protecting them?

A. Exactly.

Q. And she was pleased, was she, that this activity was going on?

A. I wouldn't say pleased. She -- she said that, and I took note of it. We didn't -- I guess she felt confidence, but I didn't get into that.

Q. All right. So as that -- as the conversation developed, it emerged that at least some comfort was being derived from government protection or government looking over them?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

914

Q. Government intervening after this difficulty began --

A. Yes.

Q. -- for them?

A. Yes.

Q. Was there an indication of the fact that it was ongoing, this protection?

A. At the time, yes. This was two years ago.

Q. You made this visit two years ago, and at the time there was an indication that it was ongoing, this government protection?

A. I don't know what ongoing can mean.

But three years over -- three times over maybe three years. So once a year I would say.

Q. That there was some contact?

A. Mm-hum.

Q. Was there any indication of how the electronic monitoring or surveillance of

their telephones was being conducted by the government?

A. I have no idea.

Q. No details of that at all?

A. No.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

915

Q. Only that it was being done.

A. Yes.

MR. PEPPER: Nothing further,

Your Honor.

THE COURT: Mr. Garrison?

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Ms. Reis, how do you spell your last name?

A. R E I S.

Q. I'm sorry. How long have you been working on this case?

A. As I told -- two to three years.

Q. All right. Has anyone else with your paper worked on this case besides you?

A. I'm sorry.

Q. Has any other employee of the paper worked on the case besides you?

A. No.

Q. You're the only one?

A. Yes.

Q. Have you ever contacted any of this -- well, let me back up. You learned and know that this gentleman, Raul, is from -- originally from Portugal. You know

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(901) 529-1999

916

that, don't you?

A. Yes.

Q. And have you ever contacted any of his family who still lives in Portugal?

A. No, never.

Q. You know Mr. Ray -- you've heard that James Earl Ray had left Memphis after the assassination and ended up in Portugal. You know that, don't you?

A. Yes.

Q. Do you know anything about the fact that he had contacted some of this Raul's family in Portugal when he got there?

A. No.

Q. Had you ever heard that?

A. (Witness nods.)

MR. GARRISON: Okay. That's all, Your Honor.

THE COURT: All right. You may stand down.

(Witness excused.)

MR. PEPPER: Your Honor, we have a short video deposition from a Mr. J.J. Isabel who is unavailable to testify.

THE COURT: What do you call

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(901) 529-1999

917

short?

MR. PEPPER: Well, it says 46 minutes, Your Honor.

THE COURT: That's too long. It will be dark in 46 minutes. We'll have to

start on that tomorrow.

MR. PEPPER: Okay.

THE COURT: All right. Ladies

and gentlemen, we're going to stop at this
point.

(Court adjourned until

Wednesday, November 24, 1999, at 10:00 a.m.)

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(901) 529-1999

918

IN THE CIRCUIT COURT OF SHELBY COUNTY,
TENNESSEE FOR THE THIRTIETH JUDICIAL
DISTRICT AT MEMPHIS

CORETTA SCOTT KING, MARTIN
LUTHER KING, III, BERNICE KING,
DEXTER SCOTT KING and YOLANDA KING,

Plaintiffs,

Vs. Case No. 97242-4 T.D

LOYD JOWERS, and OTHER UNKNOWN
CO-CONSPIRATORS,

Defendants.

BE IT REMEMBERED that the
above-captioned cause came on for Hearing on
this, the 24th day of November, 1999, in the
above Court, before the Honorable James E.
Swearengen, Judge presiding, when and where
the following excerpt of proceedings were
had, to wit:

Volume VII

DANIEL, DILLINGER, DOMINSKI,

RICHBERGER, WEATHERFORD

COURT REPORTERS

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Memphis, Tennessee 38103

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919

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DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

920

- INDEX -

WITNESS: PAGE NUMBER

JACK SALTMAN

Direct Examination

By DR. PEPPER. 921

CLAY CARSON

Direct Examination

By DR. PEPPER. 969

EXHIBITS

Exhibit 14. 941

Exhibit 15. 943

Exhibit 16. 964

Exhibit 17. 966

Exhibit 18. 969

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

921

* PROCEEDINGS *

THE COURT: Bring the jury out.

(Whereupon, the jury enters the
courtroom.)

THE COURT: Good morning, ladies
and gentlemen.

Mr. Pepper, are you ready to go?

DR. PEPPER: Thank you, Your
Honor. Your Honor, the plaintiffs call
Mr. Jack Saltman.

JACK SALTMAN,
having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY DR. PEPPER:

Q. Good morning, Mr. Saltman.

A. Morning.

Q. Thank you very much for coming here
this morning on this long flight from England
in light of your back surgery. We are very
grateful that you have made this trip.

Would you state for the record,
please, your full name and address.

A. My name is Jack Saltman,

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(901) 529-1999

922

S-A-L-T-M-A-N, and my address is Morwenna.

That's M-O-R-W-E-N-N-A, the Causeway Claygate
in the county of Surrey in England.

Q. Mr. Saltman, can you tell us what has
been your -- your profession over the years?

A. I started off as a print journalist
in newspapers. I went into television in
1961 and became a television producer,
director, and, finally, editor of major
programs in Great Britain for thirty-five
years.

Q. And which television companies have
you worked with in that capacity?

A. My two main employers were the BBC I worked for for sixteen years and a company called Thames, that's T-H-A-M-E-S, as the River Thames, for -- also for sixteen years, but I also did coproductions with a number of American companies like Home Box Office and ABC television.

Q. In actual fact, when did you have the first contact with the case of the assassination of Martin Luther King?

A. 1978 to celebrate -- celebrate is the

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(901) 529-1999

923

wrong word -- to note the tenth anniversary of the assassination, I was asked to produce and direct a one-hour documentary for BBC television.

Q. And was that shown in England?

A. That was shown in Great Britain and sold to a number of other countries.

Although, I'm not sure whether or not it played in America.

Q. Right. And at that point in time, did you come to Memphis to work on that production?

A. Yes, I did. I spent four or five days in Memphis. That's when James Earl Ray was in the Brushy Mountain Penitentiary. We saw him there, and I came to Memphis and then various other places. We went to New York and saw the former Attorney General and so on.

Q. All right. So at that time now, many years ago, over twenty years ago, you began to familiarize yourself with this case and the facts surrounding it?

A. Yes, as I do -- or as I did, I'm

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(901) 529-1999

924

retired now -- as I did with all major productions. I did a lot of reading so I read all the literature that was then available, and prior to doing mild research, we had two researchers working on the ground,

and a lot of effort was put into the story to try to get the facts as right as we possibly could.

Q. Right. Was there a time then some years later that you once again became involved in this case?

A. Yes. In 1990, I think it was. An idea had been put forward to my company, Thames Television, that following a program I produced -- coproduced for Home Box Office in America and in Britain on the Trial of Kurt Waldheim, the former secretary general of the United Nations. We held a trial for our trial on television, and following that, as a sort of example of what we could do, and I was approached with the view to making the trial of James Earl Ray.

Q. And would you describe how that type of trial -- documentary trial format works,

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925

both in the case of the Waldheim trial and

the case of the James Earl Ray trial.

A. With enormous difficulty and colossal headaches, and as you well imagine, having to work with an awful lot of lawyers who don't necessarily agree. And the first problem, obviously, is to try and get a format that is legitimate because this is not what I regard as cheap and nasty television.

The trial of James Earl Ray took a year and a quarter in the making and cost around about three million dollars. And we went to endless trouble to try and get everybody who was factually available, retired FBI agents, witnesses.

This was not a television drama.

This was reality insofar as we recorded everything over ten days, and we finished up with eighty, ninety hours of material. It was then with the agreement of both attorneys, we then tried to balance as a fair representation of all the evidence.

The judge was a real judge. He had retired. He had been a federal judge in New

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(901) 529-1999

926

York, and we had agreed that we would use Tennessee law. The only concessions we made to television as such was plainly in a program that was scheduled to run for four hours.

We couldn't have openings speeches, for example, running two hours and forty minutes each. So we had to have some rules of engagement, as it were. For the rest, we stuck religiously. In both cases, the quality of the attorneys and the judges in both programs, both Waldheim and James Earl Ray, reflected the serious nature of what we did.

In the Waldheim program, we had the former British Attorney General, Lord Ralenson(phonetic). We had Alan Ryan, who was the chief prosecutor for the Office of Special Investigation in Washington as a prosecutor.

This was as serious as you could get on television. It must be set at four hours. It took a lot of effort on the part of the audience to watch it and follow it

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(901) 529-1999

927

because no concessions were made to shortcuts.

Q. All right. And these trials and this trial of James Earl Ray was tried over many days; is that correct?

A. Yes. They were both recorded. My principle was to let the judge run the day in exactly the same way as His Honor will run today. My idea was that the cameras would always be on the outside looking in. We would never stop and say "take two" or anything silly like that.

The idea was we would run continuously as long as the judge wanted the court to be in session. So we ran both cases for something like ten or twelve days in the

Waldheim case; twelve -- seven, eight hours days. We had fifty-odd witnesses two times.

Q. And in both cases, there was no script at all, was there?

A. There was no script, only a running order of the witnesses that their respective attorneys chose to call that day. The entire script for the day was about half a page of

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(901) 529-1999

928

A-4, which really just said these are the potential witnesses to be called. That's all.

Q. And the juries were chosen according to usual jury selection procedures?

A. To get a jury, I think my total bill was sixty-four thousand dollars. That's a good question. I had employed a company to send them -- first of all, I got three cities agreed between both attorneys that they thought they were fair cities to attract jurors from.

For example, New York was regarded as too liberal a state so that was refused by the prosecution, and we sent these private detectives to select or to choose.

We finished up interviewing -- I think there was twelve hundred and something jurors. Out of which, we came down to a hundred and something, which, together with the two attorneys, we then played videotapes of them answering the voir dire questions.

At the end of which, we tried to then balance male, female and to get an

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

929

ethnic mix as well so that it looked fair as well as being fair, but insofar as we could, that was as fair a jury as I think it was possible to get.

Q. All right. And in the case of the trial of James Earl Ray, that was aired both in the United States and in United Kingdom?

A. Yes, it was. And in thirty-four

other countries as well, I think.

Q. And when was it shown?

A. It was shown on the anniversary of the assassination, the twenty-fifth anniversary, April the 4th, 1993.

Q. All right. And do you recall the verdict of the jury in that case?

A. The jury were unanimous. The jury sat for -- I think it was seventeen hours, and we had two requests for further information, which the judge and I saw sitting outside the jury room, and in the end, they unanimously found James Earl Ray not guilty of the murder.

Q. Now, Mr. Saltman, moving on, as a result of this experience and your previous

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(901) 529-1999

930

work in the case, did you develop an ongoing interest as to the facts and the details of this assassination?

A. Yes, sir. As I said, the program

took fifteen months from the start, my first trip over here to transmission, by which time, I had got fairly deeply involved with a number of the people peripheral to the case. And, yes, I was on the point of retirement anyway so I had some time on my hands, and in a way, the story also chased me because people knew that I produced this mega program, and people then came to me with different angles or new angles, and it certainly -- the program itself, somebody said it shook a few trees, and one or two coconuts fell out.

Q. All right. So then did you -- because of all of this, did you begin your own independent investigation of this case?

A. Together with an associate, who without stating, lived over here in Memphis. We did follow a number of leads, yes, and it cost me quite a lot of money pursuing leads

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

for no other reason than I was desperate to get to what I believed was the truth.

Q. Right. This section of the plaintiffs' case, Mr. Saltman, deals with the issue of the existence of a person called Raul. Did that individual become a focus of some of your work?

A. That was the sort of second step, second major step. We -- we -- Raul, of course, was a name that had first been broadcast, as it were, in the days when James Earl Ray had been arrested in London, and the name Raul has continued to be part of the -- of the dialogue of this case.

When, as a result of the program, I was approached through an intermediary to meet someone who claimed to have known "the" Raul. I was very interested, and I flew over to meet them.

Q. And did you have a -- a conversation and a discussion with a source who claimed acquaintanceship with Raul?

A. Yes. I had a number of conversations

with someone who claimed that she had known

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(901) 529-1999

932

Raul in the 1960's, yes.

Q. All right. And where did that lead you?

A. It led in various directions. It lead, first of all, as a result of the work of my associate, to getting a photograph of a man, or at least a photocopy of a photograph, of a man we believed was the said Raul, and it also led me to New York state.

Q. Before you went on that path, was this source of yours -- her name has come up in Court -- Ms. Glenda Grabo. Was this source of yours not steering you towards Houston, Texas?

A. Yes. She claimed that her friendship with Raul had all taken place in Houston, and her story was so extraordinary that when I first heard it, I'd have to say that I was profoundly skeptical, but, yes, we did go to

Houston, and there was only parts of the story that I could get corroboration on, but what I found interesting were that the parts of the story that I could corroborate were all corroborated, and, plainly, if you find

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(901) 529-1999

933

as any journalist that if someone -- the bits of the story you can check turn out to be accurate, it leads you to lend more credibility to the rest of the story. So she gained in credence.

Can I also just say one other thing? This lady -- this lady is a very uneducated lady. She left school when she was very young. She had a horrendous life of abuse when she was young by her father and uncle. She would forget things. She's under medication.

And I asked her if she would make notes of things that struck her because I was perhaps coming over every three or four

months. And I said if -- perhaps you'd be kind enough to make notes of things that strike you.

She took this to mean that I wanted her to write her life story, and in what I can only describe as a sort of literary equivalent of Grandma Moses, she wrote her life story, and this life story was quite extraordinary because it is -- it's

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(901) 529-1999

934

semi-literate. It's badly spelled, but it tells of her life story.

The relevant bits are a tiny, tiny part of this, and, again, for me, that led to an enormous amount of credibility because here's a woman who really was not used to doing anything remotely like this who had gone to this much trouble to tell her whole story, for which these key bits were only a tiny part.

Q. That's interesting. And she sent

this to you?

A. She sent me -- she gave me the --
yes. It was written in four thick exercise
books that were two sided. It was -- it was
some work just to read it.

Q. When you went to Houston, did you at
one point or another speak with a former
federal judge who had some knowledge of some
of the events in which this lady spoke?

A. I think he was a state judge rather
than a federal judge, but I stand to be
corrected on that.

I had been given his name through a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

935

contact of a contact and only managed to get
hold of him when we were at the airport
waiting to fly back to Little Rock, and then
drive to Memphis, and I rang him up on the
off chance and said -- asked him if he knew
anything about a man called Raul, and he came
back with a whole raft of material which

astounded me because I gave him no prompting at all other than to ask him if he knew anything about a man called Raul who had been, as he were, moving around in Houston in the 1960's.

He said that he, as a young attorney, had defected a number of drug -- gun runners, I'm sorry, gun runners, and that it was known -- the name Raul came up quite frequently as the, quote, Mr. Big, of the gun runners.

He said, I never met him, but he was quite well known. It was also alleged, he said, that he had been involved with a federal agency in the illicit shipping of arms to the Somoza Regime in Nicaragua.

Q. And did that tend to corroborate

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(901) 529-1999

936

anything that the witness, Ms. Grabo, had told you?

A. Well, Ms. Grabo had told me that she

had acted as a driver for Raul and for his cousin or uncle, Amorro(phonetic), and that he had -- she had driven down to the dock side in Houston. She had been given photographs of the guards on the gates, and only if certain guards were on duty did she then drive in.

And at the bottom of the gang plank of a certain designated ship, there were wooden boxes which she subsequently discovered contained disassembled guns. Not small guns like pistols, as she put it, but larger caliber weaponry.

And it's plainly fitted in with what we had also discovered, that this same Raul that we had met, having seen his naturalization papers -- not his papers, but his application -- we knew that he had been working in an armor factory in Portugal -- in Lisben, capital of Portugal -- prior to seeking American naturalization, and I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

believe there was an FBI note on the papers that suggested it was known that he had been sending disassembled guns out of Portugal at this time.

He was supposedly a mechanic, but I think his papers said he was actually a clerk in charge of the paperwork which enabled him to do this.

Q. Did you eventually meet with this judge in Houston?

A. Yes, I did.

Q. And did he face-to-face confirm to you these details?

A. He confirmed the details to me. I'll tell you the whole story. I was somewhat disappointed because this is not a case that you meet upper middle-class people all the time.

Somebody once said to me in litigation you tend not to meet too many upper-class people. This is a case of an awful lot of people whose words are extremely

dubious.

I thought with this judge we had got

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

938

a wonderful, absolutely bona fide figure.

Now, undoubtedly, he wasn't happy. He was

very, very well respected. He was very well

educated, and I think for twelve or thirteen

years, he'd been a judge of considerable

repute.

I believe personal circumstances

have changed, and I think his career had

taken a very, very steep downward turn. He

was no longer judging. He was earning a

living as an attorney, and was -- he

corroborated everything he said to me on the

phone.

He was not able to give me any solid

leads that I could follow up. He gave me a

lot of names, but they were all people who

either moved off or gone away. Despite many,

many hours of trying to find people on the

phone, I never did.

I was never able to corroborate

anything that he said other than what he said

that corroborated what Glenda Grabo said.

Q. Did you then at some point meet with

a former associate of James Earl Ray's last

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

939

attorney, Percy Foreman?

A. Yes, I did. I went to the company,

which is still called Foreman DeGarren. The

ghost of Percy Foreman hangs large over the

company, big portraits and photographs of him

all around the offices, and I met DeGarren

there, yes.

Q. And was a part of the information

that you had received earlier an indication

of a connection between Percy Foreman and

Ms. Grabo at some point in time?

A. Ms. Grabo had said -- she had told me

as part of her statement that her husband,

Roy, his brother was on a murder charge and

that she had been told that Percy Foreman was the top man in the business and had gone along to see him.

She said that he had said he would charge her five thousand dollars, but that he would give her three thousand dollars back if she were to work for him. She said, I paint houses; what is that going to be -- what use is that going to be to an attorney. He said, well, I want you to do some filing.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

940

I gathered the filing was of a more sexual nature, and this was acknowledged by Mr. DeGarren and that that's really what she was asked to do. She never got the money.

However, when she told Raul -- according to her story, when she told Raul that she was working for Percy Foreman, he apparently lost his temper, and there were furious words between him and Percy Foreman.

Foreman then allegedly rang up

Glenda Grabo and said, your life is in danger. Now, she claimed by that statement -- she was driving her car on one occasion, and her brakes had total failure, and she was very lucky to escape with her life, and when she got this warning that her life was in danger, she sold up her house in Houston and moved to where she lives now.

Q. Did you at one point obtain a drawing of Percy Foreman that he had autographed for Ms. Grabo?

A. Yes. Ms. Grabo gave me -- it was a cartoon of Percy Foreman, and he had inscribed it to her in his own handwriting,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

941

and Michael DeGarren, now the senior partner at the company, confirmed that that was Percy Foreman's handwriting, and that it was exactly the sort of thing that he did with these little bimbos. I don't know what you call them. That is the -- that is the

drawing.

Q. That is the -- that is a copy of the drawing?

A. Yeah.

Q. And is that the signature that was confirmed by Attorney DeGarren?

A. Yes, it is.

DR. PEPPER: Okay. Plaintiffs

move admission of this drawing.

(Whereupon, a document was marked as Exhibit 14.)

Q. Did you undertake any other investigative acts in Houston that made you more -- more comfortable with Ms. Grabo's story?

A. We found where the alleged -- the guns were brought to a house on the dock side there, and we had it pointed out to us where

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

942

these guns were allegedly assembled.

I also went -- I tried to find out

about his -- his cousin, Amorro, and I went to the Seamen's Union and discovered that -- that he was a retired seaman and that he had about three years pension that had accumulated because it hadn't been claimed, and they had no forwarding address.

I found a man -- his cousin or uncle, I'm not sure which, had been in a hospital, and I found him and collected him from the hospital, and he had lived with this man for a few weeks and then had gone to his sister or niece in Brazil, and I got the address in Brazil from him.

I wrote and phoned the lady in Brazil and was told that Amorro had died, so I was then able to let the Seamen's Union know that the pension that had accumulated should go to his estate, or there was no point in paying it anymore.

But I did discover to my satisfaction there was an Amorro who did exist, again, consistent with everything

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

943

Glenda Grabo had said. So this together with the elements and various little pieces began to build in my mind a conviction that a lot of what Glenda Grabo said was true, even though she is a most unlikely source, it must be said.

Q. Though we're not using the last name of the family involved here, let me show you -- it is true, is it, that this Amorro had the same last name as Raul?

A. Yes, he did.

Q. Let me show you a photograph and ask if you obtained -- at some point if you obtained this photograph of the relative of Raul?

A. I obtained four or five photographs, and I think that was one of them. I have to say it's so long since I looked at them, but I -- but that certainly is him.

DR. PEPPER: That's fine.

Plaintiffs move admission of this

photograph.

THE COURT: All right, sir.

(Whereupon, a document was marked as

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

944

Exhibit 15.)

Q. Now, in the continuation of your work, did you at some time, from a source, obtain a photograph of Raul himself?

A. Yes, we did. A contemporaneous photograph or an old photograph?

Q. A photograph of any nature or any type.

A. Well, we obtained a photograph that I believe was the one on his naturalization papers, so that would have been sixty -- sixty-four was it?

Q. Sixty-seven, I think.

A. Sixty-seven is what it was. I'm sorry. With age, my memory is beginning -- we got that, and then we -- having got his address, we then got some contemporaneous

photographs of him.

Q. Right. And when you obtained this photograph, this naturalization photograph, immigration naturalization photograph, did you also obtain information about him? A kind of report about who he is and where he came from and that --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

945

A. Yes. It had on his original home in Lisbon. It had on the date of his passport, the number of his passport. It had on his new social security number and the date he was naturalized, his then address, and then it had -- attached to it also was this FBI comment that it was known that he was shipping arms out of Portugal when he was there.

Q. All right. Did you subsequently learn of a place of employment that was attributed to him?

A. Yes. I was subsequently told where

he was alleged to have worked, yes.

Q. Do you recall where that was?

A. It was a motor company, but I have to say I cannot remember.

Q. I'm going to show you -- at what point did you and or your associates put together this immigration naturalization photograph into a spread of photographs that would be available to show to various witnesses?

A. You're asking me for a date?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

946

Q. Not asking for dates. I'm saying did you --

A. Oh, yes. Sorry. At that state, yes, we did. What -- with having obtained the immigration photograph, what we then did was we got five other similar type photographs, and we made a spread of six photographs which I'm told was the sort of thing the police would do in this sort of a situation, and

then we used that spread to offer it to witnesses to get them to identify the one they thought was the said Raul.

Q. Right. Would you take a look at this spread and tell us if this is the spread that you put together.

A. Yes.

Q. And, secondly, would you identify the immigration naturalization photograph that you received, do you recall?

A. Yes. It's the -- I identify the spread as being the one I showed. Featured there is Carlos Marcello and a lawyer who went to jail for a couple years for helping Mr. Hoffa, but the actual photograph of Raul

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

947

is the middle one on the right-hand side.

That one there, yes.

Q. You're indicating it's this photograph?

A. That's right.

Q. All right. And did you show that spread to various people who had information about this case?

A. Yes. I think I showed it to four or five people who were relevant.

Q. At one point did a former lawyer of -- attorney representing James Earl Ray, representing him around the time of the select committee hearings -- did this attorney happen to see the photograph you've identified?

A. It was complete happen chance. I had been to the prison in Nashville to get James Earl Ray to pick out -- to pick out the face he said was Raul, and I come back to my associate's house, and there were a number of photographs on the table. Not just that photograph, but a number of different photographs, some were the contemporaneous

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

948

ones, various odd photographs we had. I had

taken a lot of photographs where the gentleman lived.

And this attorney picked that particular photograph up, totally unsolicited, and we were actually going out with her partner for a social evening, and she picked the photograph up and said, I saw this photograph in 1978.

And it was particularly resonate because she didn't say, I saw that person; she said, I saw that photograph in 1978, and I was absolutely astonished because here was a direct link of that particular photograph and that person, so it wasn't just any Raul.

This was very specifically "the" Raul.

And I said, what happened, and she said, well, there was a name written on the back of it, and they checked that out, and it turned out to be policeman and had no relevance to the photograph. And I said, well, did you pursue who the photograph was of.

She had been shown the photograph

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

949

by, I think, house investigators who were looking into the house assassination's committee investigation that was going on at that time, and she said she was shown the photograph by one of the investigators, and they had a copy of it in the office.

And I said, did you pursue it, and she said, at that time we had no money backing us at all. James Earl Ray obviously was in no position to pay, and we just did not have the money to hire private investigators to go checking so, no.

Why it particularly resonated with me was because when I went into the prison with a -- what you call it -- a notary to try and get James to make a statement about, you know, who he thought was Raul. As well as picking that person up, he said that photograph was around in 1978. I was shown it then by the house investigators.

Now, these are two people completely
disparate, completely separate, no possible
contact at all, one in Memphis, one in a
prison in Nashville who both identified not
DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

950

just the person, but the specific photograph,
mug shot, and I have to say that I found that
very convincing.

Q. Yes, indeed. You showed this
photograph to James Earl Ray in a prison
cell. Did you show him the individual
photograph, or did you show it to him in the
form of a spread?

A. No. Very specifically, I showed it
to him as a spread with the notary as a
witness. James Earl Ray had been under
instructions from his attorney not to sign
anything, which made my life a little bit
difficult. But what I did, I -- the prison
authorities allowed me to take a tape
recorder in with me, and I got James -- and I

still have that tape -- to identify clearly on tape that that photograph, the one I identified, was the Raul that he met in the Neptune Bar in Canada and subsequently drove a car for and gave the rifle, the .30-06 rifle, to in Birmingham, Alabama.

And I have that tape recording still, but I also then got the notary who

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

951

witnessed this to go to another public notary and swear an affidavit to the effect of what he had seen and heard -- that James Earl Ray, in his presence, had identified that particular photograph.

Q. I see. Moving on then, did you at some point having accumulated this information, endeavor to contact Raul?

A. Yes, I did.

Q. And did you speak with him on the telephone?

A. Initially, I did. I rang him from my

home in England, and as luck would have it, I picked a bad day. It was his daughter's wedding day. And I said that I had met his cousin in England because his cousin was a merchant seaman and obviously traveled the world as a merchant seaman, and I said that I met his cousin, which was not totally true, I'm afraid.

But I said that I had met his cousin and I was trying to contact Amorro, and he said, yeah -- well, I can't remember the words, and I wouldn't want to mislead

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

952

anybody. I can't remember the words. This was a long time ago.

And he -- but he left me no doubt at all that what he was acknowledging -- that he had a relation with Amorro, who was in Houston, and he further acknowledged that he had been in Houston himself.

He then said, I'm sorry, I can't --

there was pandemonium in the background.

There was an awful lot of very excited voices, which is not surprising being the bride's house just before the wedding, and he said, you know, can you possibly contact me again, and I rang off.

Q. Right. Did you attempt to contact him again?

A. Some months later. I can't remember how long. Some months later, I went around to his house in New York state and knocked on the door, and the door -- if I can explain -- was -- there was a wrought iron grille type door, and then there was a sort of mesh glass door, a glass door with a mesh on it. They could obviously see out, but all I could see

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

953

was a sort of dark interior of the house with shapes. That's all I could see.

First of all, a lady came to behind

the door and started hailing what I can only

imagine was abuse. It was in Portuguese. It sounded like abuse. It was in Portuguese, and my Portuguese is nil.

Then she was sort of pushed aside by someone I assume to be the daughter who got married. She was dressed in white, and I could see her white outline, and she spoke perfect English, and she told me to go away, what did I want, and I was being a nuisance. I explained that I was an English journalist, that I had had various allegations made to me about her father, and all I wanted to do was to sit down with her father. If he wanted, by all means, to bring an attorney along and sit down with him and his attorney so I could put the points to him that I had had made to me and get his answers.

And I said that if I was convinced at the end of that conversation that it was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

the wrong Raul and he had nothing at all to do with this that I would leave them alone and never get anywhere near them again.

She told me that her father was indisposed. Now, I knew that was untrue because I could see vaguely a figure of a male, and I could hear loud state whispers, and I was fairly sure that was Raul.

In the meantime, the mother had come around to a side window and was taking photographs of me through the side window.

For what reason, I have no idea. And the daughter kept saying that I wasn't doing my job properly, and I said, well, I'm trying to do my job properly by checking the facts because that's what I do.

I don't go dashing in, you know. We don't sort of get a story today and print it tomorrow. My protos take a year in gestation. So about the same time, it's not anything really.

And then, you know, I said I was trying to check my facts, and all I wanted to

do was to speak to her father. She didn't

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

955

want to know about this, said her father was indisposed.

Then I said, would you have a look at this photograph and confirm -- or with words to this effect -- that this photograph is your father, and she said something to the effect that -- that anybody could get naturalization photographs, and if I could get that, then I could get all the other answers to what I was chasing anyway and not to bother them, something to that effect.

She left me no doubt at all that she had positively identified -- I didn't show her the spread. I showed her an enlargement of that photograph.

Q. You just showed her a single photograph?

A. Yes. Yes. There was no point in asking her to pick out father because I now

believe that was her father. That seemed to be an academic exercise, so I showed her a blow up of that -- well, in fact, the original size we got it, and I was convinced, as a result of this conversation -- I felt a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

956

bit silly talking through this door. It was like talking to a wooden door.

And I did -- I had taken a precaution, journalist precaution, because I did want to get more photographs of Raul to try and get people to ID him, and I had hired a photographer with a long telephoto lens, and in the end I said, look, I will give you a mobile telephone number; please, ask your father.

I'd thrown in various names of people that I had associated with Raul in the hope that I would stimulate sufficient interest or concern that he would at least want to talk to me, and I gave them the

mobile telephone number. I have to say I did not give him the hotel we were staying at because I think I was a little bit scared really.

Q. Okay.

A. And then -- and then I left my visiting card in the post box outside, and after we had driven away, we got photographs of the daughter in white getting the card out

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

957

of the post box and going in the house.

The following day, I rang Raul from the mobile, and I spoke to him for about ten seconds, and, basically, he just hailed abuse at me and slammed the phone down.

I rang back about ten minutes later hoping he'd cool down and said, look, all I really want to do is just have a conversation, a sensible conversation.

If you're totally innocent, what have you got to fear? If you're not involved

in any of this, the sensible thing -- now, I've had forty years in journalism, and I have spoken to an awful lot of people, many of whom were villains, but many of whom were innocently involved and caught up in something, and the people generally are more than happy to sit down and tell you their side of the story.

And quite often, you say, well, I'm sorry I troubled you, I really am, you know.

The last thing I want to do -- the reason we never went public with the name, nor ever have done, was because I never felt I got the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

958

final piece of the jigsaw, and because I hadn't got that, I thought it would be wickedly irresponsible to go public with this person and possibly give them a lot of grief. That's the job of the law, not of a journalist like myself.

Q. Could you just --

A. Sorry.

Q. Could you just -- that's all right.

Could you just describe -- it's very helpful. Could you just describe again for the jury, so it will help them with the visualization, of the door and where the daughter was standing and what was between you and her, and the second part of the question is, are you convinced that she could clearly see the photograph that you showed her?

A. Yes. The -- it was a modern house in a row, quite expensive houses. Although, this was one of the more modest houses in the row. It was by itself. There was quite a gap on both sides. There was, I think, three or four steps up to the front door. The

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

959

front door had an iron grille, an ornate grille, not a sort of embellished grille, just a real sort of ornate thing you see in

Spain quite a lot, decorative grilles, and then there was a sort of a glass door with a sort of mesh substance.

Now, I could see the shape quite clearly inside, but it was dark inside.

Outside -- of course, I was in daylight, and there was no doubt at all that she could see whatever I was showing her outside. She didn't say, I can't see the photograph or anything like that. She acknowledged seeing the photograph by her answers.

Q. And you are convinced that when she saw that photograph, she acknowledged that that was a photograph of her father?

A. I came away absolutely convinced that she had acknowledge that. Yes, sir, I did.

Q. Mr. Saltman, did you memorialize that conversation at the front door with her?

A. By memorialize, you mean did I write it down?

Q. Did you record it?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

A. Record it, sorry. Yes, we did. Yes, I'm sorry. Yes, sorry. It wasn't really high-tech I'm afraid. It was just a little old tape recorder that I had with me which I had in my pocket.

Yes, I did record it. This is my own safety because, you know, people sometimes say I was harassing them or whatever, and I just wanted to make sure that there was no -- on tape -- anything remotely like that.

Q. This is routine practice for you in pursuing your profession?

A. Well, I should think most journalists, radio, television and print these days, carry tape recorders. One, to get an accurate version of what people say.

The days when journalists like me had to learn shorthand are long since gone. Yes, in the modern technology, it is standard.

Q. Mr. Saltman, I'd like you to listen to a tape recording which you have provided

to us and see if you can authenticate it for
the Court and the jury.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

961

(Whereupon, a portion of an
audiotape recording was played.)

Q. Would you identify the other voice on
the tape, please.

A. That's the voice of my associate,
Kenneth Herman, who -- with whom I've been
working on this story for an awful long
time. He was a private detective. He's now
retired to Florida, and that's his voice. He
came with me to the door.

Q. Was anyone else with you at the door?

A. No, no one at the door. Just Kevin
and myself.

DR. PEPPER: Okay.

(Whereupon, a portion of an
audiotape recording was played.)

DR. PEPPER: Your Honor?

THE COURT: Yes.

DR. PEPPER: While the technician sorts out some of the -- of the interference here, could we take a brief recess?

THE COURT: Yes, sir.

(Whereupon, a recess was taken.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

962

THE COURT: Bring in the jury.

(Whereupon, the jury returns to the courtroom.)

DR. PEPPER: Thank you, Your Honor. In order to save the Court's time on this last day before the holiday, what we've done is to move this tape, authenticated by the witness, up to a very critical point where he shows the photographs and asks the daughter to look at it.

We will leave -- enter the tape into evidence, Your Honor, and move to have it entered into evidence afterward and leave it available to the Court and the jury to listen

to through headphones at any time if they want to, but, for now, let us just move us up to that point in time.

(Whereupon, a portion of an audiotape recording was played.)

DR. PEPPER: Will you repeat that?

(Whereupon, a portion of an audiotape recording was played.)

DR. PEPPER: Once more.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

963

THE COURT: Just a moment.

Before you play it again, can you all agree on what she's saying?

DR. PEPPER: Counsel, do you want to --

MR. GARRISON: Your Honor, I understand what she said.

DR. PEPPER: We believe she's saying: You got a photograph from a naturalization file or thing, and anybody

could get that photograph. Then she goes on to say: If you got that photograph, you can get other information that you want.

THE COURT: I can't understand a word she's saying.

DR. PEPPER: Let's try --

(Whereupon, a portion of an audiotape recording was played.)

DR. PEPPER: Okay.

THE COURT: All right.

Q. Okay. Mr. Saltman, this is the conversation that you recall?

A. Yes, it is. Yes, sir.

Q. And you recall this response from

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

964

her: You got this photograph from a naturalization -- sounded like -- thing?

A. That's right. It's a photocopy of the photo that was used for his naturalization papers.

DR. PEPPER: All right. Okay.

Nothing further. Nothing further, Your
Honor.

THE COURT: All right.

Mr. Garrison?

MR. GARRISON: Your Honor, I
have no questions. Thank you.

THE COURT: All right. Thank
you very much. You can stand down now, and
you are free to leave if you'd like, or you
can remain in the courtroom.

THE WITNESS: Thank you, Judge.

(Witness excused.)

DR. PEPPER: Your Honor,
plaintiffs move admission of this tape into
evidence.

THE COURT: All right.

(Whereupon, an audiotape was marked
as Exhibit 16.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

965

THE COURT: Call your next
witness.

DR. PEPPER: Yes, Your Honor.

This section of plaintiffs' case deals with the broader conspiracy in the development of the case of unknown co-conspirator defendants.

Plaintiff would like to move into evidence an article that was published by the Commercial Appeal on Sunday morning, March 21, 1993. I'd like to read into the record just one short portion of that article, and then turn the entire article over to the pile of evidence.

That is this section: On March 31, the president of the United States became a casualty of Vietnam. Johnson announced he would not seek reelection. On April 3rd, King returned to Memphis, Army agents from the 111th military intelligence group shadowed his movements and monitored radio traffic from a sedan crammed with electronic equipment. Eight -- eight Green Beret soldiers from an operation detachment Alpha

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

966

180-14 were also in Memphis carrying out an unknown mission. Such A-teams usually contained twelve members.

Plaintiff moves this entire article into admission.

(Whereupon, a document was marked as Exhibit 17.)

DR. PEPPER: As a result of this publication, which itself followed an eighteen-month investigation of the reporter, Your Honor, plaintiffs' counsel became involved in this aspect of the case and settled a procedure whereby evidence could be developed, and I would like to just move the admission of an affidavit into evidence with respect to the procedures that were followed by counsel in obtaining this evidence. I will only read a portion of the affidavit that deals with those procedures.

THE COURT: Affidavit by whom?

DR. PEPPER: Excuse me?

THE COURT: Whose affidavit is
it?

DR. PEPPER: May we approach?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
967

(Whereupon, a conference at the
bench was held outside the hearing of the
jury.)

DR. PEPPER: With the Court's
permission, I'll continue.

THE COURT: All right, sir.

DR. PEPPER: Paragraph 10:

Initially, in response to precise question --
well, let me start with nine.

From late summer of 1993 through
August of this year, 1995, the time this
affidavit was developed, I have helped Doctor
Pepper in his work.

Initially, in response to precise
questions, I've provided him with detailed
background information. Also at his request,
I carried specific questions to a number of

the covert Army team, which was in Memphis on that day of the assassination.

This soldier, who now lives outside of the United States, knew of Doctor Pepper and agreed to -- he agreed to answer his questions. Because Doctor Pepper is a lawyer and, in particular, James Earl Ray's lawyer,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

968

he would not agree to meet face-to-face with him. I have known this former Green Beret now for a number of years and have always found him to be truthful and reliable.

On behalf of Doctor Pepper, I traveled to see him on several occasions, taking with me detailed questions about the mission in Memphis and other assignments of his during 1967 to '68. After each trip, I was debriefed by Doctor Pepper, usually face-to-face, and subsequently in numerous telephone conversations.

Both the questions and the

debriefings were detailed and comprehensive.

The soldier would never volunteer information, neither would he speculate. If he didn't know the answer, he would say so, and, occasionally, he refused to comment. I believe that he was true to form, truthful and candid in the responses he gave.

Since I was unfamiliar with much of the subject matter, I was not in a position to lead the soldier or influence his answers. That was the procedure that was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

969

followed over quite a period of time, and this affidavit was executed on 11 September, 1995.

With the Court's permission, I'd move its admission into evidence as well as other documents that we will cover in the course of this examination. We will, however, also with the Court's permission and agreement with counsel be redacting names of

individuals in these documents for their own safety and security, but to enable the Court and the jury to have access to the documents.

THE COURT: Okay. You have the Court's permission.

(Whereupon, a document was marked as Exhibit 18.)

DR. PEPPER: Plaintiffs call their next witness, Professor Clay Carson.

CLAY CARSON, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY DR. PEPPER:

Q. Dr. Carson, good afternoon -- barely

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

970

afternoon. Thank you for joining us here.

You've come some three thousand miles, and I know that time is precious in terms of your schedule, so I'd like to just move ahead.

Would you please state your full

name and address for the record.

A. Clayborne Carson, Palo Alto,
California.

Q. And what is your profession?

A. I'm a professor of history at
Stanford.

Q. And what do you -- what is your
relationship to the works and life of Martin
Luther King, Junior?

A. I'm the editor of Martin Luther
King's papers, and I'm director of the Martin
Luther King papers project at Stanford.

Q. And how long have you been in that
position?

A. Fifteen years.

Q. And have you published various works
on Doctor King's work and life?

A. Yes, I have. I've published, I
think, edited or authored five -- I think

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

971

five books on Martin Luther King.

Q. All right. And is the King papers project at Stanford University an ongoing project?

A. Yes, it is. It's a long-term project to publish all of the historically significant papers of Martin Luther King.

It's been going on for fifteen years. It will probably go on as long as I go on.

Q. And in your capacity and as part of that project at Stanford, do you have the process of collecting documents and materials of all sorts of natures related to Doctor King's life, work and death even?

A. Yes, sir. The purpose of the paper is -- papers project is to assemble all of the historically significant papers from archives around the world. We've contacted probably some two hundred or more archives to make sure that we have all of the historically significant papers. Obviously, the largest collections are those at the King Center in Atlanta and at Boston University.

Q. Right. And as a part of that

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(901) 529-1999

972

responsibility, did you receive from me certain documents, certain reports, with respect to the assassination of Martin Luther King?

A. Yes, I did.

Q. And it should be clear to the Court and Jury that you are not in any way involved in attesting to the accuracy or the validity of this information, but you are simply reporting on what it is that you have received; is that correct?

A. That's right.

Q. So we're asking you to do that in a professional capacity and in line with your role as editor and director of the King papers project.

With that background, Professor Carson, I'd like you to move, please, to the first set of responses in the documentation that I've provided to you and of the project

that I addressed to a resource who was
traveling and providing me with information.

The Court and Jury have become aware
with how that process worked so we just need

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(901) 529-1999

973

to go into a question and answer mode here.

On Page 2 of -- well, on Page 2 of

the questions and whatever page of the

response, I'd ask you to turn to Paragraph

2.1.4, and the question that was asked to be

answered was: Was the operation, in re, our

target, a one op, or were there other similar

operations? If others, any details

possible. Please, at least learn if they

were domestic, foreign or both.

What is the answer that you have?

A. Answer: Lots of other ops

nationwide. These are the ones I was at,

summer of 1967 -- parentheses, June 12th

through 15th, 1967 -- Tampa, Florida. Two

Alpha teams deployed during riots. Detroit,

summer, July 23rd, riot. Washington,
October 1967, riot. Chicago, just before
Christmas, 1967, recon. February 1968, Los
Angeles.

Q. Thank you. Question 2.1.5: When was
the instant operation? The instant operation
is the Memphis operation against Martin
Luther King. When was the instant operation

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

974

first raised with him, that is, the source.

A, where and by whom? Answer.

A. Answer: Date unknown. Place, Camp
Shelby, Mississippi. Briefed by Captain
Name. First, a recon-op -- not sure when
killing King first mentioned.

Q. What -- 2.1.6: What were the first
details of the operation scenario put to
him? A: Was target named?

A. Yes, King. Another answer.

Q. Yes. Please continue.

A. Young added later.

Q. First answer, King. Young added

later.

B: What was site?

A. Site not set. Depended on our intel and recon. We positioned at rooftop ascent across Lorraine motel about 1300 hours, 4 April. Don't know why or how intel came in.

At brief, 0430, reminded Doctor King was the leader of a movement to destroy American government and stop the war. We were shown CR, close range photos, of King and Young. Don't know -- don't remember

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(901) 529-1999

975

anyone worrying about killing those sacks of shit.

One bud -- buddy on Team 1, remember bragged about him, had him in center mass, parentheses, this is a sniper term meaning cross hairs and center of chest. During that big March in Alabama, should have done it then.

Parentheses, Bill, I did some checking from my files. There is a John Hill listed among the 20th special forces teams that was deployed in Selma, Alabama in 1965 for the beginning of the march to Montgomery.

I interviewed two of the team members who were there, and they said a sniper team had King in their scope until he turned left and crossed the bridge. This may be the same Hill on main team. None of the other names match.

Another Name -- parentheses, that's me -- asked about clothes. We were dressed as working stiff's working on the docks.

Parentheses, I believe this means their cover

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

976

was day laborers on President's Island where the riverboat barge and the warehouses are located, end parentheses.

Equipment was stored in suitcases,

moved along, came up in cars from Camp
Shelby. Only place I remember eating in
Memphis was a Howard Johnson's.

My spotter and I were met by a Name
down near the train tracks where we were let
out. I remembered this guy because he looked
a lot like a buddy -- parentheses, buddy of
mine. This guy got us to the building where
we set up. I always figured he was a spook.

From him, we got a detailed AO --
parentheses, area of operations map -- not
the kind you'd buy in a gas station, pictures
of cars the King group were driving, and the
guy got us to the building where we set up.

I always figured he was a spook.

From him, we got a detailed AO --
parentheses, area of operations map -- not
the kind you'd buy in a gas station, pictures
of the cars the King group was driving and
the Memphis police tact -- parentheses,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

977

tactical radio frequencies. Maybe some other stuff, I just don't remember.

Q. C: Any explanation of reason?

A. Name gave none.

Q. D: Any indication of sanction by or involvement of others, one at federal, state or local levels?

A. Everybody but my brother was there.

Spooks, the company -- parentheses, CIA -- Feebs -- parentheses, FBI -- police, you name it.

The only person I remember talking to besides CO, Name, was some guy who was the head of the city -- parentheses, Memphis tact parentheses -- tactical squad. I think his first name was Sam.

Name put him on radio to describe to us what was in that hotel -- parentheses, Lorraine. I do remember he saying friendlies would not be wearing ties. Took that to mean that somebody inside the King group as informant.

Did meet in person one other guy.

Met him on sidewalk down couple blocks from

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

978

our perch. Directed by Name. This guy

identified himself with the police

intelligence. Said city was about to

explode, and blacks would be murdering whites

in the streets.

After a few minutes, I figured was

asking me to sit tight and kill any rioters

if things went to hell. He seemed to know

something about us and said had met with Name

before this day.

Q. E: Was operation pure military, any

involvement of FBI, state police, local

sheriff's, poster police, civilians, anyone

in targets organization?

A. Our part military. Far as I know, we

were coordinating with units at NAS. This

would be Millington Naval Air Station.

Q. Okay. Move over to the response to

Question 3, please. Was he aware of any

support from inside Doctor King's organization, SCLC, or inside the local Memphis groups working with Doctor King?

Details and names if possible.

A. Scuttlebutt was 111th -- parentheses,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

979

military intelligence group out of Fort McPherson -- had guy inside King's group.

Q. Moving to Number 7. Did he actually see anything at the time of the shooting?

Where was he precisely?

A. I thought Team 1 had fired early. I guess I still think they may have. After that day, I only saw Captain Name twice more, and both times, he refused to talk to me about what happened.

After the shot, I keyed --

parentheses, radioed -- CO to ask for

instructions, and after a wait --

parentheses, I think this means Name told him

to wait -- was told to exit building and make

our way to pick-up point.

If this helps, I heard a lot of gunfire, and I think remembering -- I remember thinking it was an Army sniper shot. It surprised me later when I heard some wacko civilian had done it.

Name described the shooting to me, and let me tell you this. Whoever fired that shot was a professional. Even from three

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

980

hundred meters, there's no way just anyone could make that shot.

Q. Eight: If the military unit did it, how does he explain the head shot, and their not waiting for the coordinated hits from the second target, A-Y, after Young?

A. When you have everybody's hands in someone's pants, it's a cluster fuck. That's what happened in Nam -- what happened here.

Q. What kind of weapons were they carrying?

A. Standard forty-five caliber sidearms,
M-16 sniper rifles and some K-bars --
parentheses, this is a military knife. We
also had some frags -- parentheses,
fragmentation grenades -- and two or three
laws, light anti-air -- anti tank weapon
rockets.

Q. Ten: How did the two teams
communicate with each other? When was the
last contact prior to the killing?

A. By radio. The shot was fired just
after the TTR -- parentheses, top of the hour
I guess this means, 1800, end parentheses --

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(901) 529-1999

981

sit rep -- parentheses, situation report.

Q. Eleven: Set out details of their
exiting Memphis, how -- where they went.

A. Exit by foot to waiting boat.

Q. Finishes the first section. Now the
second -- second series of questions and
answers. We'll just move through these.

Number 1: Where was Young?

A. Best I remember, a bunch of them had been upstairs. My spotter got Young when they all left. He went downstairs. He had come out of his room below and looked like to me was heading for the -- a car when the shot was fired. We were just getting ready to do the sit rep. He was definitely out of his room.

Q. Second page, 2.15 and 2.16: What was the nature of the training -- real purpose training?

A. This was a recon, slash, surveillance mission to support major Army element at Millington and possible deployment of other heavy units, dash, one of the dozens in cities with large black populations.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

982

We were walking the ground literally. We would walk city streets to identify possible sniper and ambush sites,

anything that would help the guys coming into a riot to survive.

Target reduction -- parentheses, Bill, he means killing Young and King, end parentheses -- was discussed as an option should the situation go in the toilet, and we had a riot on our hands in the AO -- parentheses, area of operations. Then and only then was that option briefed.

You need to talk to him -- parentheses, he's referring here to you, end parentheses -- about how a military mission is done. Logistics, intelligence, communications which make up seven-eighths of a mission. What I'm saying is that target reduction was brief, but we had to get to a riot before it was authorized on the net.

Do you want me to go on?

Q. Yes.

A. Here Name digressed into an argument over radios. Said team had PRC 77's,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

983

although wanted more sophisticated AN, slash, PRC 117. Caused big argument because they couldn't get them. Said PRC 77's unreliable. Out of -- on that roof that evening, we were watching. I had Young targeted, but only to watch.

Q. Then moving down -- Bill, I asked here about the psychological warfare photo recon stuff at this point. Continue.

A. Big psy-ops (phonetic) plan to discredit King and his party using any means at hand. We weren't told much about this, but, again, SOP with fifth special forces was psy-ops included and everything.

M-A-C-V-S-O-G had long time begged into this.

We call this, quote, gray operations and spreading propaganda to newspapers and radio stations. This was done a lot against black pot-heads. I wasn't involved in this, but I kept my ears open, and this was a big push.

Any intel we picked up to help this

effort out was passed back up the chain. Not

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(901) 529-1999

984

sure about reserved element of psy-ops. Most

guys in Nam I knew worked for the fourth

psy-ops group at Teng Sau Nu. I know there

they ran their own newspaper, radio and TV

operations.

Q. Yes. 2.1.7: When was Memphis first

mentioned?

A. Not sure. Original brief of

twentieth recon operations including --

included Memphis among cities where possible

rioting was possible at Camp -- Camp

Landing. Parentheses, Bill, this is in

Florida, end parentheses.

Memphis was scouted 22 February by

Alpha team for sniper communications and

supply sites. We had a lot of stuff going

in, but previous recon produced a lot more.

What we were doing is similar to

Nam. Maps, terrain studies, readouts of infrared imagery from aerial recon blackbirds -- parentheses, Bill, he's referring to SR 71 blackbird over flights of Memphis and other potential riot cities, this mentioned in my series, end parentheses --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

985

and anything else we could find, which we shipped to S2 and Nam Trang.

Here we shipped to Camp Shelby S2.

Where intel went from there, I'm not sure.

Q. 2.1.8: Who was in charge of training?

A. Name Captain.

Q. How long was the training period?

A. Can't remember. Too long ago. Too many missions before and after.

Q. During training -- 2.1.13: During training, who were you told were targets?

A. We were told these were recon missions whose purpose was to reverse the

cluster fuck in Detroit where our guys didn't even have maps of city streets. Our mission was to walk the ground before the heavies -- parentheses, Bill, means tanks and APCs here -- got there.

Training was entirely based on identifying communications links, supply sites, places where troops could be quickly and safely inserted where the black community was, where black churches were, where black

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

986

leaders congregated -- parentheses, restaurants, churches.

Q. 2.1.14: Other members of team

involved other sites.

A. Worked with Captain Name in Tampa.

Q. 2.1.15. Were all those 9-0 second operations?

A. Don't know and don't care. What I know is this. You start asking a lot of questions about the 9-0 second -- he

pronounced ninety-deuce -- you'd better be digging a deep hole.

Parentheses, Bill, he was very reluctant to discuss 9-0 second. I tried several times in this interview to broach subject. He refused to.

Q. 2.1.16: Who controlled training and actual operations?

A. Team leader and his exact control.

Q. 3.2: Who was on the February 22nd Memphis recon mission?

A. I was on it. Will give other names if agreed they not be made public.

Q. 3.3: Did entire unit go together to

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(901) 529-1999

987

Memphis on 4 April or separate? Explain.

A. No. We went in separate cars in two's.

Q. 3.4: What time leave Camp Shelby from Memphis?

A. Don't remember.

Q. 3.8: You're referring to this Name fellow -- I'm sorry. 3.8: Who did spook on ground work for?

A. You're referring to this Name fellow who met us down by railroad yards. Guy smelled like a company guy. We had maps, but this guy gave us a detailed map of the AO -- parentheses, area of operations -- not a regular service station map. This was like a grid map you got in the field with street and building names.

Anyway, this Name, I think it was James reminded me of a friend. I got no proof though, but he was definitely a spook.

Q. 3.9: Details of conversation.

A. You got to be kidding. We just talked about the current situation, our location and radio net.

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(901) 529-1999

988

Q. And then questions 3.9 to 3.14.1: No answers?

A. Parentheses, Bill, these questions,
he simply could not remember.

Q. That finishes the second section.

Lastly, Professor Carson, you have a
one-page report of a meeting that took place
in Chicago, also at plaintiffs' counsel's
request, having to do with the location of
some photographers on the roof of the fire
station in Memphis.

Would you read that report, please.

A. Trip to meet Name, 1 December, 1994,
Chicago. Location, Hyatt Regency, downtown
off Michigan Avenue. Breakfast, slash,
lunchroom off of lobby.

Description, about five-feet-ten
inches, one-sixty to one-seventy pounds.

Gray, short chopped hair, nice suit --
parentheses, Brook Brothers style -- wing
tipped shoes, erect, obviously ex military.

Said in Vietnam assigned first
SOG -- parentheses, special operation
group -- base, Kan Tu, worked 525th

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(901) 529-1999

989

psychological operations battalion.

Refused to discuss place of birth,

date of birth or other personal info.

April 3, 4 weekend, 9-0 second operation.

New Colonel Name, worked with him number of

assignments. Two agents in Memphis day of

killing. Therefore, routine photos and

surveillance copied to Name and Name --

Q. Yes.

A. -- believed distributed to other

agencies. Idea to pick up anyone in photos,

might be identified as communist or national

security threat -- such H-U-M-I-N-T-S-O-P in

King's surveillance.

When King came out on balcony,

camera was filming. No photo moment King

shot, but several of him falling.

Second guy with Name watched

approaching cars, heard shot and saw white

man with rifle. Quickly snapped his picture

several times as this guy left scene.

Shooter was on the ground clearly visible.

Name witnessed only his back as left scene.

Said never got a visual face ID.

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(901) 529-1999

990

Name and second guy rooftop of fire station, both armed with forty-five caliber automatics. Second guy carried small revolver in holster, small of back.

Pictures hand delivered to Colonel

Name, but second guy with Name kept negatives. Name has no copies. Said will approach second guy for two thousand dollars, give us name and address.

DR. PEPPER: Thank you very much, Professor Carson.

There is a final document, which is a chronology of important dates, that has been provided to us from January 17, 1967 to the 4th of April listing dates, times and places and subjects of meetings that took place in government agencies throughout that

entire year.

We're not going to go through that here, but I am going to close that and move that that be admitted as a part of the total package of evidence.

Thank you for coming, and no further questions.

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991

MR. GARRISON: I have no questions, Your Honor.

THE COURT: All right. You may stand down.

(Witness excused.)

THE COURT: Let me ask you, have you got anything really short?

DR. PEPPER: I'm afraid not,

Your Honor. I'm sorry.

THE COURT: I know how sorry the jurors are to hear that.

Okay. Ladies and gentlemen, we're going to stop here today. I know there are

several of you who want to get started for
the holiday. I hope that you all survive it
and that we'll see you early Monday morning.

(Whereupon, court was adjourned,
and proceedings were to be resumed Monday,
November 29, 1999.)

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992

IN THE CIRCUIT COURT OF SHELBY COUNTY,
TENNESSEE FOR THE THIRTIETH JUDICIAL
DISTRICT AT MEMPHIS

CORETTA SCOTT KING, MARTIN

LUTHER KING, III, BERNICE KING,

DEXTER SCOTT KING and YOLANDA KING,

Plaintiffs,

Vs. Case No. 97242-4 T.D.

LOYD JOWERS and OTHER UNKNOWN

CO-CONSPIRATORS,

Defendants.

TRANSCRIPT OF PROCEEDINGS

November 29, 1999

Volume VIII

Before the Honorable James E. Swearngen,

Division 4, Judge presiding.

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RICHBERGER, WEATHERFORD

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993

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DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

994

- INDEX -

WITNESS: PAGE

WILLIAM B. HAMBLIN

DIRECT EXAMINATION

BY MR. PEPPER:..... 998

CROSS-EXAMINATION

BY MR. GARRISON:..... 1013

REDIRECT EXAMINATION

BY MR. PEPPER:..... 1015

JAMES JOSEPH ISABEL

DIRECT EXAMINATION

BY MR. PEPPER:..... 1016

CROSS-EXAMINATION

BY MR. GARRISON:..... 1024

JERRY WILLIAM RAY

DIRECT EXAMINATION

BY MR. PEPPER:..... 1026

CROSS-EXAMINATION

BY MR. GARRISON:..... 1063

WILLIE B. RICHMOND

DIRECT EXAMINATION

BY MR. PEPPER:..... 1086

CROSS-EXAMINATION

BY MR. GARRISON:..... 1099

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

995

- INDEX CONTINUED -

WITNESS: PAGE

DOUGLAS VALENTINE

DIRECT EXAMINATION

BY MR. PEPPER:..... 1101

CROSS-EXAMINATION

BY MR. GARRISON:..... 1110

REDIRECT EXAMINATION

BY MR. PEPPER:..... 1110

CARTHEL WEEDEN

DIRECT EXAMINATION

BY MR. PEPPER:..... 1111

CROSS-EXAMINATION

BY MR. GARRISON:..... 1120

WALTER E. FAUNTROY

DIRECT EXAMINATION

BY MR. PEPPER:..... 1123

CROSS-EXAMINATION

BY MR. GARRISON:..... 1143

REDIRECT EXAMINATION

BY MR. PEPPER:..... 1148

APRIL R. FERGUSON

DIRECT EXAMINATION

BY MR. PEPPER:..... 1155

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

996

- INDEX CONTINUED -

WITNESS: PAGE

JAMES E. ADAMS

DIRECT EXAMINATION

BY MR. PEPPER:..... 1167

CROSS-EXAMINATION

BY MR. GARRISON:..... 1175

YOLANDA KING

DIRECT EXAMINATION

BY MR. PEPPER:..... 1177

TRIAL EXHIBITS PAGE

Exhibit 19..... 1051

Exhibit 20..... 1054

Exhibit 21..... 1085

Exhibit 22..... 1099

Exhibit 23..... 1165

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

997

P R O C E E D I N G S

(Jury in at 10:15 a.m.)

THE COURT: Good morning, ladies
and gentlemen.

THE JURY: Good morning.

THE COURT: It seems that
everyone is all present and accounted for.
Mr. Jowers, the defendant, is still having
some health problems, but we're going to
proceed in his absence. And as soon as he's
able, he'll return. He's still concerned
about the action against him so don't take
this as -- don't interpret it as he's
indicating he's not interested. He is, but
his health is keeping him.

All right. Mr. Pepper, are you
ready to proceed?

MR. PEPPER: Yes, Your Honor.

THE COURT: All right, you may.

MR. PEPPER: Your Honor,

plaintiffs call as their first witness today

Mr. William Hamblin.

WILLIAM B. HAMBLIN,

having been first duly sworn, was examined

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

998

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good morning, Mr. Hamblin.

A. Good morning.

Q. Thank you very much for coming here
this morning. I know you haven't been well.

A. No, a little under the weather.

Q. I appreciate your making the effort
to come by and be with us. Would you please
state your full name and address for the
record?

A. William B. Hamblin, 322 South
Camilla, Apartment 302.

Q. In Memphis?

A. Right.

Q. How long have you lived in Memphis,

Mr. Hamblin?

A. Oh, probably about -- I came here in

'63.

Q. Been here a good number of years?

A. Yes, sir.

Q. And what is your present occupation?

A. I'm a part-time security guard.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

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999

Q. You're a part-time security guard?

A. Yes.

Q. In the city?

A. Yes.

Q. And prior to being a part-time

security guard and taking on that position,

were you -- what else did you do previous to

that?

A. Well, I drove a cab for many years,

and I worked as a barber for approximately

ten years -- something like that.

Q. You were a barber for approximately ten years and you drove a cab --

A. Right, off and on.

Q. -- off and on for a number of years?

A. Right.

Q. And which company did you drive the cab for?

A. I drove for Veterans and Yellow.

Q. Both of those cab companies.

A. Right.

Q. Now, in the course of your cab driving activity and your work there, did you come to know a cab driver named James McCraw?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

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1000

A. Yeah, I knew him well.

Q. And did you in fact share digs or share rooms with McCraw?

A. Well, I rented him an apartment one time. I had an apartment house, and I rented him an apartment. And I lived in the same apartment building with him a couple other

times.

Q. How long would you say you knew

Mr. McCraw -- over what period of time?

A. Oh, probably about 25 years.

Q. So you knew him over 25 years.

A. Yes, sir.

Q. Did you know him after the date in

question in this case, after the

assassination Dr. Martin Luther King?

A. Yes, sir, I met him after the date.

Q. You met him afterward?

A. Yes.

Q. And you knew him for all of those

years after the assassination?

A. Yeah, it was after the

assassination. I drove a short time before

the assassination, but I wasn't driving at

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1001

the time the assassination happened.

Q. Right. But you new Mr. McCraw during

that period?

A. Right.

Q. Did you not only know him but were you actually living with him or close to him in the same building?

A. Well, we shared the same apartment building more than three times, and he lived with me a couple of times when he would get down on his luck.

Q. When he was down on his luck?

A. Yeah. He would lay around on my couch some.

Q. All right. So it's fair to say that you were quite a close friend of Mr. McCraw's?

A. Right, right.

Q. Now, did Mr. McCraw at various times in the course of this friendship discuss the assassination of Martin Luther King with you?

A. Yeah, he did.

Q. One time or two times or --

A. Oh, several times.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

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1002

Q. Several times.

A. Yeah, several times.

Q. And was he in any particular frame of mind or condition when this subject would come up?

A. He would usually be drinking when he started. I mean, you know, he would start talking about it.

Q. It was when he had been drinking?

A. Right.

Q. Did he ever volunteer any information when he had not been drinking?

A. No, he wouldn't talk about it then.

Q. Then he wouldn't talk about it?

A. No, he didn't want to hear about it then.

Q. And when he had been drinking over these many times when he spoke with you, did he tell you a particular story?

A. Yeah. He first come out with a -- he showed me a story that the National Inquirer or one of those tabloids did on him,

and they did a pretty good write-up.

Q. And was the story that he told you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1003

each of these occasions the same? Was it consistent?

A. It was -- the story he told was consistent all those years. He didn't vary off of it.

Q. Over how many years would he have told you this story consistently?

A. Oh, I probably heard it at least 50 times at least.

Q. For how many years?

A. Oh, now you're trying to pin me down on dates, and I'm not good at dates.

Q. Not dates, but just roughly.

A. Oh, I would say probably 15 -- something like that.

Q. Over 15 years. And what was the story that he told you consistently over 15 years?

A. Well, after I got -- after I read the article and found out that he knew a little something about it, I got interested in it myself. And he would talk about Raul having a drink with him and he --

Q. Did he mention -- let me interrupt

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1004

you and try to focus you. Did he mention the defendant in this case, Mr. Jowers?

A. Oh, yes.

Q. Did he know Mr. Jowers well?

A. Yeah. He worked for Jowers at the time I would say. They were both working at the Southland Cab Company.

Q. They both worked with the same company?

A. Right.

Q. Did he tell you of his personal knowledge of any involvement of Mr. Jowers in the assassination of Doctor King?

A. Yeah, he said that Jowers gave him

the rifle, and he took it and threw it off
the Harahan bridge.

Q. He said that the defendant gave him
the rifle?

A. Right.

Q. And by the rifle, do you mean the
murder weapon? Is that --

A. Right, right. That's the story that
he told.

Q. And he told you this same story over

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1005

the years?

A. Same story over and over. He didn't
vary off of it. And in the last he came up
and I think they changed it to a bullet or
whatever, but I don't remember if he changed
his story or not. But he...

Q. But he consistently told you he gave
him the murder weapon?

A. Right.

Q. Did he say that the defendant made

any admission against his own interest? Did he say he made any admission when he gave him the rifle? Did he say anything to him?

A. He said Jowers told him to get it and get it out of here now. He said that he grabbed his beer and snatched it out. He had the rifle rolled up in an oil cloth, and he leapt out the door and did away with it.

Q. And Jowers told him to get rid of it?

A. Right. That's the story that he told.

Q. Do you recall when he said that conversation took place?

A. No, I didn't. To try to pin me down

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1006

on the date, I couldn't.

Q. Right. But would it have been your understanding sometime near to the assassination itself?

A. Well, see, I came in on the picture probably about five years after the

assassination.

Q. Yes. No, I'm not talking about your conversation with McCraw. I'm talking about McCraw's conversation with Jowers. Would that have been around close to the time of the assassination?

A. Yeah, that's -- the way I understand, right after it happened. Right after it happened.

Q. Now, was Mr. McCraw himself fearful of being charged or indicted?

A. That's the reason they all changed their stories. Every time they -- McCraw really wanted to come out with it, but he was involved in it. And he couldn't really tell the truth. That's the reason all of them changed their stories all this time. Their conscious was getting hurt, and they were in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1007

fear of being indicted.

Q. Mr. Hamblin, did you tell anyone, in

particular a landlord of yours, that McCraw knew something about this assassination?

A. Yes, I did.

Q. And was this a landlord in the premises where both you and McCraw were living?

A. We were both living at the same time, right.

Q. And what did you tell to your landlord?

A. He came by to collect the rent --

Q. Yes.

A. -- and I had introduced him to McCraw.

Q. Yes.

A. And I told him he was involved in it in some way and he told us to move.

Q. He told you to move?

A. Right. In fact, he sent the police up there and harassed us. They locked McCraw up for having a knife, and we finally wound up being evicted in about a week.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1008

Q. So you were evicted by your landlord because you told him this story?

A. Right.

Q. Mr. Hamblin, who was your landlord?

A. It was Mr. Purdy.

Q. Mr. Purdy.

A. Right.

Q. And what did Mr. Purdy do for a living?

A. Mr. Purdy was an FBI agent.

Q. So your landlord was an FBI agent?

A. Yeah. I didn't know at the time that he owned the house. I rented from someone else, but he happened to be the owner. And he just bumped in to collect the rent.

Q. But you didn't know that he was the owner before this?

A. No.

Q. And do you know where Mr. Purdy was assigned as an FBI agent?

A. Probably Memphis office, Memphis

region.

Q. The Memphis office?

A. Right.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1009

Q. And he told you to leave?

A. He told us both to move.

Q. Both to move. And did you move?

A. Yeah, about a week later we got

kicked out.

Q. Now, I want to take you back,

Mr. Hamblin, to 1968. What were you doing in

1968 for a living?

A. I was a barber back in '68.

Q. And where did you work as a barber?

A. Cherokee Barber Shop, 2792 Campbell.

Q. Right. And who was the proprietor,
who was the owner of that barber shop?

A. Vernon Jones.

Q. Mr. Vernon Jones.

A. Right.

Q. How long did you work there as a

barber?

A. Oh, I worked for Mr. Jones probably for about five years all totalled at two different places.

Q. Is Mr. Jones alive today?

A. No, Mr. Jones passed on some time ago.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1010

Q. And were you working as a barber in that barber shop April 4th, 1968?

A. Yes, I was.

Q. And were you working there immediately following the assassination?

A. Right. I was working there when they broke the news about -- oh, I'd say about 6:00 -- 5:30, 6:00 -- something like that.

Q. Now, did you hear Mr. Jones have a conversation with one of his long-term customers?

A. Right.

Q. Within -- how soon after the

assassination did this --

A. I would say, oh, probably a week or ten days.

Q. Within a week or ten days after the assassination?

A. Yes, sir.

Q. And what did Mr. Jones ask this long-standing customer?

A. He asked him who did it or who do you think did it.

Q. Who do you think did it.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1011

A. Right.

Q. Meaning who killed Martin Luther King?

A. Right.

Q. And what did this long standing customer say to him?

A. He told him that the CIA had it done.

Q. That the CIA had it done?

A. Right. That's the answer he gave

him.

Q. How long had this customer been a customer of Mr. Jones in the Cherokee Barber Shop?

A. Oh, ever since I worked for him.

Q. How many years roughly would you say?

A. Oh, I'd say probably -- well, I know of five anyway.

Q. At least five years?

A. Yeah, at least five -- five or six at the time that I worked for him he had been coming in.

Q. People often develop close relationships with barbers and bartenders?

A. Yeah, they'll tell a barber something

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1012

they won't even tell their own psychiatrist.

Q. Was that the kind of relationship

Mr. --

A. Yeah, that's the kind of relationship.

Q. -- Jones had with this customer?

A. Right.

Q. Who told him the CIA had it done?

A. I mean I didn't hear the conversation myself. I asked him what he said when he left after he had told him.

Q. You asked your boss --

A. Mr. Jones what he said.

Q. Right.

A. And he told me.

Q. And that's what he told you.

A. Right.

Q. Would you tell the Court and the jury who was this long-standing customer?

A. It was Mr. Purdy, the FBI agent.

Q. The same Mr. Purdy?

A. The same Mr. Purdy.

MR. PEPPER: Mr. Hamblin, thank you very much. No further questions.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1013

MR. GARRISON: Mr. Hamblin, wait

a minute. I may have a question if you don't mind.

THE WITNESS: Oh, okay.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Hamblin, Mr. McCraw was quite a heavy drinker, wasn't he?

A. Right.

Q. Alcoholic beverages pretty regular?

A. Right. In fact, he was an alcoholic.

Q. All right, sir. And I believe you said that you would have trouble believing him, didn't you?

A. Yeah. I had some trouble believing him at times, right.

Q. You knew Mr. Jowers, did you not?

A. Right. I worked for Mr. Jowers.

Q. And you never heard him say anything about any of this, did you?

A. Not really, no, huh-uh.

Q. You said Mr. McCraw would change his story from time to time when he told it?

A. Well, they was -- what I mean was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1014

changing the story, they would accuse another
dead policeman.

Q. When you say they, who are they?

A. Well, they first -- they've named
every policeman in the graveyard. Every time
they get scared, they'll name another
policeman as being the murder man.

Q. Are you talking about Mr. McCraw?

A. Well, both of them.

Q. Both of them who?

A. Mr. McCraw and Jowers.

Q. I thought you said you never have
talked to Mr. Jowers about this, never had
anything to --

A. Well, he's made several statements.

Q. Who has? Whose made several
statements?

A. Well, I talked to him -- I talked to
him on the cell phone about six months ago,
me and Millner.

Q. Okay.

A. And he told me that he didn't do it,
but somebody by the name of maybe Earl Clark
or something like that did it, and he did it

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1015

or whatever.

Q. So that's been six months ago?

A. That's here recently.

Q. Did he tell you he didn't have
anything to do with it?

A. That's what he said.

MR. GARRISON: That's all.

Thank you.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Mr. Hamblin, just so that we're
clear, did Mr. McCraw ever change the story
he told you?

A. Never changed his story. He stuck
with the basic same fact -- I took the gun

and threw it off of the Harahan bridge.

Q. So as far as he is concerned -- as far as you are concerned, the weapon --

A. As far as I'm concerned, that's what happened. I mean, you know, I believed him because he stuck to the same story.

Q. So far as you're concerned, the murder weapon is at the bottom of the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1016

Mississippi River?

A. That's where I would -- if I was going to go look for the gun today, I would go look and look at the middle river bridge because you can drive right to it. You can walk 20 feet and drop it and be back in your car in five seconds and be gone.

MR. PEPPER: Thank you,

Mr. Hamblin. No further questions.

(Witness excused.)

THE COURT: Call your next

witness.

MR. PEPPER: Plaintiffs call

Mr. J.J. Isabel.

JAMES JOSEPH ISABEL,

having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good morning, Mr. Isabel. If you have trouble hearing me, please just stop me and I'll speak louder. Thank you very much for joining us this morning.

A. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1017

Q. For the record, would you please

state your full name and address?

A. My name is James Joseph Isabel, 2344

Jackson Avenue, Memphis, Tennessee. Zip

38108-3236.

Q. Thank you, Mr. Isabel. I know you

haven't been well, and we do appreciate you

coming here. You were deposed in this case

on October 14th, and you were kind enough to answer a range of questions at that time.

And I'm going to put those questions to you this morning.

A. Okay, sir.

Q. What do you do now for a living,

Mr. Isabel?

A. Well, I'm retired. I'm seventy-four years old, but I am an independent courier.

I pick up food like for Memphis Hardwood Flooring five days a week, and I pick up pagers, take them to get repaired and take them back to the customer. That's all I do.

Q. And what did you do previously,

Mr. Isabel?

A. Starting which year?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1018

Q. Let's just go through the range of jobs and work that you've done, if you can.

Just very quickly try to summarize for us.

A. Well, in '43 I was a sailor in the

Navy in a Pacific killing force, and let's see, then I got out of the Navy. I went back to CBHS and got my high school diploma. I didn't have it before I went in the service, and then I've driven trucks.

I've driven chartered buses. I worked for Firestone at one time for six months, and I worked for Vet cab, Hams -- Mike down at Yellow Cab and then Airport Limousine. Hams owned Airport Limousine. I met Jowers at Yellow Cab, and Airport Limousine, they owned -- Hams might have owned Airport Limousine, and they owned something else too. Oh, it went from -- I think we went from Yellow Cab --

Q. But basically you've done a lot of driving?

A. Yes, yes.

Q. You drove chartered buses?

A. Right.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1019

Q. You drove taxi cabs, limousine service?

A. Yes.

Q. That constituted the main part of your life, didn't it?

A. A lot of it.

Q. And when did you meet Mr. Jowers as you said?

A. I met Mr. Jowers at the Yellow Cab.

That was probably in about seventy -- around '77 I would think.

Q. So you met him when you were involved with Yellow Cab at the same time?

A. I was working at Yellow Cab with Airport Limousine and Hams might have hired Loyd to come down there and run I think the whole operation or the biggest part of it.

Q. That's around 1977?

A. Yes.

Q. Did you come to know Mr. Jowers pretty well?

A. Yes, sir.

Q. How often would you see him?

A. Oh, daily.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1020

Q. You saw him every day?

A. Five days out of seven.

Q. So five out of the seven days in that period from 1977, you saw him?

A. Right, and sometimes over the weekends if we had a holiday or something.

We would run the buses from the airport to Millington.

Q. You saw him then as well?

A. Yes, sir.

Q. So you became quite friendly with him?

A. Yes.

Q. Did you go on any chartered bus runs with Mr. Jowers?

A. Yes.

Q. How many did you take with him, do you recall? If you don't, it's all right, but roughly?

A. Out of town probably four or five,
and in Memphis, a lot of them -- a lot of
school trips and trips.

Q. I know it's a long time ago and
you've had some medical problems even since

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1021

the deposition.

A. Yes, sir.

Q. So I'm going to try to move you
through your testimony. Did you go on a trip
with Mr. Jowers over one St. Patrick's Day, a
chartered bus trip with him?

A. Yes. Loyd and I took two bus loads
of bowlers to Cleveland, Ohio, and that was
St. Patrick's Day. The reason I remember it,
we were drinking green beer.

Q. Do you remember what year that was?

A. Pardon?

Q. Do you remember the year? Which
St. Patrick's Day?

A. That had to be '79 -- '78 or '79, but

I'm saying '79.

Q. Around 1979?

A. It was winter because Lake Erie was frozen over.

Q. Right. March 17th, 1979?

A. That's what I'm thinking.

Q. And that trip was to you said Cleveland?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1022

Q. In the course of that trip to Cleveland, did you share a room with Mr. Jowers?

A. Yes, sir.

Q. In a local hotel?

A. Yes, sir.

Q. And did you eat with Mr. Jowers?

A. Oh, yes.

Q. Share --

A. Did I eat with him?

Q. Did you eat?

A. Yes.

Q. Did you go to dinner with him? Did you drink with him?

A. Yes.

Q. Were you together with him most of the time?

A. Except when he was driving one bus and I was driving the other one, yes, sir.

We would go to the same destination, and then we'd usually meet and go and get something to eat after we took care of the people.

Q. In the course of one evening on that trip to Cleveland, did you have a discussion

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1023

with Mr. Jowers about the assassination of Martin Luther King?

A. Yeah, after we had gone and got the bowlers, we went out and ate down on the pier, a restaurant down there, and then we went back to the hotel. And I took a shower. I don't think Jowers took one then.

I took a shower, and I came out. And he was sitting on the bed, and I sat down with my back against the bathroom on the floor. And for some reason, I just said -- I said, Loyd, did you drop the hammer on Martin Luther King. And he just kind of hesitated for a moment or two, and he said you think you know I did. I know what I did, but I'll never admit it or tell it in a court of law. And I said, oh, and I didn't mention it to him again after that.

Q. Did you expect that reply?

A. Maybe, yeah.

Q. And when you asked him did you drop the hammer on Martin Luther King, what were you asking him?

A. If he fired the shot that killed him.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1024

Q. And his response again?

A. Pardon?

Q. And what was his response again to

that question?

A. Oh, he said you think you know who did it, but I know who did it, but I'll never admit it or tell it in a court of law.

Q. Did you ever raise the subject with him again?

A. Huh-uh, no.

MR. PEPPER: No further questions.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Isabel, you knew Mr. Jowers quite well. The two of you were on trips together, weren't you?

A. Yes, sir.

Q. And this is the only time that subject ever came up was just the one time; am I correct, sir?

A. The best I remember.

Q. He never admitted to you or anyone in your presence he had anything to do with it

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1025

or knew anything about it other than this one

time; am I correct, sir?

A. Yes, sir.

Q. All right. And on this time, both of you were drinking, weren't you?

A. Uh, yes.

Q. You had been drinking a little beer; am I correct, sir?

A. Well, the best way I can describe it, I can get high on two beers and I had about six. And Loyd is a pretty heavy toper. He can handle it, and I would say he would drink close to 20 beers or more.

Q. All right. Your question to him was did you drop the hammer on Dr. Martin Luther King, and that's your question?

A. Yes.

Q. He simply said you think you know who did it, but I know who did it and I'll never admit it. Is that basically what he said?

A. Yes, sir.

Q. But he never said he had anything to

do with it, did he?

A. No.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1026

Q. That's the only words he ever used --

A. Yes.

Q. -- that he knew who did it? Is that

right, sir?

A. Yes, sir.

MR. GARRISON: Okay. That's

all. Thank you.

MR. PEPPER: Nothing.

THE COURT: All right, sir. You

may stand down. You're free to leave or you

can remain in the courtroom.

THE WITNESS: Thank you.

MR. PEPPER: Thank you.

(Witness excused.)

THE COURT: Next witness.

MR. PEPPER: Your Honor,

plaintiffs call Mr. Jerry Ray to the stand.

JERRY WILLIAM RAY,

having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good morning, Mr. Ray.

A. Good morning.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1027

Q. Thank you for coming some distance to
be with us today.

A. Yeah, I'm glad to come down.

Q. Would you state your full name and
address for the record, please?

A. My name is Jerry William Ray, brother
of the late James Earl Ray, and I live in
Smart, Tennessee, 107 Short Street.

Q. Mr. Ray, you are the brother of James
Earl Ray?

A. Yes, sir.

Q. Would you just describe for the Court
and the jury the circumstances in which you
were raised and lived as children?

A. We came up real poor during the depression days. We lived out on the farm most of the time, and that's when my brothers -- they had a WPA and he just barely got by until after the depression. And then my daddy got a job on the railroad, and then we were just average people then. But back during the depression, everybody had it bad -- anybody who can remember back then.

Q. How many children were there in your

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1028

family?

A. There was nine all together.

Q. And where were you and James in that constellation?

A. James was the first born, and then they had a sister Marjorie and John, then I was the fourth born. We had seven years age difference.

Q. Seven years --

A. Yes.

Q. -- difference between the two of you?

A. Yes.

Q. And what grade did James go to in school?

A. I'm not positive what grade. I think he went to about a year of high school I think, but I'm not positive of the grade he went to.

Q. What did he do after that?

A. He went to -- he moved to Alton, Illinois. See, we lived in a little town outside of Quincy, Illinois named Ewing, Missouri, and Alton, Illinois is about 100 miles from Ewing, Missouri. And my uncle

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1029

lived in there and my grandmother lived there, and they got him a job working at the Tambery Room. He was fifteen or sixteen.

Q. And he held that job for how long?

A. He held that job -- I forget how long it was until he went into the Army.

Q. And he had worked up until the time he went into the Army?

A. Yeah, he worked every day up until the time he went in the Army.

Q. What do you remember him doing after he got out of the Army?

A. I don't remember all that much because he didn't -- he came there a couple times to visit my mother and my dad. We lived in Quincy, Illinois. That's where I was born, and that's where most of our relatives are from. He come once in a while, but I didn't see him that much.

Q. Mr. Ray, as you were growing up with James, did you notice any signs -- obvious signs of racism or hatred of black people?

A. No. It would be strange to have any hatred because Ewing, Missouri was just a few

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1030

hundred people, and I didn't never see one

black person in the town. It's just a little

bitty town, and Quincy, Illinois, where I grew up, they had 42,000 people -- 2,000 blacks and 40,000 whites so I never even went to school with one. See, and James didn't either so you can't hate somebody unless you something -- you know, do something to you.

Q. As he got older though and as you associated with him, did you see any hostility toward black people?

A. No, he never did have no hostility toward any race -- not only blacks, but Hispanics or anybody. What he tried to do is live and let live.

Q. Now, he began to get in trouble at various points in his life?

A. Yeah, after he got out of the Army.

Q. After he got out of the Army. What was the reason for that? Do you understand how --

A. No, nobody could understand that because before he went to the Army, he was a hard worker. And he went in the Army and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1031

after he came out of the Army, he just lived the life of crime after that.

Q. How did he get involved with various types of petty crimes and small time criminals?

A. Unlike a lot of the media think, he's easily -- if he makes friends with somebody, he's easily led around too, see. And I know he committed -- he robbed a post office outside of Quincy, Illinois. This is back in the fifties, and this Walter Rife was his name. He's a ringleader. After he got him to rob this post office -- I mean he's as guilty as Walter Rife was for doing it, but then he went on a cash spree. They stole all his money and he got arrested in Kansas City, Missouri. Then they sent him to the Leavenworth Federal Prison.

Q. But where did he meet people like Walter Rife?

A. He met him in Quincy, Illinois.

Quincy -- it was a real kind of a corrupt town back in the fifties. They had a write-up in the magazines about them.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1032

Everything was open, see -- gambling, prostitution, everything. And I knew Walter Rife and I knew his brother, Lonnie Rife, and like I say, it's a small town. Only got 42,000 people in the town.

Q. Did James tend to hang out in bars?

A. Yeah, on Fifth Street in Quincy, Illinois. That's where most of the main ones was at, and then on Third Street, it was a house of prostitution -- the whole Third Street. So when you go up to the tavern, most of the people you run into was pimps, ex-convicts or something like that.

Q. Well, eventually he was sentenced and he went away?

A. Yeah, he was sentenced to Leavenworth, and I think he got out in 1958 I

think -- '58 or '59, and he was sentenced in there -- I think he did a little bit over two years in Leavenworth Federal Prison. Then he got out, and then he met up with a guy named Owens. Owens, he was an ex-convict and they did several things. They robbed a Kroger store, and then he got sent to Jefferson City

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1033

for that.

Q. Do you know where he met Mr. Owens?

A. No, I don't because I wasn't in

St. Louis at that time. I don't know him.

Q. So he was sent to Jefferson City

Penitentiary?

A. Yeah, for 20 -- I think it was for 20

years.

Q. Now, did you visit him when he was in the penitentiary?

A. I only visited him a couple times. I

didn't visit him much because I was working

up in -- we wrote all the time. I mean every

week we exchanged letters, but when I would get down in that area, I would visit him.

But I didn't get to visit him that much.

Q. Well, he eventually escaped from Jefferson City Penitentiary, didn't he?

A. Yes.

Q. He escaped in April of 1967?

A. Yes.

Q. Did you see him after he escaped from prison?

A. Yeah. Well, I -- see, I didn't know

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1034

he was going to escape, but my other brother John had visited him the day before he escaped. And James told him he was going to escape and for him to come down and pick him up and which John did. And John brought him straight to Chicago, and we rented a room at the Fairview.

I didn't know all this. They rented the room, then they called me up. John

called me up, and I came in and we all stayed at the Fairview that night. That's on South Michigan Avenue in Chicago. So that was how they escaped. Then after that, John went back to St. Louis. We used to give James \$100 because he didn't have no money. He escaped.

So John went back to St. Louis and James -- and I went back to work the next day. Then James got a paper and he found an ad in there at Klinglens (spelled phonetically) Restaurant in Winnetka, and Winnetka is only a few miles from where I'm at. And he went to work there, and we used to meet every week or so at a bar there in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1035

North Brook, Illinois.

Q. Well, where were you working at the time?

A. I was working at the Sportsman's Country Club in North Brook, Illinois.

That's about five or seven miles from where he was working at.

Q. And you would then see him from time to time?

A. Yeah, every week or every other week.

Q. Did John have any more contact with him?

A. No. Once John left us, you know, the Fairview Hotel in Chicago, he never had no contact with James until he got back to Memphis. You know, when he was brought back from England.

Q. You mean he had no contact with him from the time he escaped to the time he was captured?

A. Yeah, the day after James escaped, John left and went back to St. Louis and I went out to work. And John didn't ever have no contact with him after that.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1036

Q. So were you the only family member

who had contact with James?

A. Yeah, the only one. He called me

every once in a while.

Q. During his fugitivity?

A. Yes, sir.

Q. How long did he stay at this job in

Winnetka?

A. Let's see, he stayed there close to

three months.

Q. What did he do after this job?

A. Well, he saved up a few dollars that
he could save up, and he bought an old car.

I think it was a '57 Dodge because he was
talking when he escaped, when John was there
too, when he got out, he had to get out of
the country, see, and he had to leave because
he had all this time to back up. And not
only the 20 years then for escape and
everything. So he told John -- John heard
that too, and he told me, he said I'm going
to try -- I'm going to save up some money and
go to Canada and try to figure out a way to
get out of the country. And so that's what

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1037

he did. He saved up. He worked there about three months and he bought an old junker, old Dodge. Then I met him the night before he took off and then he took off and went to Canada.

Q. Do you recall the date that you met him before he left for Canada?

A. No, I don't recall. It was about a day before that he took off for Canada.

Q. Which month was it?

A. That was in July.

Q. Was it --

A. July of '67.

Q. Was it toward the end of July?

A. It was either the middle or late part of July, and the only reason I know, my birthday is the 16th, so it was a little bit after that.

Q. Sometime after that?

A. Yeah.

Q. And he left and went to Canada?

A. And went to Canada.

Q. Did you have any contact with him
when he was in Canada?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1038

A. No.

Q. When was the next time you saw or
heard from your brother James?

A. Well, the next time I heard from him
and I can't, you know, quote the days because
I don't keep diaries or nothing, but I guess
it was about six, seven weeks afterwards.

And I think it was in September, probably
late September. He had this pay phone, where
I didn't have no phone in my room.

I worked at the country club where
you get room and board, and we had this pay
phone in the hallway. And he had the
number. That's how you get a hold of me.

Well, he called one day or one evening and
told me to come to Chicago because he knew my

day off. He arrived where so I would have
the day off. He said don't bring your car in
because I'm going to give you my car, and so
then -- so then I took a train.

They had the Northwestern that runs
in down in the loop and he met me down
there. And we spent the night together, had
breakfast together, and he was talking to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1039

me. And he was all happy and, hell, he was
-- he had plenty of money on him. So he
said I'm going to go down to Birmingham and
buy a late model car. He said you can have
this. He said I'm working now, and he
mentioned Raul.

I can't exactly remember how the
Raul came in. I worked for a guy named
Raul or something like that, but then he
said -- he had a big box of stuff. He said
take this to Union Station -- that's a
railroad station downtown Chicago -- and mail

this down to me at Birmingham and mail it to Eric S. Galt. He said from now on I'll be known as Eric S. Galt. And so that's what I did, and he gave me the car. Then I took him to the station, and later on I mailed that stuff down to him as Eric S. Galt.

Q. So he came back from Canada. He had a job so he told you.

A. He told me he had a job working down there.

Q. He was working for somebody he met in Canada?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1040

A. Yeah, and he mentioned his name -- Raul.

Q. Somebody called Raul?

A. Yeah.

Q. Did he tell you what the job was?

A. No. I knew it was something illegal. I figured it was dope or car theft or something. You know, I didn't know what

it was, and I didn't actually care that much, but I knew it was something illegal because he was trying -- he said he was working this, you know, this guy he called Raul to get enough money so he could get out of the country, you know, get out of Canada and the United States totally.

Q. So he was doing -- taking on this job, whatever it was, so that he could get out of the country?

A. Yeah, get out of the country.

Q. That was the reason he went to Canada in the first place?

A. Yeah, and I didn't actually -- I kind of wish I had of now because, you know, I'd know more to testify to, but I didn't know

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1041

more about it. But right then I wasn't even inquisitive because I knew he was doing something illegal and then met some guy over there and this guy is paying him to run dope

or whatever he's doing. And I don't even think half the time he knew what he was doing because they just had him drop a car off in Mexico and drop one off in New Orleans.

Q. So after he saw you, you talked with him in Illinois and he went to Birmingham, did you have any contact with him over the course of the next year?

A. Well, up until the time King got killed, from the time we left Chicago when I seen him last, he called me three times.

Q. And what did he say on those?

A. It wasn't nothing. It wasn't nothing but just I'm working or asking how the family is and this and that. And every call would be under three minutes because I hear him put the change in and the operator would never come on. It would be less than three minutes each call. So probably -- I probably talked to him about six, seven minutes since the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1042

last time I met him when he left Chicago until King got killed.

Q. That's the only contact you had with him?

A. The only contact I ever had with him after that.

Q. Have you ever known your brother James over all the years you knew him when he was free or when he was inside even --

A. Yeah.

Q. -- did you ever know him to engage in violence?

A. Never. He never had. He never had -- the most violent thing he ever did was rob a store, you know, the Kroger store. That's the most violent ever, but there never was no violence used in that, you know. And in fact, before that he was always, you know, like a burglar. You know, like breaking in and stealing money, but then when he got with that -- I mentioned his name before -- Owens. Owens did robbery, see, so then he went in on the robbery.

Q. In the course of this time when he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1043

was on the run after he returned to the

United States and those three phone calls

that you had with him, did he ever mention

Dr. Martin Luther King?

A. No. The King name never came up when

we was in the hotel when we met together and

stayed all night or in no phone calls. The

King name was never mentioned, and the last

thing James was thinking about was, you know,

Jackson or King or Kennedy or any of them

people because he was trying to stay out of

prison.

Q. So there was no mention of them?

A. No.

Q. Was there any mention of any activity

that he was being asked to do related to

Dr. King?

A. No, never nothing.

Q. Now, eventually he went to England,

was extradited and was imprisoned in the
United States?

A. Yes, sir.

Q. Did you have more contact with him
after that?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1044

A. Oh, yeah, I was coming down here to
Memphis back in '68 when they brought him
back about every week, and I'd drive down and
we'd visit. And what they had -- like Mark
Lane said, he was treated worse than
prisoners of war, you know, the guys they
tried in Nuremberg. He had a TV set on 24
hours a day and the lights. They xeroxed all
of his mail, and they had him on TV all the
time, you know, hooked up. And so when we
would visit, he would have to write me notes
and flash them because otherwise they would
know everything that he knew.

Q. Did he give you the impression that
he was determined to go to trial?

A. He was determined. He was determined. That's the only thing he wanted was a trial because he said he'd have to go to trial. He said only way I can, you know, convince the people that I'm not guilty and try to show the people where I'm at was take a trial. That was the first trouble he had with his first attorney Haynes because William Bradford Huie told Haynes that James DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD (901) 529-1999

1045

Earl Ray can't take the stand because if he takes the witness stand, I don't have no book. So that's when he replaced him.

Q. Well, there was a contractual relationship between a book writer and his first lawyer?

A. Yeah, Arthur Haynes went over to England, the first attorney James had, and he brought a contract over for him to sign that he would represent him if he signed that contract where he'd get all the royalties off

the books, you know. And so then William Bradford Huie was the one that paid him the money.

In fact, before he fired Haynes on November 1st of 1968, I flew down to Harpersville, Alabama and talked to Huie.

Huie paid my way down there because he wanted another contact besides the attorney so he was showing me these contracts, and he's talking about changing them around where James would get the money because his idea was he'd pay your money. He'll even brag that everybody has got their -- you know,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1046

paid.

And so I told him -- he told me, he said the only thing is now you go back and tell James he's not going to take the witness stand because if he does, I don't have no book. So I went back and told James you ought to fire Haynes because Huie is running

the case.

Q. Well, the writer told you that James shouldn't take the witness stand when he went to trial?

A. Yeah, that was later on in a -- later on in a phone conversation with the -- later on in a conversation with Mark Lane --

Q. Well, we'll come to that conversation.

A. Yeah.

Q. And in the event, James did not have a trial?

A. No, he never had no trial.

Q. How did that come about when he was so determined to have one?

A. Well, what he done when Arthur Haynes told him he couldn't take the witness stand

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1047

and James said that's the only way I can, you know -- because he couldn't give these lawyers like Haynes -- every time you give

him some information, a phone number or something, he'd give it to Huie. And he said how can I get a trial when they know everything I'm going to testify to.

And so when he got rid of Arthur Haynes, then he got Percy Foreman, and Percy Foreman came in and said this is going to be the easiest case I ever had in my life.

There's no evidence at all against him, and he did that up until about a month before the guilty plea.

Then he started crying saying they're going to execute him, they're going to do this, do this. And so James asked him to resign from the case because he was determined to go to trial anyway, and Foreman wouldn't resign. And Judge Battle said if he fired Foreman, he had to go to trial with a public defender.

Q. So the result was that he didn't go to trial?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1048

A. No, he didn't go.

Q. He pled guilty?

A. Yeah, Percy Foreman pled him guilty.

Q. I'm going show to you a letter,

Jerry, that was written to James Earl Ray by

Percy Foreman.

(Document passed to witness.)

Q. Take your time, please, and read it.

A. Yeah, I know all about this.

Q. What is the date of --

A. This is May the 9th --

Q. What is the date of that letter?

A. March the 9th, 1969.

Q. March what?

A. 9th.

Q. March 9th, 1969?

A. Yeah.

Q. And when was the guilty plea hearing?

A. Right around that time.

Q. If I may inform them, it was

March 10th. As a matter of fact, it was

March 10th --

A. Yeah.

Q. -- the following day.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1049

A. Yeah.

Q. And what is the purpose of that letter from Foreman, his attorney, to James?

What does he tell him there?

A. Well, James told me -- you know, I went down there when Foreman tried to get him to plead guilty. And he said he's still, you know, was fighting against it. He said what I'll do, I'll have Percy Foreman to give you \$500 before I'll plead guilty. Then you can go down and get another attorney to reopen the case in which I used the money, the \$500, I flew down to New Orleans. This is even in a book because the guy I went down to see about an attorney, he didn't trust me. He didn't know what I was coming down there for so he notified the police and the FBI. And we met in the park and the police was all out

in the park.

Q. Let's focus on this. This is a letter from his counsel on the eve of trial, and this letter offers you -- offers him \$500.

A. Yeah, if --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1050

Q. Under what conditions was he offered \$500 by --

A. Yeah, if he don't do no -- if he pleads guilty and don't embarrass him in the court. That was the agreement.

Q. And that \$500 --

A. And he went along with the guilty plea. He put in a guilty plea.

Q. We understand that \$500 was to be taken to hire a new lawyer to try to set it aside?

A. Yes.

Q. Was there in fact an application to set aside that guilty plea shortly

thereafter?

A. As soon as James got to Nashville, he wrote a letter to Judge Preston Battle and asked him to take the letter for motion for a new trial and that Percy Foreman has been relieved. And when Battle died a few days -- I don't know, 20 days or whatever it was after the guilty plea, he had three letters from James asking for a trial.

MR. PEPPER: Your Honor,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1051

plaintiffs move admission of this letter.

(Whereupon, the above-mentioned document was marked as Exhibit 19.)

Q. (BY MR. PEPPER) So he pled guilty and was sentenced to 99 years. Did there come a time when you had further contact with William Bradford Huie?

A. Yes, back in -- I think October I believe it was of 1977 when James Earl Ray escaped from Brushy Mountain Prison. His

attorney then was Jack Kershaw, and I knew -- I had known Mark Lane, an attorney. And Playboy came out with a dirty story about my brother so I recommended to James that he get Mark Lane to represent him. So Mark Lane took over the case. Just before he escaped, the trial was supposed to start. That was in October.

Q. Let me try to move you through to the point at hand. Did you have a conversation with William Bradford Huie around that time, October of 1977?

A. Yes, sir. The day after the escape trial, I called William Bradford Huie.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
1052

Q. And James had been in prison then for approximately eight years?

A. Yeah.

Q. And in the course of that conversation, did Bradford Huie make an offer to you --

A. He made --

Q. -- to take to James?

A. Yeah, he made an offer, and we got it on tape. He made an offer that we taped for \$220,000 if I get him in to see James.

Q. Well, he wasn't paying \$220,000 for a visit.

A. No, no.

Q. What was the offer?

A. \$220,000 if he would tell him about killing King and he had to give him, you know, a story about that he killed King and that -- he said that's the only way a book will sell if you write a book that he killed King.

Q. What would James do with \$220,000 if he was in prison?

A. Well, he said that -- he explained

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1053

that -- he started off with that Blanton was the governor, and he said we get James out

through Blanton and you and James both can live good in another country.

Q. So he was going to arrange a pardon?

A. Yes, through Governor Ray Blanton.

Q. Did you record that telephone conversation?

A. Yeah, it was all taped. Me and Mark Lane taped it.

Q. And was there a transcription of that recording?

A. Yes.

Q. Let me show you this transcription.

(Document passed to witness.)

Q. Would you tell the Court and the jury what is the heading of that transcription, the date, time and place?

A. It's October 29, 1977, a.m. -- 9:45 a.m. Jerry William -- Jerry Ray or William Ray, Bradford Huie, Oak Ridge, Tennessee, rural Scottish Inn.

Q. Would you just look through that transcription and see if you recognize it as

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1054

the transcription that was made of the tape recording of that conversation?

A. Yeah, that's it.

MR. PEPPER: Plaintiffs move the transcription into evidence.

(Whereupon, the above-mentioned document was marked as Exhibit 20.)

Q. (BY MR. PEPPER) What happened to the tape of that conversation?

A. Mark Lane made the tape and he turned the copy over to the House assassination Committee that was investigating the King assassination of Kennedy at the time, and he kept the other one.

Q. So the House Select Committee on Assassinations had a copy of that tape recording?

A. Yes, had a copy of it.

Q. That same committee decided that there was no Raul?

A. Yeah.

Q. Is that right?

A. That's right.

Q. And that in fact James got his money

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1055

that he said Raul gave him from robbing a particular bank in Alton, Illinois?

A. That's right.

Q. Did James rob that bank in Alton, Illinois to the best of your knowledge?

A. No. I don't know who robbed that bank. It's still unsolved. I know they had claimed that me and James robbed the Bank of Alton.

Q. They not only claimed that, there was a front page, column one article in the New York Times on the 17th of November 1978. I'd like to show you that article.

(Document passed to witness.)

A. Yeah.

Q. Now, that article claims, does it not, that the Times investigation, the FBI

investigation and the congressional

investigation all --

A. Yeah.

Q. -- concluded that you and your

brother robbed that bank?

A. Yeah, robbed that bank.

Q. Did you take any steps yourself as a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1056

result of those charges?

A. Well, what happened was I was in

St. Louis and James was testifying in

Washington in front of the assassination

committee, and they said we're going to prove

you and your brothers robbed the Bank of

Alton and used the money to finance the King

killer. So a friendly reporter there named

James Alber (spelled phonetically) -- Mark

Lane had called him the same day they accused

us when he got a recess from the

assassination committee and asked him to take

me over there and waive the statute of

limitations.

And so Alton, Illinois is only about 20 miles from St. Louis, Missouri. So we drove over there and we went in the police station. First, we went in the bank and they had a different president then. And so then we went down to the police station and I turned myself in and waived the statute of limitation so they could prosecute me. And they said are you here to confess to the crime. I said I can't confess to a crime

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1057

that I didn't commit, but I said Congress accused me of committing a crime so I'm here to stand trial. He said you never was a suspect.

Q. The police officials in Alton, Illinois said you never were a suspect?

A. Never was a suspect.

Q. Did they ever explain to you how this type of article got written?

A. No, no. They was mystified that, you know, they even accused me of doing anything, and so I don't know if it was FBI making stuff up or where it's coming at. But it became -- and like I say, I knew I couldn't have been a suspect because I worked from '65 to '68 in the North Brook -- Sportsman's Country Club in North Brook. Never was late, worked six nights a week, never was late or never missed a day.

Q. Did they tell you that they had been interviewed by the New York Times?

A. No, they didn't say anything.

Q. There was no reporter from the New York Times that interviewed them?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1058

A. Not that I know of.

Q. Did they tell you they had been interviewed by a House Select Committee investigator?

A. No.

Q. Did they tell you they had been interviewed by the FBI?

A. No. As far as that, no, nobody had ever talked to them about it as far as I know because they didn't say anything about it to me.

Q. Yet somehow this appears column one, New York Times, byline Windell Walls, Junior.

A. Yeah.

Q. 17th of November.

A. See, I don't know if this has anything to do with it, but in 1981, F. Lee Bailey had a TV show called Lie Detector on and they threw me out there. We did two lie detector tests, and I got tapes of the test put away. And one, if I was involved in the King assassination and the one was I involved in any bank robberies. And we did two shows and both showed I was innocent. I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1059

wasn't involved in no bank robberies or no

Assassinations.

Q. Mr. Ray, let me show you an FBI air-tel dated on July 19th which supplements one of 7-26-68, and it has to do with an FBI review of all fingerprints related to bank robberies at the time in question.

(Document passed to witness.)

Q. What is the conclusion of the bureau's analysis of all of the fingerprints of suspects at that time with respect to James Earl Ray? This is a comparison of your brother's fingerprints.

A. According to this, they took fingerprints and it wasn't his. They couldn't pick up his fingerprints.

Q. What's the last two or three words?

A. The last -- no identification effected.

Q. And that was in '68?

A. That was in -- let's see, where is it? 8-1-68 I think. Yeah, or 8-2-68.

Q. About a year after --

A. The bank was robbed.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1060

Q. -- the bank was robbed and some nine years before the allegations again surfaced?

A. Yeah.

Q. Did you testify before the Select Committee on Assassinations?

A. Yes, I testified.

Q. Did they raise this issue with you?

A. Yeah, they raised the bank robbery.

I couldn't believe it when they raised the bank robbery. I told them, I said, what, are you pulling a joke here? I said I've been over to the bank and the police station and turned myself in. Oh, we're not playing no joke he said and so -- but then they basically got off that bank. And at first, he started on the banks and the races and all this other stuff. Every time they had a different reason the reason he killed King.

Q. Do you know what the House Select Committee on Assassinations concluded with

respect to whether or not your brother was a racist when racism was a motive in this crime?

A. Yeah, even they admit that wasn't

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1061

true, that he wasn't a racist. They went through his background, our whole family backgrounds, and they couldn't find nothing in our backgrounds.

Q. Moving on, Mr. Ray, did it ever occur to you in the course of your brother's imprisonment, either to him or to you, to contact the family of the victim in this case?

A. I thought about the King family a lot over the years, and in a way I wanted to, but James -- I talked to James about it. He said don't bother them people. He said they've had, you know -- they've lost that. He said they're liable to look at you and think you're the brother of the murderer. He

didn't know how they felt, see, and it wasn't until he was dying then a lady reporter from the New York Times called me up. And I don't remember her name.

And she asked me if I would talk to the King family if I had a chance, and I said sure I'd talk to them. And I told her the same thing. I said if me and James ever

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1062

talked to them, he goes we'd be out of order, you know, trying to talk to them. And then this reporter told Dexter or Coretta King what I said and that's how we got talking together.

Q. And that's how the communication started?

A. Yeah, that's how the communication started.

Q. Were you surprised when they took a position in support of a trial for your brother?

A. I was because I knew it was going to hurt them bad because the government media, they're going to really come down on them like they come down on the Ray family. So it surprised me because I knew for all these years they've been getting good press, and all at once, the press is going to turn against them.

MR. PEPPER: Thank you, Mr. Ray.

THE WITNESS: Thank you.

MR. PEPPER: No further questions.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1063

THE COURT: Let's see if

Mr. Garrison has any questions for you.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Ray, you and I have talked previously a few times.

A. Yes, sir.

Q. And you understand we're here trying

to get the truth.

A. Yeah, that's what we're after, the truth.

Q. Let the chips fall where they may.

You understand that, don't you?

A. Yes.

Q. Let me ask you something. Going back to the time that your brother escaped from prison, how long had he been serving then?

How long had he been in the prison there?

A. He had already been in seven years and he had a 20-year sentence.

Q. And had he made some effort to escape before this time?

A. Yes, he had tried to escape before.

Two or three times -- I forget exactly.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1064

Q. Did he ever state to you that he had any contact or any influence with a warden of that prison?

A. No, he never did. In fact, like I

said, I only visited him a couple times in seven years at the prison. And John, I don't know, my other brother, he visited him maybe four or five times. But when I went down there them two times, it was just a friendly visit.

Q. And when he escaped, you said I believe that you met him the next day?

A. Yes, sir.

Q. And where was that that you met him?

A. Well, John brought him up. John picked him up when he escaped and he brought him to the Fairview Hotel. That's on South Michigan Avenue in Chicago.

Q. And his plan at that time was to get a job and then try to get into Canada?

A. Yeah, he -- the next day -- we all three stayed together that night, and the next day John drove back to St. Louis and I went back to North Brook. But before we did,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1065

we each give him \$100.

Q. Okay. Mr. Ray, let me ask you something. You -- after the assassination, you talked to your brother I know several times or at some time to confer with him?

A. Yes, sir.

Q. Did you ever ask him who he thought did the assassination?

A. Not completely. He knew some way that they know who done it and that it's being covered by the FBI, but he didn't know who done it or why it was done. And everybody got their own speculations and that's why even until the day he died, he fought to get these files released that's locked up and won't be released for another 30 years. And Clinton said they could be released, but they still won't release them.

Q. Why are those files sealed for 30 years? Have you been told?

A. Like James said before he died, they didn't seal them files to protect me.

Q. Who sealed the files?

A. The assassination committee, they had

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1066

them sealed and then I guess with Congress.

Q. Let me ask you, as you know, I've

spent two days taking your brother's

testimony in prison. Did you ever see him

with this person called Raul?

A. No, no, I never -- I only heard him

mention his name one time. That's when he

came back from Canada.

Q. Did you -- did he tell you that Raul

was financing him and helping him?

A. Yeah, he said he was working for

Raul.

Q. What kind of work was he doing for

Raul?

A. I don't know. I knew it was

something illegal. I assumed gun or drugs or

something because he's telling me about

taking them cars to different cities, you

know, and dropping them off so I figured it

was narcotics.

Q. Do you know -- did you have any discussion with your brother before he entered a guilty plea? Did you have any conference with him about that?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1067

A. Yeah, I came down to visit him. See, everything we said was taped so you have to watch what you say and they got the lights and everything because I didn't want to see him plead guilty. I knew what struggle he was on, but he told me too the last time I seen him he still hadn't made up his mind. He was still fighting to go to court, and he told me that Foreman told him if he didn't plead guilty, they was going to put my dad in prison which my dad had jumped parole back in the twenties and was going to charge me as being an accessory to the murder.

Q. Let me ask you, did you know he was going to escape before he did?

A. No, I didn't know that. John did. I didn't.

Q. You had no knowledge?

A. No. I was working up in North Brook. I was working there like I say six nights a week.

Q. Did he ever mention to you as to how he came up with these aliases that he had, where he got those names from? He had

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1068

several aliases.

A. No, I never did -- I knew a couple of them -- a Harvey Lomar he used. I grew up with a guy named Harvey Lomar, a friend of mine in Quincy, Illinois, but the other one like the Eric S. Galt and the Ramone Sneyd, I didn't know how he got them.

Q. Mr. Pepper asked you about the congressional committee. You testified in that, didn't you?

A. Yes.

Q. All right. And the conclusion was that your brother was the one that did the assassination, wasn't it?

A. I think their conclusion -- if I remember right, they claimed that he heard of a \$50,000 bounty while he was in the Missouri prison and he went out and killed King but didn't pick up the bounty and took off. That was actually kind of a sad joke. Here you're going to go out and commit a crime and all this money spent traveling all over the world and don't pick up the bounty. Yeah, there's supposed to have been two guys, Sutherland

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1069

and Kauffmann, in St. Louis supposed to have been racists that put up the \$50,000 bounty, but they was both dead.

Q. Mr. Ray, had you ever heard anything about a bounty from someone in Missouri on Dr. King's life?

A. No. The only thing I heard is what

the assassination committee -- when they came out, that's the first I heard of it.

Q. Did your brother ever mention to you that he was ever in a place called Jim's Grill at any time?

A. No, I don't -- see, the only thing I can remember, he was telling me about where he was at at the time that King got killed. He was at a service station trying to get a tire fixed, but he never did hardly mention Jim's Grill to me. I'm not saying he wasn't in there because I don't know.

Q. Let me ask you this. Did he tell you that the day this happened that he had gone up to this rooming house and had registered as a guest, paid some money? Did he ever tell you that or did he tell you what he was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1070

doing there?

A. Oh, yeah, he told me that I think it was at the DeSoto Motel he had bought this

gun -- was in Birmingham I think it was. And then he -- then Raul said it was the wrong one and he had to take it back and get another one, and he told him to meet him at that motel in DeSoto. Then he picked the gun up or Raul picked the gun up that night and later on told him to rent a room on this place on Main Street.

Q. Did he tell you that he had gone into the rooming house and had taken any of his clothing or personal items?

A. No, I didn't ask him what he brought in there. I never did -- the only thing I knew, he went in there and they had -- later on that night had Raul and another guy in there. And he said that Raul used his car a lot, that Mustang, so Raul told him he wanted to use the car later that time and he wanted to talk to this guy, you know, by himself anyway. So James told him, he said I'll go get the tire fixed. He had a flat

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1071

tire coming in, and that's when he went up to get the tire fixed.

Q. He spent some time in Atlanta, did he not, before the assassination?

A. Yeah. He lived in Atlanta. I can't remember the name of the place he lived at, but some apartment places in Atlanta.

Q. Okay. Mr. Ray, let me ask you this.

You're aware of the fact that after the assassination, a map was found that your brother owned that had a home, business and another location where Dr. King stayed that was supposed to be part of his property.

You're aware of that, aren't you?

A. Yeah, I've read that.

Q. Have you ever seen the map?

A. No. The only thing I know is what I read. I read something that something was circled -- a church or --

Q. A church and his office I believe was circled.

A. Yeah.

Q. Did you ever see the Mustang that was supposed to be driven by your brother -- the DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD (901) 529-1999 1072 white Mustang?

A. No. I've never seen it in my life to this day because I never did see James after he left Chicago. Then when they took the Mustang, I think they sold it to somebody here in Memphis -- a car lot.

Q. After the assassination on April 4th, 1968, when did you hear from your brother again? Did you talk to him any more after that, the 4th?

A. No. After -- I can't remember for sure. I think it was about two months before the assassination. Then the next time I talked to him is when they brought him back from England to Memphis.

Q. So you had not talked to him from the assassination up until he was brought back?

A. Until he was brought back. And

within a week after he was brought back, I
drove down and visited him.

Q. Did you know where he was during that
time?

A. Oh, no, no. See, the FBI would keep
me in their office all day long after they

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1073

had discovered they was looking for James
Earl Ray. And the FBI, they would take me
downtown. I was working at night and in
there all day because the FBI told me if he
ever gets in touch with you, will you let us
know, and I said you'll know before I know.

Q. Well, did he ever mention anything
about the fact that this Raul had indicated
to him that they wanted to assassinate
Dr. King? Was anything ever said about that?

A. No, no, no. Huh-uh, no. He never
had got involved in anything like that -- no
murder or nothing like that. The only thing
he was trying to do was just make enough

money to get out of the country, and he said that guy's paying him good.

Q. Mr. Raul was paying him?

A. Yeah. He only mentioned Raul's name once by name, and right after that he said he's paying him good. And I believe he was talking about the same person.

Q. Let me ask you this. Mr. Ray was never seen anywhere with this Raul that you know of, was he?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1074

A. Well, I don't think Mr. Pepper brought or Attorney Pepper brought this up, but James sent me down twice -- once right after the guilty plea. That's what that \$500 was for, to go down to New Orleans, because he'd meet Raul in the Bunny Lounge. That's on Canal Street.

Q. What was the name of that?

A. The Bunny Lounge -- Bunny lounge.

And it's on Canal Street. And James told me

exactly where it was at, and I went in there
and had two barmaids -- and I mentioned
Raul, you know, like on a friendly term.
Otherwise, you get suspicion and they want to
know what's going on. And the barmaid hadn't
heard of Raul. Then I asked another one
about Randy -- Randy Rosenson because one
time after Raul used a car, when James got
it back, it had a card stuck down in the
side. And on it, it had Randy Rosenson's
name on there and a phone number. And so
then James sent me down again in about '72
and trying to run this guy down. So then
that's when a barmaid said, well, that's

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1075

probably Randolph Rosenson.

So I go back, and James then -- she
says something about he lives in Miami. And
so then I go back in and James had me fly
down to Miami and go to check up on Randolph
Rosenson. They subpoenaed him in front of

the assassination committee, but I don't know what the outcome was. But anyway, his card was found in James' Mustang after Raul used it one time.

Q. When your brother testified before the assassination committee, were you there present?

A. No, I was in St. Louis. I watched it on live TV.

Q. Were you surprised that he entered a guilty plea?

A. Yeah, I was. I was. I was. Most people -- I've talked to a lot of people that in a way don't believe he's guilty, but why would he plead guilty to something like this if he didn't do it and --

Q. Did you ever ask him that very question?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1076

A. Yeah, well, he kicked himself after he got out of that place they had him in,

see, and he said that's the worse mistake I ever made in my life because it's hard to overturn. But like Mark Lane and them talked about that.

That was worse where he was at than the Nazis they put on trial in World War II after Nuremberg because they had the lights on, the heat on, they had a policeman in there with him 24 hours a day and he'd breathe everything he done. And he couldn't get no visitors. If he did, he had to write notes to them unless you wanted the state to know what he was talking about. Then on top of that, Foreman said they were going to put me in prison and put my dad in prison if he didn't plead guilty.

Q. Did you ever know that your brother owned a rifle of any type? Did you ever know of any type rifle he owned?

A. No, huh-uh. He wasn't a good shot anyway, see, if he shot anything. I think they classify you when he went in the Army

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1077

and he was a poor shot.

Q. Mr. Ray, was your brother in Los Angeles some of this time after he escaped from the Missouri prison?

A. Yeah, he spent time -- I didn't know about it at the time. I found out later he was out in L.A. a lot.

Q. But you learned he was in Los Angeles some of the time?

A. Yeah.

MR. GARRISON: That's all, Your Honor.

THE COURT: All right.

MR. PEPPER: Nothing further, Your Honor.

THE COURT: All right. Mr. Ray, you may stand down. You can remain in the courtroom or you're free to leave.

THE WITNESS: Okay. Thank you.

(Witness excused.)

THE COURT: At this point we're

going to take break.

(Jury out.)

(Break taken at 11:40 a.m.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1078

THE COURT: Let's bring the

jury out, please, sir.

(Jury in at 12:07 p.m.)

THE COURT: Call your next

witness.

MS. AKINS: Good morning, Your

Honor. We have two statements -- FBI

reports, 302's. Both are taken or one taken

April 25th, 1968.

Mr. Ray Alvis Hendrix, Room 14, Fox

Hotel, 106 Vine Street, Memphis Tennessee,

advised that he is employed by the Corps of

Engineers, U.S. Government on the Dredge

Oakerson. Mr. Hendrix stated he worked about

six months in nice weather and is off the

other six months of the year.

Mr. Hendrix stated that on the

evening of April the 4th, 1968, he and Bill Reed, who resides in Room 4 of this hotel, ate their dinner at Jim's Grill located at 418 South Main Street, Memphis, Tennessee.

He stated they left the grill at approximately 5:30 p.m. and slowly walked to the Fox Hotel. He said they walked on the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1079

east side of South Main Street.

Mr. Hendrix commented that when they left Jim's Grill he forgot his jacket and had to return for the jacket. He said he learned later that while he was getting his jacket, Bill Reed looked at a white Mustang that was parked almost in front of Jim's Grill. He said he did not notice this Mustang or any other cars parked in front of Jim's grill.

He stated, however, that when he and Bill Reed approached the intersection of Vance and South Main Street, Bill Reed pulled him back to the curb because the car was

turning the corner. He said this car was a white Mustang and that after the car turned the corner Bill Reed commented to him that this was the Mustang that was parked in front of Jim's Grill which he looked at while he, Hendrix, was retrieving his jacket.

Mr. Hendrix stated he did not see who was in the car but believes there was only one person. He said he could not describe him and would not be able to identify the driver of this car.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1080

Mr. Hendrix stated that as they were returning to their rooms or possibly or just entering their rooms, they heard sirens in the immediate area and going south on South Main Street. He said he later learned that the sirens were from police cars that were going to the scene of the murder of Martin Luther King. He said as near as he can recall, he heard the siren about 6:00 p.m. or

just a few minutes after 6:00 p.m. on
April the 4th, 1968.

Mr. Hendrix stated that the Mustang
had turned the corner and proceeded east on
Vance Street, did not turn the corner very
fast or made the tires squeal. He said he
did not watch which way the Mustang turned or
how far it traveled on Vance Street.

Mr. Hendrix also stated he could not
furnish any information as to the cars parked
or traveling in the immediate area of Jim's
Grill at the time that he and Bill Reed
left. He also stated he could not furnish
any information concerning individuals in the
immediate area of Jim's Grill at the time he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1081

left to return to his room.

THE COURT: What's Mr. Hendrix's
first name?

MS. AKINS: Ray Alvis Hendrix.

THE COURT: Thank you.

MS. AKINS: Your Honor, the second statement, also FBI report number 302, was taken April the 15th, 1968, by Mr. William Zinny Reed. These are pages 66 and 67.

Room 6, Clark Hotel, 106 Vance Street, Memphis, advised he is employed as a salesman for a photography firm and is currently working in the Memphis area. Mr. Reed stated that on April the 4th, 1968, he and Ray Hendrix stopped at Jim's Grill, 418 South Main Street for something to eat. He said he was in Jim's Grill for some time and feels that he arrived there at approximately 4:30 p.m. and believes that he left between 5:15 p.m. and 5:30 p.m.

He said when he left, he picked up his hat and he and Ray Hendrix paid their check and left Jim's Grill. He said that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1082

they left the entrance of Jim's Grill and

proceeded north on South Main Street for 10 feet when Ray Hendrix remembered he left his jacket in Jim's Grill. Mr. Reed stated he waited in front of Jim's Grill while Hendrix went back for his jacket.

He commented that while waiting, he looked and saw a white Mustang was parked near the entrance of Jim's Grill. Mr. Reed stated he does not have a car and is in the market for a car and was considering buying a Mustang and therefore he looked this car over. He said he believed the car was an off white color, that it was not dirty but was not exactly clean either.

He said he believes this car had not been recently washed. He said he does not recall the color of the interior but believes that it was a dark color. He said he does not recall seeing anything inside the car other than five cartons lying on the back seat. He described these cartons as being the size of a tin package cigarette carton.

He said these cartons were red and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1083

white in color, but does not remember any lettering on the cartons nor does he remember whether the white or the red was dominant.

He said when he saw these cartons he felt that the owner of this car was probably a traveling salesman -- that the owner of this car was probably a traveling salesman.

Mr. Reed stated he does not know whether or not any stickers were in the window of this car and he did not look at the license. He said he does not recall if the Mustang had whitewall tires and if it had wheel covers.

Mr. Reed stated that after Hendrix obtained his jacket from Jim's Grill, they proceeded north on South Main and walked on the east side of South Main Street. He said when they arrived at the intersection of Vance and South Main, he was about ready to walk off the curb when for some unknown

reason he looked around to see if there were any cars coming. He said as he looked back, he saw a white Mustang about ready to turn the corner and go east on Vance from South

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1084

Main Street.

He said he does not know if this is the same car he saw parked in front of Jim's Grill but added it seemed to be the same car. He said he did not see who was in the car but believes it was a white male with a white shirt, but does not recall if this individual had a tie or hat on. He said he had the impression this person was not young but was not old. He said he would have no way of estimating the age of this person.

Mr. Reed said the Mustang proceeded east down Vance Street. He has no idea where the car went after it turned the corner.

Mr. Reed stated that he went to his room and that he had been in his room for

quite some time, possibly as much as 15 minutes when he heard numerous sirens in the immediate area going down toward Jim's Grill. He said he learned later that Martin Luther King had been shot and that the sirens he heard were from officers going to that immediate area.

Mr. Reed advised he could not

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1085

furnish any additional information concerning any cars parked on the street or any people in that immediate area.

Your Honor, we move that these statements be marked as plaintiffs' exhibits.

THE COURT: You want to do them as collective or marked separately?

MS. AKINS: They can be collective, Your Honor.

THE COURT: Please mark them as Collective 21.

(Whereupon, the above-mentioned

documents were marked as Collective Exhibit

21.)

THE COURT: Also, ladies and gentlemen, the new face that you see with Mr. Pepper and his group is Mr. Dick Gregory. All right. Call your next witness.

MR. PEPPER: Thank you, Your Honor. Your Honor, plaintiffs call Lieutenant Willie B. Richmond.

WILLIE B. RICHMOND, having been first duly sworn, was examined and testified as follows:

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1086

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Richmond.

A. Good afternoon.

Q. Thank you for joining us here this afternoon. Would you state your full name and address for the record, please?

A. Willie B. Richmond.

Q. And your address?

A. 1411 Favell Drive, Memphis,
Tennessee.

Q. What is your present occupation,
Mr. Richmond?

A. I'm retired.

Q. And where were you employed
previously?

A. Memphis Police Department.

Q. And when did you first join the
Memphis Police Department?

A. February the 1st -- February the 2nd,
1965.

Q. Nineteen sixty --

A. Five.

Q. Five. And when did you officially

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1087

retire?

A. April 26, 1997.

Q. So you're a long-standing police
officer?

A. Thirty-two years.

Q. And what was your final rank?

A. Captain.

Q. You reached captain. Now, on the occasion of the sanitation workers' strike in February and March and April of 1968, during those turbulent times, what was your assignment in the police department?

A. I was assigned to the Internal Affairs Bureau at that time during the sanitation strike.

Q. Would you be kind enough just to pull that mike a little closer to you?

A. (Witness complies.)

Q. You were assigned to internal affairs?

A. That's correct.

Q. And what did that assignment entail? What did it mean to be assigned to internal affairs?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1088

A. Observe workers to see if any trouble was going to come up.

Q. Did there come a time when you were assigned to a surveillance post in the fire station number two on South Main Street?

A. If that was the one that was at Calhoun and Main, it was.

MR. PEPPER: All right. Why don't we just pull that out so we refresh Captain Richmond's memory.

(Map exhibit set up.)

MR. PEPPER: Permission to enter, Your Honor?

THE COURT: Yes, sir.

Q. (BY MR. PEPPER) Mr. Richmond, this is the fire station we're talking about here (indicating) which is on South Main on the corner of Butler and South Main. Do you recognize it?

A. Yeah, that's it. Butler and South Main.

Q. All right. And where were you on surveillance duty when you were assigned

here?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1089

A. I was in the back where the sleeping quarters is next to Mulberry Street. There's a sleeping quarters back there.

Q. Back here in the rear of the fire station?

A. Right.

Q. And where were you looking in particular during your surveillance duty?

A. I was looking at the parking lot area to the Lorraine Motel.

Q. But from here across to the Lorraine Motel?

A. Right.

Q. Do you recall when you started, when you took up that position first?

A. That particular day, I had gone out that morning -- but I came back -- to take a blood test because I was getting married that coming Sunday.

Q. All right.

A. And I went back down there later on that evening about maybe 2:30, 3:00.

Q. You came back around 2:30, 3:00?

A. Correct.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1090

Q. And you then resumed your surveillance?

A. Correct.

Q. Were you alone or did you have a partner with you?

A. I had a partner.

Q. And who was that?

A. Detective Redditt.

Q. So the two of you shared that duty?

A. That is correct.

Q. Did there come a time that afternoon when you were left alone on duty?

A. When I had finished my blood test, I went back to the office, internal affair's office, and I was told to go down to the

station to relieve Redditt because he had been threatened.

Q. So you were told at that point to go down to the station and relieve him. He was going to be relieved of responsibility, taken off?

A. Correct.

Q. And you were going to continue the surveillance by yourself?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1091

A. That is correct.

Q. To whom did you report when you were carrying out this surveillance activity?

A. I called the office and usually I talked to -- it was then Captain Gerald Ray or Inspector Time (phonetic), and I can't remember which one I talked to now.

Q. But you would speak with one of those two officers?

A. One of the two. Most of the time it was Ray.

Q. Captain Richmond, let me pass this report to you.

(Document passed to witness.)

Q. Do you recognize this document?

A. Well, it looks like the statement I gave on April the 9th, 1968 to Lieutenant J.D. Hamby.

Q. Right. This is a statement you gave to Lieutenant J.D. Hamby on April 9th, 1968?

A. That is correct.

Q. Now, this retraces your activity on this surveillance duty from April 3rd through the assassination; is that correct?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1092

A. That is correct.

Q. If you'll turn over to page 2, we're still on April 3rd. Is there anything of particular notice or moment that's taken place on April the 3rd that you can see?

A. No, sir, not in particular.

Q. You see a reference to the Invaders

about midway down that page? Reference to the Invaders occupying rooms 315 and 316?

A. I see it.

Q. Were the Invaders of particular interest to you at that time?

A. No, sir.

Q. You were just commenting that they were there?

A. That's it.

Q. Now, when Dr. King arrived in the city for that last visit, were you at the airport?

A. I was.

Q. Did you have a conversation with anyone connected with either his group or with the local clergy having to do with security or protection for him on that last

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1093

visit?

A. I didn't, but my partner did.

Q. Your partner did. Were you present

when that conversation was taking place?

A. I was there.

Q. And with whom was the conversation?

A. I believe he spoke with Reverend

Kyles.

Q. Reverend Samuel Kyles?

A. Right.

Q. And what was the gist of the conversation with respect to security protection for Dr. King?

A. At that time we was told that Dr. King hadn't wanted any police protection.

Q. You were told that Dr. King didn't want any protection.

A. Police protection.

Q. Any police protection. And this was told to you in this conversation by Reverend Kyles?

A. I think it was Reverend Kyles. I'm not sure, but I believe it was Reverend Kyles. He was the one that said it I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1094

believe.

Q. He was the one who said it you believe?

A. Uh-huh.

Q. Were you familiar with what position Reverend Kyles held in Dr. King's organization?

A. No, I was not.

Q. And you didn't know he held no position in Dr. King's organization?

A. I did not.

Q. If you'll move on to page 3 of your statement, Captain Richmond, about two-thirds of the way down the page, do you notice your note? And I'll read it. "At 2:05 p.m.

Reverend Samuel Kyles arrived and went to room 307 and departed at 2:23 p.m." You see that note?

A. Yes.

Q. Do you know who was in room 307 at that time?

A. Well, at that time, no, I did not.

Q. Let's move on to page 4, please.

A. (Witness complies.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1095

Q. The first full paragraph. Would you read the first full paragraph starting at "at approximately 5:50 p.m." to us, please?

A. Okay. It says, "Approximately 5:50 p.m., John Smith, Milton Max, Charles Cabbage and one female colored and approximately six or seven more of the Invaders opened the door of their rooms, and I could see them gathering their belongings. They then brought them down the stairs and placed them in the trunk of a light blue Mustang, license number BL 3750, and they left the motel. They was going west on Butler to Main."

Q. If I could just interrupt you there.

So at 5:50 p.m., your eye witness recording sees the Invaders just bustling out of -- bustling out of that motel, leaving the hotel?

A. They left.

Q. And that's within 11 minutes of the shooting?

A. Approximately.

Q. Would you continue reading the next paragraph, please?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1096

A. "Immediately after the Invaders left, the Reverend Samuel Kyles came out of room 312 and went to the room where Martin Luther King was living. He knocked on the door and Martin Luther King came to the door. They said a few words between each other and Reverend Martin Luther King went back into his room closing the door behind him, and the Reverend Samuel Kyles remained on the porch."

Q. Right. So you're telling us there from your eye witness report that Reverend Kyles knocked on Martin Luther King's door at about ten minutes to six or shortly after ten minutes to six, said a few words to Dr. King

after he opened the door. Then when the door was closed, Dr. King went back into his room and Reverend Kyles remained on the -- you call it the porch, but on the balcony?

A. The balcony.

Q. Now, a little further down in the next paragraph, you record Martin Luther King coming out onto the balcony. Do you see that reference there? And if you could read from the words "at this time the Reverend Martin

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1097

Luther King returned. " Do you see that?

A. I see it.

Q. Would you read that note, please?

Middle of the next paragraph.

A. Okay. "At this time Reverend Martin Luther King returned from his room to the gallery and walked up to the handrail. The Reverend Kyles was standing off to his right. This was approximately 6 p.m. At this time I heard a loud sound as if it was a

shot and saw Doctor Martin Luther King fall back on the handrail and put his hand up to his head.

At 6:01 p.m., April 4th, 1968, I reported this to the inspection bureau. I returned to remain there and keep surveillance. Also, here now and at the time I heard the shot, the men of the tact squad which consists of the sheriff deputy and the Memphis police department was in the fire house number four. I immediately hollered to them I believe that King has been shot.

At this time the men of the tact squad scramble out of the fire house

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1098

immediately going in all different directions. Some went to the hotel. Some went down the street. Later, the fire department ambulance arrived approximately five minutes later and departed to the hospital with Reverend King."

Q. That's fine, you can stop there.

These were your recollections at the time contemporaneously as you observed what was going on at the Lorraine; is that right?

A. Correct.

Q. Nowhere in these notes do you record Reverend Kyles going into Reverend King's room 45 minutes, an hour before the shooting, do you?

A. No, I don't.

Q. And if he had done so, is it fair to say that you would have recorded this entry?

A. I recorded pretty much everything that went on. I don't have my notebook now, but we carried little small notebooks.

Q. Right.

A. And I wrote everything down as I saw it.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1099

Q. As you saw it?

A. As I saw it.

Q. That was your duty.

A. Correct.

MR. PEPPER: Thank you very much, Captain Richmond. Plaintiffs move admission of Captain Richmond's report into evidence, Your Honor.

THE COURT: All right, 22.

(Whereupon, the above-mentioned document was marked as Exhibit 22.)

MR. PEPPER: Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Captain Richmond, let me ask you a couple of questions. I notice on this same report that you were just reading from you were asked a question, did you see anything suspicious, anyone acting boldly, and your answer was that you did not see anyone acting with suspicion or anyone that created any concern to you; am I correct, sir?

A. That is correct. I didn't.

Q. Sir?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1100

A. I did not.

Q. You also were asked for your impression of where the shot came from, and you said it sounded to you like it came from the northwest side of the fire station toward the street side?

A. That's exactly where it sounded like it came from to me.

Q. It sounded like the north/northwest from the police station? That's what you said in this report I believe.

A. Yes, uh-huh.

Q. And that's where you thought it came from at first, isn't it?

A. I have no idea where it came from.

That's what it sounded like to me.

MR. GARRISON: That's all I have.

MR. PEPPER: Nothing further,
Your Honor.

THE COURT: All right. You may

stand down, sir. You can remain in the
courtroom or you're free to leave.

THE WITNESS: Thank you.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1101

(Witness excused.)

THE COURT: Do you have a short
witness?

MR. PEPPER: I'm afraid not.

THE COURT: All right. Then
we'll take our lunch break and we'll resume
at 2:00.

(Jury out.)

(Lunch recess taken at 12:35 p.m.)

THE COURT: Bring the jury in,
please.

(Jury in at 2:15 p.m.)

THE COURT: All right. We're
ready to proceed.

MR. PEPPER: Thank you, Your
Honor. Your Honor, plaintiffs call as their
next witness Mr. Douglas Valentine.

DOUGLAS VALENTINE,

having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Valentine. Thank
you for making this journey, being with us

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1102

this afternoon. Would you please state for
the record your full name and address?

A. My name is Douglas Valentine, and I
live in Longmeadow, Massachusetts.

Q. Thank you. And what do you do for a
living, Mr. Valentine?

A. I'm a writer -- a twice published
writer.

Q. And what is your specialty of writing
and research?

A. The intelligence operations of the
United States Government.

Q. Would you tell us some of the books

that you have written?

A. I've had two books published. The first was titled The Hotel Tacloban. It was about my father's experiences as a prisoner of war in World War II. That book was published in 1984, '85 and '86. My second book was called The Phoenix Program, and that was published in 1990 and 1992.

Q. Would you summarize for us what the scope and the concern of The Phoenix Program was?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1103

A. The Phoenix Program was created by the CIA in Vietnam in 1967 as part of a recognition that the war could not be won militarily and that a second other war had to be waged against what was called the Vietcong infrastructure which was a jargon for the shadow government of the Vietcong.

Q. Now, in the course of your research and work with respect to the Phoenix Program

and that book, did you come upon information that has a bearing or is relevant to this case?

A. Yes, I did. I interviewed hundreds of people who participated in the Phoenix Program, including military intelligence personnel officers and enlisted men who were assigned to the Phoenix Program in Vietnam. Some of these military intelligence personnel upon returning to the United States were assigned to military intelligence groups in the Continental United States and began to conduct surveillance and Phoenix type operations against anti-war demonstrators and people in the Civil Rights Movement.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1104

Q. What was the range of activities that these groups were involved in?

A. The military intelligence groups actually had lists of prominent members of the anti-war movement and the Civil Rights

Movement. Particularly they focused on Vietnam veterans against the war, but they had an entire range of targeted individuals that they surveilled, including such well-known people as Abbie Hoffman and Jerry Rubin. But they also acted as agent provocateurs in demonstrations that would incite riots at demonstrations in order that the police could be called in and arrest individuals.

Q. And break up demonstrations?

A. Break up demonstrations that the military intelligence personnel had started, some of the problems that they had started themselves.

Q. Now, the military intelligence structure covered the entire Continental United States, did it not?

A. That's right. There were seven

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1105

military intelligence groups in the

Continental United States spread pretty much evenly across the country.

Q. And the one that was connected with this region in the southeast was the 111th military intelligence group?

A. That's correct.

Q. Was there any particular information that you happened to come upon with respect to the 111?

A. Yes, and I included a passage in my book in The Phoenix Program about that. One of the intelligence -- military intelligence individuals who had been in the Phoenix Program in Vietnam came back to the United States afterwards and worked in a military intelligence group -- another one, not the 111. But there was common knowledge within all of the military intelligence groups about each other's activities.

And this individual heard a rumor at the time that the 111th military intelligence group had been conducting 24-hour a day surveillance of Martin Luther King and that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1106

they had actually been in Memphis on April 4th, 1968 and had taken photographs of the assassination of Martin Luther King.

Q. So the scuttlebutt or the rumor was that there had been 111th military intelligence group officers in Memphis at the time of the assassination in a vantage point with cameras running?

A. That's right.

Q. And that they actually captured the assassination on film?

A. That's correct.

Q. Have any of those photographs ever surfaced to the best of your knowledge?

A. Not to my knowledge.

Q. Did you speak with more than one source with respect to their existence?

A. No, I did not. I spoke with one source.

Q. With one source. Now, could you give

us an overview of another intelligence group,
the 902nd military intelligence group and
what you learned about that organization?

A. I thought I knew a lot. I thought I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1107

knew almost everything about the various
military intelligence groups, but I didn't
learn about the 902nd until 1996 in the
course of researching the book that I'm
writing now which is a book about federal
drug law enforcement. And I did an
individual -- an interview with an individual
named Phillip Manual who in 1975 was a staff
investigator for the Senate Subcommittee on
Permanent Investigations.

And in the course of interviewing
Mr. Manual, I asked him about his background,
and he said he had been in the 902nd military
intelligence group. So in the course of my
interview with him, this was interesting to
me so we temporarily digressed from the

subject that I was interviewing him about and he explained -- I asked him about the 902nd, and he refused to discuss the subject. He said it was a very secret organization and he had promised not to talk about it.

So I subsequently filed a Freedom of Information Act request for information about the 902nd. And I filed that Freedom of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1108

Information Act request in October of 1996, and I received a unit history from the United States Army on the 902nd. And that's -- having read that unit history is basically the extent of my knowledge of the 902nd.

Q. Right. That was published by the Department of Defense?

A. By the United States Army, and it was published in 1994 as a 50-year anniversary unit history. The 902nd was created in 1944, and this history was written in 1994 as a 50-year commemorative exercise.

Q. Do you know where the 902nd military intelligence group was based in 1968?

A. I believe it was based in Washington D.C.

Q. Do you know that Mr. Phillip Manual was here in Memphis on April 4th, 1968?

A. I know that, yes.

Q. Do you know what his role was here in Memphis on April 4, 1968?

A. What I know about his role here, I gathered from having read Orders to Kill Him (sic).

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1109

Q. What did you gather was his role?

A. That he had arrived in Memphis I believe on April 3rd, and on April 4th at 3:00 -- between 3:00 and 4:00 p.m., he met with a lieutenant from the Memphis Police Department. And I believe that man's name was Arkin. And based on what Mr. Manual told Lieutenant Arkin, Lieutenant Arkin went to

the fire station where a Memphis Police Department officer named Redditt was stationed and was observing the Lorraine Hotel, and Lieutenant Arkin asked that Mr. Redditt leave his post and return to police headquarters.

Q. Have you subsequently tried to locate Mr. Phillip Manual?

A. Yes, I have.

Q. Have you had any success in finding him?

A. No, I have not.

Q. Any trace of him whatsoever?

A. None whatsoever.

MR. PEPPER: Thank you. Nothing further, Your Honor.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1110

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Valentine, you said at some -- the 111th was photographing the

assassination? Is that information you
obtained?

A. That's what I was told, yes.

Q. Did anyone ever tell you who the
assassin was? Did they determine that?

A. Nobody ever told me who the assassin
was.

MR. GARRISON: Thank you.

MR. PEPPER: Just one further,
Your Honor.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Mr. Valentine, did you ever ascertain
what was the actual vantage point from which
those photographs were taken in your own
investigative work?

A. No, but what I was -- I'm sorry.

Q. From your own personal investigative
work, your own knowledge, did you ever
ascertain that?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1111

A. No, I did not.

MR. PEPPER: Thank you very

much. Nothing further.

(Witness excused.)

MR. PEPPER: Plaintiffs call

next Mr. Carthel Weeden.

CARTHEL WEEDEN,

having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Weeden.

A. Good afternoon.

Q. Thank you for joining us here today.

A. Okay.

Q. Would you state for the record,
please, your full name and address?

A. Carthel Weeden, 6732 Tunger Ridge

Drive, Olive Branch, Mississippi.

THE COURT: Could you please

spell Carthel?

A. C A R T H E L.

THE COURT: Thank you, sir.

A. Need me to spell Weeden?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1112

W E E D E N.

Q. (BY MR. PEPPER) Mr. Weeden, what do you currently do for a living?

A. I got a little construction company.

Q. Are you basically retired?

A. Well, I am from one job.

Q. What is the job that you're retired from, Mr. Weeden?

A. Memphis Fire Department.

Q. And when did you join the Memphis Fire Department?

A. 1951.

Q. When did you retire?

A. July 7, 1982.

Q. That's a long career.

A. Yes, sir.

Q. What was your position from beginning to end in the Memphis Fire Department?

A. I started as a private. I finished

as a district chief.

Q. So you went all the way --

A. I went all the way through the ranks.

Q. All the way up.

A. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1113

Q. And in 1968, where were you
stationed?

A. Fire station number two.

Q. Fire station number two.

A. Main and Butler.

MR. PEPPER: We're going to put
up the graphic just so we fix this location.

(Map exhibit set up.)

THE WITNESS: I guess I'll have
to put on these to be able to see that far.

MR. PEPPER: Your Honor, may I
approach?

THE COURT: You may.

Q. (BY MR. PEPPER) Mr. Weeden, this is
the downtown Mulberry Street/South Main

Street area. Can you see this all right?

A. Yeah, I can see.

Q. And there's the corner of

Butler -- Mulberry, Butler and then South

Main Street (indicating).

A. Yes, sir.

Q. And here of course is the Lorraine

Motel.

A. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1114

Q. East of -- and over in here is

Memphis Fire Station number two.

A. Yes, sir.

Q. Is that the fire station where you

were stationed in 1968?

A. Yes, sir.

Q. And what was your position when you

were at that station?

A. Captain.

Q. So you were captain?

A. Yeah, of the station.

Q. Of the station.

A. Yeah.

Q. That means you were the senior --

A. I was senior captain, yeah.

Q. Senior captain and administrative
officer of the station?

A. Right.

Q. Right. Now, these were very
turbulent times in 1968, in early 1968, were
they not?

A. Yes, sir.

Q. Did you have all kinds of police
units and other individuals around the fire

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1115

station?

A. They were in and out, yes.

Q. On April 4th, 1968, the day of the
assassination, were you on duty?

A. Yes, sir.

Q. And on April 4, 1968, were you
approached by two Army officers?

A. That's what they indicated, they were two Army officers.

Q. And what did they ask you to do?

A. They wanted a look-out vantage for the Lorraine Hotel.

Q. They wanted a vantage point of the Lorraine Hotel, these Army officers. And did you put them somewhere?

A. I put them on the roof of the number two fire station.

Q. You put these Army officers on the roof of the number two fire station on the 4th of April, 1968?

A. In the morningtime.

Q. They came in the morningtime?

A. Right.

Q. Did you see them leave?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1116

A. No, sir.

Q. Did you go up there on the roof with them?

A. I did.

Q. And were they carrying anything?

A. They had some briefcases or some items with them, yes.

Q. Did you come to learn what was in those briefcases?

A. No, sir.

Q. Did they tell you what was in the briefcases?

A. They said they wanted a vantage point for doing some photo -- photograph --

Q. Photographic work.

A. Right, right.

Q. So you came to believe that they had camera equipment in those briefcases, did you not?

A. Well, that's what they had indicated to me. I placed them on the roof and then left.

Q. Approaching again, can you tell us roughly or exactly on that roof which vantage

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1117

point were they occupying?

A. They was near that -- I guess it would be the northeast corner there.

Q. The northeast corner of the roof?

A. Yeah. That's where they was placed.

There's a hose tie right there by that.

Q. Right.

A. Yeah, and of course as you approach up on the roof, you can walk to the edge and look right down on the street.

Q. So it's a clear vantage point, isn't it?

A. It's a clear vantage point. There's a parapet, a wall that was there, but it's very small. It's about that high (indicating).

Q. Would anything impede their visual view --

A. No, sir.

Q. -- their lens view of the Lorraine or the brush area here?

A. It could all be seen from that

vantage point. It could have been whatever

they wanted to do. It would nothing be in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1118

it -- keep it from being a vantage point to

do what they had indicated to me they wanted

to watch.

Q. Right. So there would have been

nothing blocking their --

A. No, shouldn't have been at all. But

if I remember correctly, it was a hedge, you

know, there on I guess it would be north of

the fire station in that parking lot area

there. Hedge had been grown up there. Well,

they wasn't very big trees.

Q. But they were above that?

A. Yeah, they were above the fence row

there.

Q. Did you stay with them for any period

of time?

A. No, sir.

Q. You just left them?

A. I placed them at a vantage point that they seemed to like and left them.

Q. You left them to do their task, whatever it was?

A. Right.

Q. Did they at the time show you any

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1119

military identification?

A. Well, I'm sure they did or I wouldn't have carried them up there but I -- you know, we had a lot of people coming in and out at that time, you know.

Q. Sure.

A. We was trying to do our best to do what they wanted to be done.

Q. I'm sure you would. Mr. Weeden, has any law enforcement officers ever asked you about that day and what you did?

A. No, sir.

Q. Nobody has ever spoken to you?

A. No, sir.

Q. Does that seem strange to you? You were the captain of that fire station in such a critical position.

A. You want me to answer that or just --

Q. You can answer.

A. Yeah. I don't know what to say except I was there.

Q. And you've never been spoken to about this?

A. No, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1120

Q. Did any member of the House Select Committee on Assassinations, any investigator for the House Select Committee ever speak to you about this incident?

A. Not at all.

Q. Any researchers or book writers ever speak to you about this incident?

A. No, sir.

Q. My, my. Thank you very much,

Mr. Weeden.

MR. PEPPER: Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Weeden, you had been stationed at the fire station sometime on April 4, 1968 I guess; is that correct?

A. Do what, sir? I didn't hear you.

Q. You had been stationed at the fire station sometime on April the 4th of 1968; is that correct?

A. At that time I had been there approximately a couple years.

Q. All right, sir. Had you ever been in a place called Jim's Grill? Had you ever

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1121

been in that establishment?

A. Not except for maybe an inspection.

We did make, you know, inspections back then. I think we had had a card on it. I'm sure I had been in it, but not for any other purpose.

Q. Had you ever heard the name of
Mr. Jowers mentioned at any time --

A. No, sir.

Q. -- before this occurred?

A. No, sir.

Q. And now, let me ask you something.
You were at the fire station on the day of
the assassination; am I correct, sir?

A. Yes, sir.

Q. In fact, you were over on the balcony
for just a very short time, weren't you?

A. You're talking about that I carried
the guys on the roof?

Q. No, sir. When Dr. King was shot, you
were on the balcony there where he was shot
for just a few moments?

A. I went across to help the ambulance
back up to pick him up.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1122

Q. In fact, I believe you told me that
you helped put his body onto the stretcher?

A. We did. We loaded him on the
stretcher.

Q. Let me ask you this. When you first
arrived up on the balcony where he had been
shot, was anyone there?

A. Well, there was people around but...

Q. Was anyone trying to do anything for
him?

A. Not as I remember.

Q. Now, did you see the wound where he
was shot?

A. Yes, sir.

Q. All right. You examined it pretty
closely?

A. No, sir, I just...

Q. But you did see the wound where he
had been shot?

A. I did see the wound.

Q. Could you tell, Mr. Weeden, if it
appeared that that wound went up or down in
his area where he was shot?

A. In my opinion, it went up.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1123

Q. And that's from what you could see there?

A. Right.

Q. Did you stay there until --

A. Until the ambulance -- we loaded him up and they carried him away.

MR. GARRISON: That's all.

Thank you.

MR. PEPPER: Nothing further,

Your Honor.

THE COURT: All right. You may stand down, sir.

(Witness excused.)

THE COURT: Call your next witness.

MR. PEPPER: Plaintiffs call

Reverend Walter Fauntroy.

WALTER E. FAUNTROY,

having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Reverend Fauntroy, thank you for joining us this afternoon.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1124

A. Thank you.

Q. Would you state your full name and address for the record, please?

A. My name is Walter E. Fauntroy. I live at 4105 17th Street in Washington D.C.

Q. Reverend Fauntroy, would you tell the Court and the jury of your association with Martin Luther King, Junior?

A. Well, for the past 40 years I've been the pastor of my home church in Washington D.C. Ten of those years was spent as director of the Washington Bureau of the Southern Christian Leadership Conference where I had responsibility for relating to the agencies of the federal government that had relevance for our struggle in the decade of the sixties -- the White House, the

Congress, the Department of Justice in large measure, and the Interstate Commerce Commission in the sixties.

The decade of the seventies and eighties were spent as a member of the Congress of the United States where, again, some background of my work with Dr. King in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1125

organizing the march on Washington in '63 and the Voting Rights Act March of 1965 and the Meredith Freedom March from Memphis to Mississippi to Jackson in '66 had prepared me for 20 years of working the Congress where my first goal was to achieve home rule from the District of Columbia which we were able to achieve in the year 1974. And thereafter, I went to work on a second goal which I had in going to the Congress and that was to have the House of Representatives investigate the assassination of Martin Luther King, Junior.

Q. And that became a serious undertaking

of yours, the formation of this investigation?

A. It certainly did. I had gone through what we now know to be the infamous counter intelligence operation that the FBI ran on Dr. King called Telepro. And I had never been satisfied that the explanation given for the assassination of Dr. King, namely, that one man by himself was able to get out of jail and follow Dr. King as he did along the routes which we later traced, shoot him and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1126

leave Memphis and make his way to Canada and there get the passports of three persons who looked like him in route to Southern Rhodesia to join the militia. It never made since to me.

And one of my colleagues on the banking committee, Henry B. Gonzales of Texas, had the same view with respect to the assassination of President Kennedy that it

didn't make sense. And we teamed up to introduce a resolution that called upon the U.S. House of Representatives establishing a select committee to investigate those Assassinations. And I became chair of the committee investigating Dr. King's assassination.

Q. So you as a congressman became the chairman of the subcommittee that dealt with the King assassination?

A. That's true.

Q. And you chaired that subcommittee throughout the entirety of the investigation?

A. Without question.

Q. And when did that investigation

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1127

actually begin?

A. As a matter of fact, it didn't get really under way until six months after the Congress had authorized it. That because the staff director of our choice, a prosecutor by

the name Richard Sprague, whom we had selected because of the excellent work he had done in Pennsylvania in prosecuting and bringing about the conviction of Mr.

Fitsimmons who was the president of the Teamsters who had been accused and then convicted of having his predecessor killed.

Mr. Sprague was a very thorough prosecutor and not long after we hired him and he went to work, there developed a very serious controversy about his conduct of the initial days of the investigation that delayed us about six months.

Q. What was the nature of the conduct of Dick Sprague that caused controversy?

A. As I recall, it was a disagreement between him and the chairman of the Full Committee, Mr. Gonzales, that was resolved by Mr. Gonzales resigning as the chair and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1128

Mr. Sprague being dismissed as the chief of

staff.

As I recall, the controversy had to do with his intent to make available to the committee all records, not only the FBI, but the CIA and military intelligence which became quite controversial for some people, not for me.

Q. So Dick Sprague wanted to have all of these files available to the committee -- military intelligence, CIA, FBI records. He wanted them available for your investigation and that was met with controversy?

A. It was met with controversy. It never surfaced as the heart of the controversy. There seemed to be some personality problems that, quite frankly, I'm not competent to deal with with respect to Mr. Gonzales. But Mr. Gonzales resigned. Mr. Sprague was fired and Mr. Blakey was hired and we finally got to work about in August of that year.

Q. At the time Mr. Sprague was making his request for these unexpurgated materials,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1129

was there a media campaign that went on against him?

A. Quite frankly I can't remember, but I found him to be a very thorough and affable person and one who I had looked forward to giving us the kind of staff direction that I thought was necessary.

Q. So we're six months down the road and now you're investigation starts.

A. Yes. I mentioned that because when we were forced to bring the investigation to an end -- and the Congress works on two-year cycles -- we admittedly concluded our investigation without having thoroughly investigated all of the evidence that was apparent.

Q. Why did you conclude the investigation without looking at all of the evidence?

A. Because there were not the votes in

the House of Representatives to extend into the next Congress, an appropriation to allow us to continue. I think had we had the six months, we may well have gotten to the bottom

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1130

of everything.

Q. You think you would have done a better job if you had more time?

A. Oh, without a question, yes. As a matter of fact, I came away from the investigation with the view that we had not explored a number of leads that were apparent to us. In the first instance, we had not been able to identify any credible witness who placed James Earl Ray at the scene. We had not been able to establish that the gun which was fired at Dr. King was fired from the window above, and quite frankly, we had evidence in my judgment which was credible from three persons whose views were that the gunshot came from the bushes below. Nor had

we been able to trace the bullet that entered

Dr. King's body to the gun which had

Mr. Ray's fingerprints on it.

And of course it was almost amusing

when we examined Mr. Ray -- and I sat through

hours of cross-examination of him -- that

Mr. Ray was really competent to be able to

carry out the operation of breaking out of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1131

jail and traveling around the country and

getting a hold of roughly \$10,000 to sustain

himself during that period and of course get

-- there was three passports all by himself

without some help. I was disturbed also

because while he could not hit a target a

hundred feet away with an M-1 rifle, the

marksman or the person who shot Dr. King

obviously was able to do that from about 200

feet away so that these were questions on our

minds.

There was a fellow by the name of

John Paul Speaker who had been suggested as the person who may have informed Mr. Ray of a \$50,000 offer that had been made to his brother-in-law, a young man by the name of Russell Byers, by two men, Kauffmann and -- John Kauffmann and John Sutherland.

The result of -- we never had a chance to trace that thoroughly, although the committee concluded that there may have been a low level conspiracy since we had not been able to determine that and we were never able to get Mr. Speaker to speak.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1132

And we turned all of that information over to the FBI with a request to the Justice Department with a request that they follow up on those and other deeds that had many of us with reservations about closing the investigation.

Q. Were you uncomfortable with the conclusions of the investigation?

A. I was uncomfortable with the conclusion that it appeared that James Earl Ray acted alone, had killed Dr. Martin Luther King, Junior. I was uncomfortable for several reasons. One was that we were never -- I was never satisfied with the conclusion on whether there was a Raul or not a Raul. It appeared, as I recall, that of the \$10,000 that -- and that's about \$40,000 now in 1998 (sic) terms. The \$10,000 -- about \$7,000 or more of it was untraceable, and Mr. Ray's testimony had been that Mr. Raul had given him that money in return for his gun running as a part of an underworld operation and so that troubled me.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1133

And of course I was troubled with Mr. Speaker who was at the time or had been convicted of having killed a person with malice aforethought and for pay and had spent

only about two or three years in jail.

Q. Wasn't there a consideration by the committee that Mr. Ray may have gotten the money from a robbery of a bank in Alton, Illinois?

A. As a matter of fact, the staff gave us three possible scenarios. One was that Ray had received it from Raul, but we had only evidence -- only evidence you had of the existence of a Raul was Ray's testimony and we had no credible evidence at that time that such a person existed. The second was that he might have robbed banks during the course of that period, and we were satisfied that that was not an option because the FBI had itself thoroughly researched that and concluded that there were no known robberies that Ray could have been associated with.

The third option was that a bank which he and his brothers robbed in Alton,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1134

Illinois had been the source of about \$27,000, about nine of which would have gone to James Earl Ray, but again, we had only hearsay. There was no conviction or no judgment that they had in fact robbed the bank and had been punished therefore.

Q. In fact, isn't it true that the police chief of Alton, Illinois and the president of the bank said that the Ray brothers were never suspects?

A. That is what I heard, and again, not having the opportunity to investigate and corroborate a number of statements, we just didn't have time to finish up.

Q. Since the conclusion of the House Select Committee's investigation, have you developed more information of your own knowledge and have you had further thoughts?

A. I have not developed information on my own, but I have been impressed with a number of persons that I consider to be providing us with scientific and reliable and objective and verifiable data that would be

worthy of investigation. I was appalled

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1135

quite frankly at reading a book by Mr. Garrow on the FBI and Martin Luther, Junior, which detailed in far more graphic terms than we had come to know in the committee. The extent of J. Edgar Hoover's hatred for Dr. King and the determined effort that he and the FBI made to, quote, remove him from the scene.

As I recall, we had concluded as a committee -- well, this is not a conclusion that I think was written, but our staff director shared with me -- Mr. Blakey shared with me the fact that he felt we could develop a case for negligent homicide against the FBI in terms of the climate created by the FBI that made it almost inevitable that someone would attempt to take his life.

There was a book by a Curt Gentry written about 1981 which really upset me. It

described -- it was called J. Edgar Hoover
and His Secrets -- the Man and His Secrets.
And it dealt with a connection that he
established between J. Edgar Hoover, Carlos
Marcellas of the Mafia and two Texas business

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1136

people, Kirk -- Clint Merchaser and E.L.
Hunt, which brought to mind particularly the
testimony of a gentleman by the name of
McFerran who had said that he had overheard a
gentleman by the name of Laberto shouting
over the phone that afternoon. You know,
kill him, kill him on the balcony. And I was
really upset about that during the
investigation and had been assured that
really it was just Mr. Laberto's word against
Mr. McFerran's word.

Q. You're saying your committee's staff
assured you that as chairman of that
subcommittee that it was only Mr. Laberto's
word against Mr. McFerran's word and that

there was nothing else?

A. There was nothing to corroborate on either side.

Q. What they told you --

A. That's what -- that's what we concluded, and it troubled me as with many aspects of this case because we had difficulty finding corroborating evidence of what seemed on the surface to be the fact. I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1137

mean anyone who talked with James Earl Ray knew that he wasn't a rocket scientist and knew that this level of sophistication could not have been made available unless he had had the kind of sophistication that I know the Mafia has and that our intelligence agencies have from time to time.

Q. So the intervening years after the committee concluded its work, issued its report in 1979, you've maintained an interest in the case and have continued to read on

your own and digest research that's been done; is that right?

A. Yes, against the background of having gone through it with him.

Q. Yes.

A. And I was with him many times when it was apparent that we were dealing with very sophisticated forces.

Q. And what was the nature of those sophisticated forces in terms of their impact on the movement as you saw it?

A. Well, let me just say this because it is a point of interest. When I assembled my

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1138

staff and learned about bugging and about surveillance as its practiced by the FBI, I took an interest in my own church and my own phone at home and asked them if they would not find somebody who could check my phones out.

And I recall in the sixties one of

my members who worked as a maid offering me a television set. Well, in the sixties, you know, I didn't have a television set at the church so I said I'd like to have one, and she gave me a television set. That was a lovely set. It was a black-and-white set. It stayed in my office throughout the sixties and even while I was in Congress.

And when the people went through my office, they found a bug on it that enabled persons to drive around the block of the church and pick up anything that was going on in the church. Well, that was sort of amusing, but it sort of signaled me what we joked about a lot in the sixties, namely that, you know, Uncle Bubba is listening -- I mean J. Edgar Hoover is listening. So that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1139

was amusing, and I learned also that there was a bug in my phone at home that wore out about three years. A fellow told me it talks

about 500 hours, and I do recall that every time the phone would get a little funny, I would call and the same fella would show up to repair it so those kinds of laughable things were sort of in my mind.

Q. Formed a pattern?

A. Yes.

Q. Right. Well, Reverend Fauntroy, if you were uncomfortable at the time of the conclusion of the investigation after all the time that's elapsed and all that you've thought and considered since then, how do you feel now about the results of that investigation?

A. Well, of course two things have really perked my interest, and that was an article done here in Memphis in the Commercial Appeal by Stephen Tompkins which brought a lot of things into focus that I think would bear thorough investigation indeed had we known them at the time or had

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1140

any inkling that those things were in fact even talked about, we would have followed those leads. The fact that I had never heard of this 902 group, military intelligence group here before reading that article.

I had sensed that military intelligence may have had some surveillance role on African American leaders over the years, but what Mr. Tompkins laid out in terms of the perception by some people in the country that blacks were ripe for subversion by the Kaiser, by the communists and that leadership had been under surveillance like that, it really perked my interest anew in whether or not we knew all that happened before and on April the 4th, 1964 (sic).

Q. The Tompkins article is in evidence in this case already.

A. Oh, good.

Q. Did your committee ever receive any information, any evidence at all to consider with respect to the involvement of military

intelligence and these activities?

A. To my recollection, not at all.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1141

Q. Did your committee ever receive any information at all, any records at all, documents with respect to the involvement of the Central Intelligent Agency in this instance?

A. Absolutely not to my recollection.

Q. Did your committee ever receive unexpurgated files, surveillance and other files of information from the Federal Bureau of Investigation with respect to this event?

A. We received so many files from the FBI, I just -- you'd have to be more specific.

Q. I'm talking about unexpurgated field reports with respect to surveillance activities and --

A. No, no. No indications that government was paying any more special

attention to Dr. King or our movement or to my church study.

Q. On your new black and white television set. Reverend Fauntroy, I mean this is exactly what prosecutor Dick Sprague wanted to accomplish for the committee,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1142

wasn't it, the opening up of these types of files?

A. Quite frankly, you know, I've never talked to Mr. Sprague since that time, but I do know that one of the things that got him in trouble was that he wanted to open that whole area up. And there was lot of publicity about that.

Q. You were chairman of the subcommittee, Blakey was council Total Committee. Why was that area not opened up to the best of your knowledge at this point in time?

A. Quite frankly, I cannot remember. I

cannot -- I want to -- after reading the
Tompkins article, I wanted to kick myself.

Q. This Court and jury have heard
evidence that there were photographers
surveilling the Lorraine Motel and that
immediate area at the time of the killing,
heard evidence that there was photographic
surveillance in place, military officers.

Did you ever hear anything of that sort?

A. Not at all, and had I heard it,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1143

believe me, we would have been on that case.

MR. PEPPER: Reverend Fauntroy,

thank you very much. Nothing further.

THE COURT: Cross-exam.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Let me ask you, Reverend Fauntroy, a
question or two. Do you know what
specifically led the committee to the
conclusion that James Earl Ray was the

assassin and acted alone? Was there anything specific you recall now that led to this conclusion?

A. I think the thing that was persuasive for most members was the number of contradictions in Mr. Ray's description of what happened on that day and before with respect to Raul and with respect to what he did. I do recall as well that there were persons who testified that they did not see Mr. Ray at the gas station, for example, when the word had been that he had been at the gas station and others had seen him. The witnesses who were identified turned out not

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1144

to be credible or denied that they were there and had what appeared to be credible stories as to where they were at the time so that the propensity in the record of Mr. Ray to contradict himself tended to weigh on the side of the option that -- there were options

that were given us about Raul and about where the money came from.

Q. You mentioned about the hatred of the FBI for Dr. King. What do you recall about that statement from them?

A. Well, I do remember something that very much disturbed me, and I was director of the Washington bureau so I got most of the information. There were cartoons done after Dr. King's speech on April the 7th, 1967 -- April the 4th, 1967, a year to the day before he was killed. There were editorials. There were cartoons suggesting that Dr. King was a danger to the American way, that he was an ally of the communists, that something needed to be done about him.

It was on the basis of those kinds of articles that were crafted in the FBI in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1145

their offices and then fed out to a network of stations and newspapers that really made

discussion of a December the 23rd, 1963 memo that had been circulated among FBI personnel calling them to a meeting to discuss what they were going to do to remove Martin Luther King from the national scene. And it was on the basis of that information that Mr. Blakey confided with me that a case for negligent homicide could be developed on the basis of the evidence we had on what the FBI did to create a climate and to persuade the public that Martin Luther King was a danger to the American way.

Q. You remember specifically anything in your statements by J. Edgar Hoover that he made about Dr. King and his work?

A. I certainly do. I remember statements that resulted. He said that Dr. King was the most notorious liar in the country, and that prompted Dr. King, Andy Young, myself and Ralph Abernathy to have a meeting with Mr. Hoover in Washington at his office. And he never answered the question

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1146

why he said it. As a matter of fact, he spent most of the time explaining to us how efficient the FBI was and how thorough they were and how many black people they had hired, but he never answered that question and we went away amused. We thought maybe he thought that we might really go off on him in the room there, but, no, he never answered those questions.

Q. Despite of all that, Reverend Fauntroy, who did the United States government assign to investigate the assassination?

A. Well, it is the responsibility of the federal government of the FBI to do that and they did. And we took into account all that they did. One of the things that we -- for example, we never -- I never knew about James Russell Byers from the FBI investigation. As a matter of fact, one of my staffers came down to Memphis, see, and found it in the

records that this man had said that he had been offered \$50,000 and that he had been in the habit of taking stolen goods over to a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1147

hotel here and that two gentlemen, James Kauffmann -- John Kauffmann and John Sutherland, had something called fix-a-cold cough medicine that turned out to be drugs that they were making. But we found a great many -- we didn't know about John --

Mr. Speaker, John Paul Speaker, who was allegedly a cell mate of James Earl Ray and believed to have suggested to him there was \$50,000 out there for anybody who would assassinate Martin Luther King, Junior.

Q. Did the committee ever find any indication that there was a person called Raul that was in James Earl Ray's life?

A. They never -- we were never able to establish the existence of a Raul or corroboration from anybody that a Raul

existed. Jerry and John, James Earl Ray's brothers, suggested that they knew that their brother was in touch with somebody that he called Raul, but it was all hearsay coming from the brother.

There was some indications -- and I can't remember the details of it. It sort of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1148

reminds me of the Jowers case, but there was a hotel manager in California who recalled James Earl Ray getting a call on the 27th or 30th of March telling him to go to Birmingham and that they had -- they had seen this man before with him, but we never tied that down.

MR. GARRISON: Thank you, sir.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Reverend Fauntroy, did you ever see a photograph -- did your staff ever show you a photograph of a man whom James Earl Ray identified as Raul in November of 1978?

A. No, they did not, although I have seen a photo since then.

Q. Why wouldn't they have shown you that photograph?

A. You know, I just don't know. It may well have been that our staff was not aware of what Mr. Tompkins stated some years later. It may -- I know that our staff knew nothing about the Loyd Jowers connection.

Q. Now, I'm just dealing with this Raul issue.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1149

A. Yeah.

Q. What I'm getting to with the point of hindsight and the advantage of hindsight is the question of how that committee formed with millions of taxpayers' dollars -- and I'm taking you really as a prisoner of the staff of that committee in a sense because you were chairman. You didn't conduct the investigation yourself. How the committee

staff could not locate a figure whom James Earl Ray himself identified only one time from a photograph that he saw in '78 which the person 21 years later has been identified by four other people independently as Raul, why the staff couldn't do that job or why it has to be done privately?

A. I wish I could answer that question.

And on hindsight as I said after I've seen the work of so many scholars who have been working in these areas, I wish I had known and I wonder what our staff new.

Q. The other area that interests me is your recollection of the reaction in the country to Martin Luther King's speech at

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1150

Riverside on April 4, 1967 when he formally holds no holds bar opposed the war in Vietnam. Do you recall what the reaction was across the land?

A. It was at that point that these

editorials, these cartoons began to appear around the country and because, again, my responsibility was for the national office there in Washington, I got to get regular versions of the same editorial -- this man is dangerous and regular caricatures of a man whom I considered the singularly most important man with a most important message for this, the most violent century in the history of mankind. It was we've got to learn to live together as brothers, and so it hurt me.

And the effect of it was their organization found many of its supporters refusing thereafter to contribute to our effort, and I do remember one call that I'll never forget from Dr. King at a time when he was very discouraged about what had happened because he had taken a position that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1151

conscious told him was right. And it was on

an evening when I was just finishing up a sermon for the next day and quoted to him an English Methodist preacher who said on some issues, cowards ask the question is it safe to take a position, and expediency asks the question is it politics, and vanity asks the question is it popular, but conscious always asks the question is it right.

And I said to Martin there are some things you have to do not because they're popular or politics but because they are right, and I think that sort of helped him through that period and we survived it.

Q. Was there a similar reaction of fear with the announcement of the march on Washington, the one that was planned in April -- not April but in the spring of '68, the poor people's campaign?

A. Yes, but I tell you, I was shocked by the killing. I was shocked because we had lived for about a decade to that time with threats to Dr. King on his life. In fact, in New York City, he had been stabbed by a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1152

demented woman, but it had become sort of routine just to dismiss those kinds of threats. It just never occurred to me that the prospect of our doing not a one-day march on Washington, but as Dr. King promised, a demonstration that would last until this nation ended a war in Vietnam and got serious about the war on poverty. So that there was talk about the risks, but really that was not the question.

The question for us was whether or not there might be provocateurs who would deliberately start things, and quite frankly, the reason we came back to Memphis was precisely because we feared that if we did not settle it here and make it very clear that we were not going to brook any violence as a part of our demonstration in Washington, that we might not be able to carry it out because Dr. King was determined that we're

not going to have a demonstration that degenerates into violence.

Q. Lastly, Reverend Fauntroy, did there come a time in 1977 when you became aware of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1153

a threat on James Earl Ray's life?

A. Oh, certainly. In 1977, not long after we had gotten into the investigation in earnest, we heard that Mr. Ray had broken out of the prison here in Tennessee.

Q. Brushy Mountain Penitentiary?

A. Yes, which was very troubling because I was afraid that perhaps persons who feared he was telling the truth might want to take his life. As a matter of fact, we were so concerned about it that a former colleague of mine in my first year of the Congress, Ray Blanton, had left Congress and had become governor of this state, and I suggested to our chairman, Mr. Stokes, that we call him and ask him that he make sure that every

effort was being made by the state to capture Mr. Ray before some people from the FBI who were reported to us to be down here on a state matter.

Q. And in fact, weren't there upwards of 30 FBI SWAT team snipers that descended on this state as soon as Ray escaped?

A. I don't know that. I have no

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1154

evidence, but that's what we heard and that alarmed us. And we called Mr. Blanton and my information is that he acted and the FBI was asked to leave and Mr. Ray was recaptured and we all breathed a sigh of relief.

Q. Yes.

MR. PEPPER: Unfortunately nothing further. Thank you very much.

THE COURT: All right. Thank you. You can stand down or you can remain in the courtroom or you're free leave.

(Witness excused.)

THE COURT: Let's take our break
now.

(Jury out.)

(Break taken at 3:23 p.m.)

THE COURT: Bring the jury out,
please, sir.

(Jury in at 3:53 p.m.)

THE COURT: Mr. Pepper.

MR. PEPPER: Thank you, Your
Honor. Plaintiffs call Ms. April Ferguson.

APRIL R. FERGUSON,

having been first duly sworn, was examined

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1155

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Ms. Ferguson.

A. Good afternoon.

Q. Thank you very much for joining us
this afternoon.

A. Thank you.

Q. Would you state your full name and address for the record, please?

A. April R. Ferguson. I live in Memphis, Tennessee.

Q. What do you do for a living?

A. I'm an attorney.

Q. And how long have you been an attorney?

A. About 21 years.

Q. Were you an attorney in 1978?

A. I had just been admitted to the bar.

Q. Were you a part -- at that time were you a part of the James Earl Ray defense team?

A. I'm sorry?

Q. Were you a part of James Earl Ray's

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1156

defense team at that time?

A. Well, it was a post conviction attempt to gain him a new trial, and I was working with Mark Lane and Charles Galbreath

who was a retired judge in Nashville.

Q. In the course of that work, back in 1978 in the effort to seek a trial for Mr. Ray, did there come a time when you received a communication from an inmate who was housed in the county jail?

A. Yes. Actually my memory of that is necessarily unclear after all these years, and I do have an affidavit that I had prepared at that time that you have provided me with if I could use that to refresh my memory.

Q. Yes, if it's all right with the Court.

THE COURT: You may, yes.

A. Thank you. Our office received a call. It was directed to Mr. Lane. The party asked for Mr. Lane, and I spoke to him on January 30th, 1979. And he called several times asking for Mr. Lane, and Mr. Lane was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1157

traveling. So he asked that someone from the office come to see him so I got permission from his attorney to visit him and did go with our secretary to visit him in the jail downtown here in Memphis -- that was the old jail -- on January 31st, 1979. His name was William Kirk, K I R K.

Q. And what did -- when you went to visit Mr. Kirk, what did he tell you?

A. Well, we asked if we could tape record our conversation. He would not allow us to do that, and he also asked that we not use his name. But of course we had his name, and the secretary and I both took notes. Her name was Barbara Rabbito, R A B B I T O. He told us that he'd been in the Shelby County Jail from 1972 until the time we interviewed him on robbery and extortion charges, and in August 1976, he was on furlough from the Missouri Penitentiary for armed robbery. He was arrested in Memphis on another charge and unable to bond out, and he started serving his sentence in the Shelby County Jail. And

then between October 1976 and February of '77

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1158

in the Shelby County Jail, he had met a person named Arthur Baldwin whose name at that time was quite well-known to Memphians.

I don't know if it is anymore.

Q. How was Mr. Baldwin's name well-known?

A. My own personal recollection of Mr. Baldwin is that he was the owner of several clubs where there were girl dancers.

I don't remember if there was gambling or anything like that. I just remember that that was what Mr. Baldwin was known for.

Q. Okay. So he said he was contacted -- this inmate, William Kirk, said he was contacted by Mr. Baldwin?

A. Well, he had met him, and then Mr. Baldwin was apparently serving a sentence for some kind of non-violent crime like income tax evasion or he didn't know really

what it was, but he said Baldwin had already talked to -- and I don't know how he knew this -- to Mr. Kirk's codefendants. And these also were names that were known to Memphians or to me anyway -- Albert Tiller

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1159

and George Tiller. I think they were called the terrible Tiller brothers by a lot of people.

And apparently Mr. Baldwin had offered them \$2,500 to do a job stopping somebody from attending a board meeting. Then the job was offered to Mr. Kirk, and Mr. Kirk didn't say whether he took that job or not. But he did say he and Mr. Baldwin were friends, that he had saved him from some sort of unpleasantness in the jail. He also told us that in June 1977 he was released, but then he was arrested two weeks later for a robbery in Germantown. He got out again and he stayed out until November of 1977

where he was arrested in Jackson, Tennessee and brought back to Memphis, was released again in December.

Then he went and started visiting

Mr. Baldwin at his place of business when Mr.

Baldwin had been released, and then he said

he was offered a murder contract by

Mr. Baldwin for \$5,000, and he was told that

there were three more pieces of business in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1160

Memphis for larger sums of money. And Kirk

told us that he didn't take the murder

contract and was back in jail when it was

carried out against a person named David

Macnamee (spelled phonetically) in Memphis.

And he further related that Baldwin was from

the state of Washington and that he had been

in the Memphis area since '75 or '76.

Then Kirk had to go back to Missouri

on a warrant. Then he came back to Tennessee

in March of 1978, and in September of '78, he

was sentenced to 65 years on the various cases he was facing in Tennessee. But in June or July of 1978, he had a telephone conversation with Mr. Baldwin during which time Baldwin mentioned another murder contract for \$5,000. This time with James Earl Ray as the target, and my recollection is that Mr. Ray was then at Brushy Mountain, but I'm not absolutely sure.

Q. Yes, I think that's right.

A. And Kirk said to us that he didn't know if he was being offered the contract so much as just being told that the word needs

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1161

to get out that this contract is available.

Q. This was a contract on James Earl Ray's life?

A. Yes.

Q. And the contract was put out by the same Arthur Baldwin?

A. Well, it's unclear from what Mr. Kirk

told us as to who was really letting out the contract. You know, whether it was Baldwin or somebody else.

Q. Baldwin was communicating it in any event?

A. Baldwin communicated it.

Q. It wasn't clear where it was coming from?

A. Right.

Q. Right. Kirk became apprehensive about carrying out this contract, did he?

A. He didn't. He was not in a position at that time to take it up. I mean he was not in that facility. He didn't indicate that he was interested in taking it up.

Well, I think he did say later that he didn't want to. He had heard from those who had

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1162

been at Brushy Mountain that James Earl Ray was, quote, good people, closed quote, and there was no need to kill him. He therefore

decided to tell Ray's attorney, and that would have been at that time either Mr. Lane or Mr. Galbreath.

Q. Right.

A. He -- Mr. Kirk got the impression that Mr. Baldwin was working as an agent or informer for the federal government. He didn't say how he got that impression except that it later turned out that Mr. Baldwin was responsible somewhat for the exposure of Governor Ray Blanton and his pay for pardon scandal. I don't think you were here when Governor Blanton left office early.

Q. Right.

A. So Kirk while he was out of jail visited Baldwin frequently and was surprised that although Baldwin had a comfortable home here in Memphis, they frequently went to the Executive Plaza Inn near the airport for meetings, and it was his impression that Mr. Baldwin was helping the federal

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1163

government in their investigation and that he was being protected by the federal government for being prosecuted for state violations of the law, although he wasn't clear what those violations were. And he was afraid -- Kirk was afraid that this assassination plan of Mr. Ray had originated with the federal government, but he didn't tell us any sources for that.

Q. Well, he did indicate and you indicate in the affidavit that Baldwin operated occasionally from rooms at the Executive Plaza Inn near the airport?

A. Yes.

Q. Do you recall whether he said that -- whether Kirk said that the phone call -- and this was communicated by telephone, wasn't it, this last offer?

A. Well, he just says -- yes, in June or July of 1978. When we talked to him, I recall that he was in a jail cell, and he had no papers or memoranda or anything with him

so I don't know how...

Q. Just giving you this recollection?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1164

A. Yes. I don't know how accurate he was.

Q. But in any event, he thought -- he had the impression that this contract on James Earl Ray's life had originated with the federal government?

A. Well, he knew that Mr. Baldwin had already been working for the federal government so it's hard to say. That was just his impression.

Q. That was his impression.

A. And I honestly can't recall -- it's only through looking at this affidavit that I can recall these details because I recall the visit. I recall going there with Ms. Rabbito, and then I recall preparing this affidavit so we could recall what was said. But beyond that -- I don't recall being

allowed to do any follow-up. I don't think
he wanted to speak to us anymore.

Q. You don't recall hearing anything
more about this?

A. Oh, certainly Mr. Kirk became
notorious --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1165

Q. Yes.

A. -- for other things later but..

Q. But not this?

A. We weren't able to follow-up on this
anymore.

Q. All right. Ms. Ferguson, let me just
show you this copy of the affidavit and ask
you to look at it and compare it. This is
dated the 16th day of February 1979.

(Document passed to witness.)

A. For some reason it's got two page 5's
on it that are identical, but that is what I
recollect -- that's a copy of what I have.
This is exactly the same as what I've been

looking at.

Q. Do you recognize your signature on that?

A. Oh, I see. It's not two pages. Yes, it's my signature.

MR. PEPPER: Move to admit, Your Honor.

THE COURT: All right.

(Whereupon, the above-mentioned document was marked as Exhibit 23.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1166

Q. (BY MR. PEPPER) Did you ever hear anything more about this contract that Mr. Kirk told you Mr. Baldwin had given to him?

A. I may have, but so many years have passed since that subject was pursued and so many bits and pieces of information were gathered together and then we weren't able to pursue them that we would put a little piece here, put it down and file it away and then

not be able to follow-up on it. I do recall that when Mr. Kirk made a spectacular escape from one of the Tennessee facilities that I recalled who he was then, but I personally can't recall what follow-up, if any, was done.

Q. This section of plaintiffs' case is dealing with cover up. One series of activities of cover up happened to be assassination, killing, a murdering of people. That's why this is important.

A. Thank you.

Q. At that point in time you were involved. Where is Ms. Rabbito today, do you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1167

know?

A. I wish I knew. She moved to Northern California. I heard she was planning a marriage, but beyond that, I don't know. I lost track.

MR. PEPPER: Okay. Thank you

very much.

THE WITNESS: Thank you.

MR. PEPPER: Nothing further.

MR. GARRISON: I have no

questions, Your Honor.

THE COURT: All right. You may

stand down.

(Witness excused.)

MR. PEPPER: Plaintiffs call

Mr. Jimmy Adams, Your Honor.

JAMES E. ADAMS,

having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Adams.

A. How are you doing?

Q. Thank you very much for joining us

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1168

here today. Would you state your name and

address for the record, please?

A. James E. Adams, 168 Shamrock in
Arkansas.

Q. Thank you. And what do you do for a
living?

A. I drive a cab.

Q. Your testimony is in a portion of the
plaintiffs' case that deals with cover
up -- various aspects of cover up. How long
have you been driving a taxi cab in Memphis?

A. Since 1966.

Q. Have you driven consistently from
that period to now?

A. Yes, sir.

Q. You've had a long history of driving
a cab?

A. (Witness nods head.)

Q. Are you familiar with the defendant
in this action, Mr. Loyd Jowers?

A. Fairly. I mean I know of him, yes.

That's about it. I knew he was in the cab
business a lot.

Q. You knew he was in the cab business

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1169

for quite a period of time?

A. Yeah.

Q. Which company do you drive for now?

A. I drive for Yellow Cab Company.

Q. For Yellow Cab. Was there a time in the not too distant past where you drove three people who were connected with a media organization to the airport?

A. Yes, sir.

Q. Did you come to know which media organization these people were connected with?

A. I think it was Fox Network, and I think it was getting a lie detector test or something is what they was talking about.

Q. They were taking a lie -- giving a lie detector test to whom?

A. To Loyd Jowers.

Q. These media people were giving a lie detector test to Loyd Jowers?

A. Right.

Q. Could it be that those people represented the ABC Network?

A. It may have been. I just know they

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1170

was some kind of a TV crew, and the guy that gave that test was supposed to be an FBI agent. And then I found out he was not. He was an ex-FBI agent or something is what they told me anyway.

Q. These were people you drove -- where did you pick them up in Memphis?

A. From the Hotel Peabody.

Q. You picked them up at the Hotel Peabody, and they instructed you to drive to the airport?

A. To the airport, right.

Q. And how were they seated in your cab?

A. Well, the one that actually gave the lie detector test was sitting in the front seat with me, and there was a lady behind him and there was a little short man behind me.

Q. Do you remember when that was,
Mr. Adams, approximately?

A. No, not right off hand. I hadn't
really checked.

Q. And did you overhear conversation in
your cab in front of you, beside you, behind
you as you drove to the airport?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1171

A. Yes, sir.

Q. And would you tell the Court and the
jury what was the nature of that
conversation?

A. Well, the man in the front seat asked
the man in the back seat about what do you
think about this Jowers fellow, and I
didn't -- I had the window rolled down and
couldn't exactly hear what he said, but when
I heard Jowers, which I know, I rolled the
window up a little bit.

The man in the front seat said I
couldn't get the man to waver at all. He

said I actually tried to get him to tell a lie where I could get a feel for him. He said normally I can get a feel for people like him. And then the man in the back seat said, well, maybe he was on some kind of drugs, and he said, well, yeah, but what are you going to do, give him a urine test right there in front of everybody, you know.

And then the lady next to him said it was hard to believe that he could remember all these little details over 30 years ago.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1172

And then the man next to her said, yeah, unless he had something to do with it, and then the man asked me -- I mean I asked him, I said you all talking about Loyd Jowers, and he said, yeah, do you know him? I said, yeah, I know him. He said you think he's capable of doing something like this, and I said yeah. And then he said he probably done it himself, didn't he? And I said probably.

Q. But coming back to the initial exchange that you overheard, really against his own interest, this examiner was saying I couldn't get him, meaning Mr. Jowers, to waver at all. To lie at all?

A. Well, he didn't lie. He said waver.

Q. Waver.

A. You know, that's the words that he said. He said waver at all. He said I couldn't get the man to waver at all. He said I actually tried to get him to tell a lie where I could get a feel for him. He said normally I can get a feel for people like this.

Q. So he tried to get Mr. Jowers to tell

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1173

a lie, but he couldn't get him to waver at all?

A. That's what it sounds like.

Q. That's what he said to you?

A. Yes.

Q. Well, not to you, but that's what he said in front of you?

A. Yeah, that's what he said.

Q. Did you come to know what were the publicly made results of that lie detector test?

A. Well, as soon as I heard this, I told, you know, another driver that was kind of involved in this case, James Millner, that they gave Loyd Jowers a lie detector test.

And I said whatever he said, that he passed the test. That's what I told him because that's the way they talked in the cab.

Q. So you were under the impression that Mr. Jowers passed the test, right?

A. Right.

Q. What did the media actually report about Mr. Jowers in that test, do you recall?

A. Well, after I found out it was going

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1174

to be on TV, I watched -- I got the last part

of it where he was telling him about the gun -- the man handed him the gun and all that. And then the man went in the room and he come back out and asked Mr. Jowers did he want to know the results of his test. And he says yeah, and he said, well, you lied about everything.

And he said are you in this for some kind of money deal or something like that, and he said, no, I ain't making a dime out of this. And I heard somebody in the background say this interview is over with, and they walked out.

Q. So a national television program aired this program focusing on the lie detector test and announced to the world that Mr. Jowers lied.

A. Right.

Q. But in your cab --

A. It sounded like he was telling the truth.

MR. PEPPER: Thank you,

Mr. Adams. No further questions.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1175

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Adams, you've known Mr. Jowers
some time I gather, haven't you?

A. Quite a few years. It just happened
to be that I knew he was in the cab business,
and I've seen him here and there, and I've
talked to him occasionally. But it seemed
like when he was at one cab company, I was at
the other cab company, but we have -- I've
worked at the cab company that he was working
at at one time which was Veterans Cab
Company.

Q. He never talked to you about anything
about the assassination of Dr. King, anything
he had to do with it, has he?

A. No, sir.

Q. And as far as the questions that were
asked you, they didn't really tell you what
questions they asked him, did they?

A. No.

Q. None of the people in the cab company told you what questions they asked him, did they?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1176

A. No, they didn't.

Q. But you saw the TV where they said that he failed the polygraph test, a lie detector test; is that right?

A. Yeah, I seen that on TV.

Q. That what the examiner said, that he failed the test.

A. That's what the examiner said.

Q. Thank you.

A. That was the same guy that was in my cab.

MR. GARRISON: Thank you, sir.

MR. PEPPER: Nothing further,

Your Honor.

THE COURT: All right, sir. You may stand down. You can remain in the

courtroom or you are permitted to leave.

(Witness excused.)

MR. PEPPER: May we approach,

Your Honor?

THE COURT: Yes.

(Dr. Pepper and Mr. Garrison

confer with the Judge at the bench without

the court reporter present.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1177

MR. PEPPER: Your Honor,

plaintiffs call Ms. Yolanda King to the

stand.

THE COURT: All right, sir.

YOLANDA KING,

having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Ms. King.

A. Good afternoon.

Q. Airport difficulties notwithstanding,

thank you for joining us here this afternoon.

A. Thank you.

Q. Would you state your full name and city of residence for the record?

A. Yolanda King. I live currently in Los Angeles.

Q. What is your current work activity or profession?

A. I work as an actress and producer.

Q. And you are the daughter of Martin Luther King, Junior?

A. Yes, I am.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1178

Q. Would you tell the court and jury your reason, as you see it, for this lawsuit being brought? Since each of the plaintiffs have a separate interest, in addition to a joint interest obviously, it's important that we hear why you think this action is being brought.

A. Well, I think even as a young

person -- younger person, I always felt that there was more information, there was much more to the facts than what had been reported and what had been concluded. And while I personally emotionally could not pursue it myself, I thought it was very important always that the full truth be known, that the actual truth be known. And so it has been actually for me personally a real sense of peace that this is happening, the fact that more and more of what actually happened will be revealed to the American people.

Q. Thank you. Now, does the factor of money or money judgment against the defendant in this case enter into your interest in it?

A. No, not at all. There really -- that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1179

is not a consideration, was never a consideration. It has always been for me, for the family a question of allowing the truth to go forth.

Q. So the family is not interested nor has it requested any large amount of damages from the defendant?

A. Absolutely not.

Q. Have you participated in discussions with other members of the family about the action, and is it your sense that this is their feeling as well?

A. Very much, very much. We, I think, all came to an understanding and a unity of understanding at different times and different points in our lives. I think perhaps I was one of the first, but I'm the first born so -- and older and closer. But I think we have all come to a very unified decision in terms of the importance of what is happening here and also the reason why it is so important and so significant.

Q. How old were you, Ms. King, when your father was taken from you?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1180

A. I was twelve.

Q. And you were the eldest of the children?

A. Exactly, uh-huh.

Q. And do you remember that loss and that tragedy even today?

A. Oh, very much, very much. While it took me a long time to really mourn the loss -- for a long time I pretended that he was just away, and because he was away a lot, it was easy to do that. I was an adult when I really mourned my father and really the significance and the impact of the loss. I allowed that to come forth, but it is -- I guess you never get to the point where you ever really get over it completely.

Q. Do you think this process, as taxing as it may be for the members of the family, is helping in that whole reconciliation?

A. Yes, and in the healing -- in the healing. I know for myself personally I am able to look at it in a very different way than I was previously and to really -- really

find the sense of, as I said earlier, peace

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1181

about how things -- what happened and why.

And while needless to say we don't know all

of the facts, more and more has come to

light, and I just think it's extremely not

only personally important, but important for

the country as well.

Q. Yes. The defendant in this case of

course is Mr. Lloyd Jowers. Should he be

found libel, which is what happens in a civil

proceeding as His Honor has explained to the

jury at the outset -- should he be found

libel and culpable with being a participant

with other unknown co-conspirators, how would

you feel about Mr. Jowers? Would you have

enmity toward him? What would your feeling

be for the defendant should that verdict come

down?

A. I think a large part of the reason

because we grew up with a very strong and I

think a very honest faith and that faith and belief has taught us and we've seen in action the power of forgiveness and the importance of it, I would not -- I do not feel any kind of negative feelings towards Mr. Jowers. I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1182

think that he was part of what was unfortunately a result of the climate that was created and encouraged during that time.

MR. PEPPER: Ms. King, thank you very much.

THE WITNESS: You're welcome.

MR. PEPPER: No further questions.

MR. GARRISON: I don't have any questions of Ms. King. Thank you.

THE COURT: Very well, ma'am.

You may step down.

(Witness excused.)

THE COURT: How long did you say your deposition is?

MR. PEPPER: It's about 40
minutes.

THE COURT: Forty minutes.

MR. PEPPER: We're prepared to
move it over, Your Honor.

THE COURT: Let's take a vote.

Well, we've already got some no's. I can
understand. It's getting rather late, and it
gets dark pretty early now. So let's stop it

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1183

here, and we'll resume tomorrow at 10:00.

(Jury out at 4:30 p.m.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1184

THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE

THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

CORETTA SCOTT KING, MARTIN

LUTHER KING, III, BERNICE KING,

DEXTER SCOTT KING and YOLANDA KING,

Plaintiffs,

Vs. Case No. 97242-4 T.D.

LOYD JOWERS and OTHER

UNKNOWN CO-CONSPIRATORS,

Defendants.

PROCEEDINGS

November 30th, 1999

VOLUME IX

Before the Honorable James E. Swearengen,

Division 4, Judge presiding.

DANIEL, DILLINGER, DOMINSKI,

RICHBERGER, WEATHERFORD

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1185

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DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1186

- INDEX -

WITNESS: PAGE NUMBER

JACK KERSHAW

Direct Examination

By Mr. Pepper ----- 1188

Cross-Examination

By Mr. Garrison ----- 1196

JACK TERREL

(By Video)

Direct Examination

By Mr. Pepper ----- 1198

LOUIS WARD

Direct Examination

By Mr. Pepper ----- 1234

Cross-Examination

By Mr. Garrison ----- 1256

Redirect Examination

By Mr. Pepper ----- 1257

RAYMOND KOHLMAN

Direct Examination

By Mr. Pepper ----- 1258

EARL CALDWELL

(By Video)

Direct Examination

By Mr. Pepper ----- 1265

Cross-Examination

By Mr. Ewing ----- 1267

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1187

- INDEX CONTINUED -

WITNESS: PAGE NUMBER

ROY GRABOW

Direct Examination

By Mr. Pepper ----- 1271

Cross-Examination

By Mr. Garrison ----- 1290

JOHN C. SMITH

Direct Examination

By Mr. Pepper ----- 1292

WILLIAM SCHAAP

Direct Examination

By Mr. Pepper ----- 1299

TRIAL EXHIBITS

24 ----- 1265 (Collective)

25 ----- 1271

26 ----- 1275

27 ----- 1286

28 ----- 1304

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1188

P R O C E E D I N G S

(November 30th, 1999, 10:35 a.m.)

THE COURT: Are we ready for the
jury?

MR. GARRISON: Your Honor, may
we approach the bench before we start?

THE COURT: Okay. Come on up.

(Whereupon a Bench Conference
was had.)

THE COURT: Bring the jury out,
please.

THE SHERIFF: Yes, sir.

(Jury in.)

THE COURT: Good morning, Ladies and Gentlemen. I see you scratching on the door, ready to go. All right. Would you please call your first witness, Mr. Pepper.

MR. PEPPER: Yes, Your Honor.

Your Honor, plaintiffs call Mr. Jack

Kershaw.

JACK KERSHAW,

Having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

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(901) 529-1999

1189

Q. Morning, Mr. Kershaw.

A. Good morning.

Q. Thank you for joining us this morning. I know you had some medical problems, and it's -- it's an effort on your part and we're grateful to you.

A. One eye's better than none.

Q. Would you please state for the record
your full name and address.

A. Jack Kershaw, K E R S H A W,
Nashville, Tennessee, member of the Nashville
Bar. The street address is 3616 Doge. The
zip is 37204.

Q. Mr. Kershaw, how long have you been a
practicing attorney?

A. Since '61.

Q. And have you practiced throughout
that period of time in the State of
Tennessee?

A. Yes.

Q. Have you lived in Nashville
throughout that period of time?

A. Yes.

Q. And did you at one time come to
represent James Earl Ray?

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(901) 529-1999

1190

A. Yes, I did.

Q. When did you begin to represent
Mr. Ray?

A. About the spring of '77 on the
occasion of the Congressional Committee
investigation of his case.

Q. And in the course of that
representation of Mr. Ray, did you consult
with him many times?

A. Oh, frequently.

Q. And at one point in time were you
asked -- not by Mr. Ray but by someone
else -- to have a meeting with an author,
William Bradford Huie?

A. That would have been in the summer of
'77, my best recollection. I received a
call from some official at Thomas Nelson
Publishing Company that William Bradford
Huie, a writer for Look Magazine, would like
to meet with me about an unrevealed
question. And I told him I'd be glad to.
And I appeared at the conference room at the
publishing company in due course and met with
Mr. Huie.

Q. And at that time that you met with

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(901) 529-1999

1191

Author Huie, you were representing James Earl

Ray?

A. Yes, that is correct.

Q. And he was aware of that?

A. Oh, yes.

Q. Now, flashing back a bit, had Author

Huie published articles on this case prior to
your meeting with him?

A. Yes. Not too long after the event,

Mr. Huie published two or three stories for
Look Magazine in which he promised to reveal
the true assassin of Martin Luther King. His
fourth article did a turn about. Instead of
revealing a conspiracy and the identity of a
mysterious assassin, he laid it all on James
Earl Ray.

Q. Which he had not done in his -- in
his previous articles?

A. It was an absolute change of face.

It was a flip-flop.

Q. Now, did you go to the Nelson
Publishing Company in Nashville and meet with
Mr. Huie?

A. Yes.

Q. And where did you meet with him in
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(901) 529-1999
1192
that publishing company?

A. In the conference room of the
publishing company.

Q. And who was present at that meeting?

A. I, of course, and Mr. Huie, and
Mr. Huie was accompanied by a couple of young
men who I did not recognize and a couple
other young men who were obviously junior
vice president or something or other of the
Thomas Nelson Publishing Company.

Q. But the people who you did not
recognize with Mr. Huie at that meeting, did
they identify themselves to you?

A. No.

Q. They didn't?

A. No.

Q. Is that unusual to participate in a meeting and others there do not identify themselves to you?

A. Well, the whole thing was unusual without any proper procedure.

Q. And what took place at that meeting?

What was the purpose of Mr. Huie requesting you to meet with him?

A. He offered a sum of money for James

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(901) 529-1999

1193

Earl Ray's story, quote, unquote. And I asked him, what story did he want? That Mr. Ray was telling his story every week before the Congressional Committee. And Mr. Huie informed me that the story he referred to was how he killed by himself -- he and he alone killed -- shot and killed Martin Luther King.

Q. So this writer, William Bradford

Huie, wanted a story -- the story from James Earl Ray of how he, acting alone, killed Martin Luther King?

A. That's right.

Q. And he was prepared to pay a sum of money for that story?

A. Yes. He offered \$25,000 for that story. And I immediately asked him, what good is the money going to do this man? He's in the penitentiary. And Mr. Huie said, well, we'll get him on pardon immediately.

Q. So Mr. Ray would tell the story, admit his guilt, he would be given a sum of money and he would be given a pardon?

A. That was Mr. Huie's message to me.

Q. How did Mr. Huie -- did he indicate

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(901) 529-1999

1194

at all how he was going to arrange this pardon?

A. Well, I asked him a little bit about that, and he never revealed his source of

influence with the governor.

Q. But he seemed confident he could arrange a pardon?

A. Oh, yes, he was very confident. I suggested that he arrange the pardon before the story, but he didn't agree to that.

Q. That didn't go over very well. Of course, Mr. Ray was on detainer from the State of Missouri at the time. Did he say he could arrange a pardon from the State of Missouri as well?

A. That subject didn't come up. One pardon presumably would be enough.

Q. I see. And this was all at the time when the Congressional Committee was investigating the case?

A. Yes.

Q. Well, Mr. Kershaw, did you, as James Earl Ray's attorney, take this offer to Mr. Ray in prison?

A. Yes. When the meeting came to a

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(901) 529-1999

close, I rose and addressed Mr. Huie and I told him that I would be glad to take his offer to Mr. Ray, but that it seemed to me that his very presence here in this conference room contradicted his mission. That his presence here indicated to me that there was probably a rich and powerful man behind the scenes who had instructed a rich and powerful and gifted writer to make overtures to get a certain story. And that in brief, his proposition for a lone madman killer clearly indicated a conspiracy.

Q. What did Mr. Huie reply to that?

A. He turned as red as a proverbial beet and managed to say nothing. He was a sandy-haired, red-faced little man to begin with. And he never answered.

Q. And you then left. Did you eventually take this offer to Mr. Ray?

A. Yes, I did. I was very interested to see what his reaction would be.

Q. And what was Mr. Ray's reaction?

A. He didn't want any part of it.

Q. So he turned it down?

A. That's right.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1196

Q. He turned it down flat. Did you ever hear anything more about this offer or --

A. I never heard further from Mr. Huie.

MR. PEPPER: That's fine,

Mr. Kershaw. Thank you very much.

THE WITNESS: All right.

MR. PEPPER: Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Kershaw, let me ask you a question. It appears you and I started practicing law the same year, 1961. Isn't it true that Mr. Huie later said that he had investigated this and talked to a number of witnesses and he had come to the conclusion that Mr. Ray acted alone in this assassination? Isn't that what he later

said?

A. I'm sorry. Could you repeat that.

Q. Yes, sir. Isn't it true that

Mr. Huie later said that he had talked to a
number of witnesses, including Mr. Ray, and
he concluded that Mr. Ray acted alone? Isn't
that what he later said publicly?

A. I don't recall any such statement

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1197

from Mr. Huie.

Q. Did you ever have any further meeting
with him after this time?

A. No.

MR. GARRISON: That's all.

Thank you.

THE COURT: All right, sir. You
may stand down now.

THE WITNESS: Thank you.

(Witness excused.)

MR. PEPPER: Your Honor,
plaintiffs have been holding off on the

testimony of a couple of witnesses hoping that they could be brought here and be available to the Court. And it appears that in the lateness of the hour, in terms of plaintiffs' case, that that's not going to be possible for one reason or another, which I'm glad to explain to the Court.

So we'll have to proceed with the video deposition of the first one. This first witness is dying of liver cancer, and he has at various times been up and about. He's hemorrhaged rather badly in the last week and is bed ridden. He desperately did

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1198

want to come here. But anticipating this problem, he was deposed in Orlando, Florida, some time ago.

So with the Court's permission, we would like to play that -- that first video deposition.

THE COURT: All right. You

may.

MR. PEPPER: The name of the
witness, Your Honor, is Mr. Jack Terrel,

T E R R E L.

(Whereupon the afore-mentioned
video deposition was played for the Court and
Jury.)

(Transcript from video tape
testimony follows.)

UNIDENTIFIED SPEAKER: Will the
court reporter please swear in the witness.

JACK TERREL,

Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Could you state your full name and --
and address for the record, please, Jack.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1199

A. My name is Jack R. Terrel. I live at
1044 Cascade Way in Apopka, Florida 22703.

Q. Jack, will you tell us when you were born and where you were born.

A. I was born April 13, 1941, in Birmingham, Alabama.

Q. And you -- could you describe for us now the current state of your health.

A. At the present time I'm suffering from terminal liver disease as a result of Hepatitis C contract -- contracted in Burma about ten years ago.

Q. And how far progressed is the disease and what is -- what is the prognosis for you?

A. Without a liver, I will not see Christmas.

Q. You will not see this Christmas --

A. No.

Q. -- 1999?

A. 1999, no.

Q. Let me thank you for coming here under these circumstances and making --

A. No problem.

Q. -- yourself available, Jack. I'm very grateful to you. If we could go a bit

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(901) 529-1999

1200

into your background. Was there a time when you joined an organization called the Civilian Military Assistance?

A. Yes, there was. I joined the CMA in 1984.

Q. And what was the nature of that organization? What was their involvement?

A. At the time they were supplying everything from arms and ammunition to military software to the Contra Rebels in Honduras.

Q. And is that a part of the operation to try to overthrow the -- the government of Nicaragua?

A. Correct. They were working hand in hand with the FDN, which at that time was headed by Adolpho Calero.

Q. Who was the authority behind that organization and who created it?

A. The Central Intelligence Agency. It

was created by -- it has a history that goes back to the early 80's when the Sandanistas, which were at that time backed by the United States Government, were launching attacks from Costa Rica and Nicaragua to overthrow

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1201

the Somoza government, Daniel Ortega and his troops under the Sandanista banner.

And once he declared communism as their form of government, the CIA assigned the regional chief of operations, Duane Claridge, which people also know as Duey Claridge or Duey Maroni, which was his nom deguerre, to go to Nicaragua and commence militarily bringing down the government. And he was given 250 million dollars to do it with.

Q. What was the status of these operations with respect to the law of the United States at that time?

A. In the beginning it was unknown to

most U.S. Government officials outside of few people in the Senate Oversight Committee, until William Casey approved the mining of the harbors in Managua which were subsequently hit by three Soviet vessels.

And the hot line lit up in the White House, and Ronald Reagan was sort of caught off guard. And he went down the chain, what's happening?

And it leaked to the Congressional

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1202

Oversight Committee, and they went ballistic. And a Congressman by the name of Bolen floored a bill to create what is now known as the Bolen Amendment. It was tacked onto another bill which in essence said that no aid, whether it be bandaids, bullets, anything, was to go from the United States -- either militarily or civilian or charitable or anything else -- to aid the Contra Rebels in this supposedly overthrow.

Q. At the time -- so at the time you were involved, the Bolen Amendment was in effect?

A. Correct.

Q. And were the operations that you observed in violation -- from what you could see in violation of that amendment?

A. Directly in violation because we were shipping arms and ammunition to the Contras.

Q. Right. In a book that you've -- you've written, Jack, about -- that recounts some of these events -- a book called Disposable Patriot --

A. Right.

Q. -- you referred to a pool of talent

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(901) 529-1999

1203

that is drawn upon for these types of plausibly deniable operations.

A. Mm-hum.

Q. Would you just elaborate on what that -- what that phrase means. What is the

pool of talent you're referring to?

A. Well, you have to go back in the Central Intelligence Agency -- all the way back to Stansfield Turner. When Jimmy Carter appointed Stansfield Turner the head of the CIA, he immediately cut loose over 1,500 field agents and black operatives in various countries, this country, working within the military or whatever.

When Casey took the helm of the CIA, he not only brought back these people in black operations, he also enlisted through Fort Bragg special operations called JSOA.

It was called Joint Special Operations Agency which had a door in the Pentagon, but behind that door was an empty office.

At Fort Bragg it was called JSOC, Joint Operations Command, which was supposed to be members of the Marines, Army and Air Force working together in black operations.

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(901) 529-1999

1204

But in reality it was reserve units that were not only in place but some that were created to carry out certain operations.

But some of the older reserves went back into the 70's and into the 60's post Vietnam that were operating in various parts of the country. And, actually, nobody knew they existed because they trained in rural remote states. But when they would carry out operations, it would be in civilian clothing.

Q. Was one of those reserves units, perhaps the largest, the 20th Special Forces Group?

A. The 20th Special Forces Group, correct. It operated in a five-prong situation throughout the south in Louisiana, Alabama, Tennessee, Mississippi, Arkansas.

Q. Right. And so it was from the 20th Special Forces Group as well as the other sources that these -- that these -- this talent was drawn --

A. Correct.

Q. -- for these kinds of operations.

A. They either used the reserves whom they could command, or they had an ancillary

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(901) 529-1999

1205

that through the reserves they could bring in

civilian black operatives to work with

reserves -- with the -- the 20th Special

Forces and the Night Stalkers at Fort

Campbell, things of -- people in groups of

this nature. So it was -- it was very fluid

and involved thousands of people.

Q. Okay. Now, what was your role in the

CI -- CMA operations in Latin America?

A. I was actually placed into the CMA by

Donald Fortier, who was with the National

Security Council, as the eyes and ears for

the National Security Council within a

civilian organization to see that the

mandates that were being passed through from

CIA to NSC be carried out in Central America.

Q. And when -- when you were placed into

the CMA operations, what was -- what was your

role? What were you -- what were you expected to do?

A. Well, I was working as a contractor for the Central Intelligence Agency. And I was to not only be the eyes and ears but also eventually head the organization and -- and to carry out the orders that we have received

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(901) 529-1999

1206

from -- anything from assassinations to ground infiltrations to sabotage.

In fact, we had an operation

called -- our primary responsibility --

Pegasus, which in Spanish is Pagasso, which

we had targeted on a feeding-style project

from Vietnam to go in and take out the

infrastructure physically and personnel wise,

meaning in the directorate of the Sandanistas

assassinate these people to overthrow the

government.

Q. Now, if you were placed in this

organization by a member -- a high-ranking

member of the National Security Council --

A. Mm-hum.

Q. -- is it conceivable -- and the
National Security Council reported directly
to the president of the United States.

A. Yes, sir, they did, every day.

Q. Is it conceivable that the president
of the United States -- would be the vice
president of the United States at the time --
did not know that these activities were going
on in contravention of the Bolen Amendment?

A. The president directly knew. George

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(901) 529-1999

1207

Bush went past knowing. He was over his
head, actually using his assistant to -- and
also his son who is now the governor of
Florida, Jeb Bush, in seeing that quote,
unquote, civilian operations went forward in
the means of transporting aircraft for supply
drops to loading ships with weapons in the
port of Miami, Florida, destined for the

area, putting Manuel Noriega on the payroll
which in turn allowed the bidding cartel from
Columbia to franchise Central America.

And this is where the rub came with
me is because they went into -- the CIA
caused creative financing, which they did in
Vietnam under General Frank Powell and Air
America, which was the transportation of what
they call sticky bricks or opium and the
money deposited in the New Guinean bank in
Australia. They were trying to create the
same situation in concert with a bank called
the BCCI which is now history.

But it was a well-orchestrated
thing, and such a situation that I would put
it this way. If you were a fly on the wall
in the Oval Office, they would have -- they

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(901) 529-1999

1208

would have impeached him faster than even
considering an impeachment on Clinton because
they -- they were up to their elbows in it.

Q. Now, you became disenchanted at one point in time.

A. Oh, yes.

Q. What was the reason for your disenchantment?

A. Drugs. The allowing shipments of drugs to be flown in American aircraft to Homestead, Florida; U.S. Air Force planes, contracting people to fly from Cartagena, Barranquilla, Medellin, to Corn Island and Nicaragua or to northern Costa Rica to quote, unquote, a CIA base to be refueled to be brought into the United States. Therefore, a kilo of cocaine went from \$80,000 to \$18,000 in a matter of 30 days.

So I came to Washington to testify before the Senate Foreign Relations Committee and aired my gripes about it because I was at that time supposed to be running the organization. And I found out you do not go against a popular sitting president the hard way.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1209

Q. So you became -- effectively became a
whistle blower?

A. Oh, yes.

Q. And it was triggered by the fact that
you objected to the illicit smuggling of drugs
into the United States as a means of
financing these covert operations?

A. Correct.

Q. And what happened -- what happened to
you as a result of your attempting to -- to
testify?

A. Two attempts were made on my life.

One in San Jose, Costa Rica, where there's
probably still a Toyota sitting there with 92
bullet holes in it. And I was poisoned in
Manapol Grama (phonetic) by agents working
through an organization headed by General
Richard Secor and Oliver North, who was
reporting to Bill Casey, called Operation
Freedom.

But it was all a store-front

operation to shut me up because I have got
clout -- I am in possession of classified
information stating that I knew quote,
unquote, too much about their operation, so

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(901) 529-1999

1210

they needed to terminate me. When that
didn't work, they went after my credibility.

They tapped my telephones. Even
down to telling my daughter that I was a paid
intelligence asset for Fidel Castro. I was
listed as a terrorist threat to the United
States Government. I was taken by the Secret
Service to -- from offices in Washington to
be polygraphed, which I passed.

And during -- the 15 questions that
I was asked by the Secret Service, only one
of them had to do with assassination. And
that question was: Do you now or have you
ever thought of harming anyone who worked for
the United States Government? The rest of
them was did I agree with Ronald Reagan's

policy on Central America -- political questions.

But I passed it. And they really couldn't do anything to me at that point except continue to go after my credibility.

Q. Did they at one point in time, also in attempting to destroy your credibility, seek to prosecute you?

A. Oh, yes. I was indicted on six

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(901) 529-1999

1211

counts in Fort Lauderdale, Florida, by Edwin Meese, at the direction of the White House, who forced the acting U.S. Attorney at the time in a distant state -- you know, I'm in Washington D.C., but they indicted me in Fort Lauderdale and basically for following orders. But the -- one of the indictments, to show you how far they will reach, was conspiring to put a luggage tag on a suitcase containing a firearm that they issued.

You know, so it was that bad. So

our attorneys -- my attorney, John Magids,
filed a precedent setting motion under -- I
can't even think of the name of the law at
the time -- a neutral anti-trial act called
the "At Peace Motion" which said that we were
not at war with Nicaragua but we weren't at
peace with them either.

So George -- Judge Norman Rutger,
who is the second highest seniority to John
Serika (phonetic), said this is the most
politically charged indictment I have ever
seen in my life and threw it out.

Q. So he dismissed the indictment?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1212

Q. And the prosecution did not go ahead?

A. Well, the CIA came down there and
briefed the judge. And at that point the
prosecution actually wound up becoming
witnesses in our case.

Q. Was there any polygraph that you had

to take -- that you did take -- that you elected to take during that point in time that you failed with respect to any of these events?

A. No, I've never failed a polygraph.

Q. Jack, we can go back now to an earlier time around about -- or in the early 1970's you moved to Mississippi.

A. Correct, Columbus.

Q. And you established a business there.

A. Correct.

Q. Could you just describe the business that you developed.

A. I developed an EMS system while I was in Montgomery, Alabama, that was designed to work in rural states. And Mississippi was the most rural. I was told it couldn't work, so I took the challenge and went ahead with

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(901) 529-1999

1213

it and became extraordinarily successful with

it. And in the process I hired and had at one point probably 400 people working for me. And everything was roses.

Q. Was one of the people working for you whom you met and became friendly with a -- a reserve officer in the 20th Special Forces Group?

A. There were several. But the one you're talking about came to work for me -- J.D. Hill, who is a member of the 20th Special Forces which, incidentally, had a training headquarters in Columbus.

Q. Mm-hum.

A. But he came to work for me and eventually rose to the rank of supervisor within my organization stationed at the home office in Columbus. And during this period, because of shared interest in firearms and things of this nature, we became very close friends.

Q. Right. Could you describe J.D. Hill as a -- how you came to -- what your impression of him was during the time that he

worked for you.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1214

A. J.D. was a -- he was a strange person in a lot of ways, but in some ways he was a very intelligent, well-trained individual who had -- before he come to work with me fought in Costa Rica. His mother had come from Costa Rica. But he knew exactly what he wanted in life in many ways. His only setback was that he drank.

But when I promoted him to the rank of supervisor, it was on the condition that he stop drinking, which he did. He completely quit drinking and became another man. He confided in me often about things he wouldn't talk with (sic) because he came from a broken home. He was full of rage. He was the type of person -- if I was going to pick for an operation, he would be the type I would pick. He profiled perfectly on a -- on a lot of things for people that you would

want to look death in the face and not worry about it.

Q. Did you learn much about the unit he was attached to, the 20th Special Forces Group, during this time?

A. I went past that. I tried to get

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(901) 529-1999

1215

into it, and they wouldn't let me. I used to go out on the weekends and parachute jump with them, and I got to know many of them there.

Q. Right.

A. You know, and they would tell me stories that at that time seemed kind of unbelievable. But as time passed by, they weren't so unbelievable.

Q. Did that unit have a training session once a year?

A. Once a year at Camp Shelby, Mississippi, they would go for two weeks and just disappear off the face of the earth, and

then they would show back up two weeks later.

Q. Right. And was that -- were members of that unit used on various covert operations throughout this period?

A. Many. A lot of them -- I didn't know about some of them. I did know about mission -- two missions that were told to me, one called Operation Back Pack and one of them called Operation Quail Hunter. One of them was designed to literally take a nuclear device behind enemy lines in a back pack and

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(901) 529-1999

1216

plant it at an undisclosed location to be detonated later. But that's how high -- highly they were thought of where they could carry nuclear weapons.

Q. Were they -- were they -- did they wear civilian clothing in the course of these covert operations?

A. They never were in uniform -- always in civilian clothes. And I was told on many

occasions, you know, that if you see me somewhere and I'm supposed to be, you know, doing something for the military and I don't have a uniform on, act like you don't know me.

Q. Was there a time when your relationship developed closely enough with -- with J.D. Hill that he had told you about a highly secret operation that he had been involved in some years before?

A. Mm-hum. He had just returned from Camp Shelby, Mississippi, on one of these tours they did down there, and he looked like a completely different person. He had lost like 45 pounds, he was hard as a rock, his eyes were like steel. And I told him -- I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1217

said, you know, people who are on diets need to go where you went because I've never seen anybody make a transformation like this. And he said, well, it wasn't the first time.

And I said, what are you talking about? And he said, well, you do what you got to do. And I said, well, that's still not telling me anything. And he said, well, I'll tell you about it one day. And one day we were out in the field in one of our cars and went to an old beer joint -- I don't even drink, but went to a beer joint down near the state line. And he said, I want to tell you something I think I need to get off my chest.

And he said, not that it's worrying me or bugging me or anything else but, he says, I'm going to show you the level of what it amounted to -- the involvement that they had. And he started telling me about a covert operation that he was involved in that he really didn't know what he was doing. He was asked to come to Shelby for special training. He was a sniper. In fact, he had three MOS's. And he said that he was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1218

assigned to a --

Q. Excuse me, Jack. Would you explain what an MOS is.

A. Well, it's a military occupation specialty. He said that he was assigned to a team of men at Camp Shelby that had been put together as a chute -- triangular chute team, which means chuting from three positions. And that they went into training and would be sent to Pocatello, Idaho, to start shooting at moving targets because they had been told that they were going to take out an Arab leader -- unnamed and unknown Arab leader. And they had to refine their shooting skills to such a point -- different elevations, different angles, but always from the triangular chute on moving vehicles. And they practiced, practiced, practiced. And he said they -- they were told what they needed to know. Everything was on a need-to-know basis. He said later that he was called back to Shelby and the team was there. They were

not issued their standard sniper weapons,
which at that time they were using SSG's
which is made by Manliquor (phonetic). It's

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1219

a double-trigger weapon that fires a 3.75 by
five, nine, I think, slug. But it's pretty
powerful and deadly accurate at 1,100
meters.

And they worked out with
standard-issue 30 aught 6 weapons which he
thought was very weird. He said, man -- he
said, they just gave us 30 aught 6's to go
out and start shooting these things. He
said, we didn't know what -- what was going
on. And he said, I was about ready to ruck
up -- which means pack up -- and leave. And
he says he was told real quick by the
commander of the base, you know, that they
were confined and they were fixing to go
somewhere. And he said, you will be briefed
at the time.

He said that they had been taken via aircraft to West Memphis, Arkansas, and put on stand by, and that they were to take out a target in Memphis, Tennessee, still unknown at the time. And the chute map was laid out to them and they had two scenarios. One was a moving scenario, the other was a scenario involving a hotel where they would fire on

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1220

the target from three positions -- one from the water tower, one from the third floor of a building, and the third place was the rooftop of another building.

And they would be given the yes or no within a certain period of time. And he said while on standby they were picked up, and they were going to go into Memphis. And all of a sudden it was cancelled. And they started just rushing people out, and they put him on a plane and literally flew him back directly to a county north of Browns County,

Mississippi, and told to, you know, go back to town, nothing happened, you know. You've been out of town on a training exercise, nobody knows nothing. Keep your mouth shut.

Q. So this unit was trained to shoot at a target or targets in a moving vehicle, that was the --

A. Originally, yes.

Q. Originally that's what they were -- that they were geared up to do, and that's what their training at Pocatello was --

A. Mm-hum.

Q. -- was to do. And then -- and they

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1221

were put on standby in West Memphis, Arkansas.

A. Correct.

Q. And then the operation, for some reason, was cancelled and they were taken -- they were taken out of there.

A. Mm-hum.

Q. Did they take up their positions at any point in Memphis?

A. They were headed in to take up their positions when the mission was cancelled.

Q. They were heading in --

A. Yes.

Q. -- to take up the positions --

A. Yes.

Q. -- when it was cancelled?

A. But it was no way for him to know what -- in the make-up of the organization you had three snipers, a command and control officer, communications officers, had an ordnance officer and a medic. So they didn't travel like a covey of quail. You know, they would be taken differently. Whether other people had been taken in and set up, he had no knowledge of it because he was taken out

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1222

by himself. You know, he was flown singularly.

Q. Oh, he was taken out by himself?

A. Yes, singularly, and flown into the county above.

Q. I see. So he doesn't know what --

A. No.

Q. -- what happened. Did he ever say that he had discussed this with any of the other members of the team at any point?

A. Oh, they all discussed it the next day.

Q. All right.

A. Because he said, I picked up the paper and said, oh, my God.

Q. What did he -- what did he read in the paper that made him say "oh, my God"?

A. That Martin Luther King had been assassinated.

Q. Martin Luther King had been assassinated in Memphis, Tennessee --

A. Memphis, Tennessee.

Q. -- on the 4th of April, 1968?

A. Mm-hum.

Q. And then was it his view that he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1223

had -- he was somehow -- or his unit was somehow -- had been trained or were being trained and being prepared to -- to carry out that assassination?

A. At that time he knew exactly that was the purpose. He don't know why they were scrubbed, but he knows exactly that they were trained for that mission and were never told.

Q. Presumably the reconnaissance was done by vice -- by others in advance of that operation?

A. They believe the FBI, among others, was doing recon and military intelligence.

Q. What eventually happened to J.D.

Hill?

A. J.D., like I said, was a strange fellow. And he was a person of habit. He was paranoid to the point that he kept a light on in front of his house at all times.

And I was called about 2 o'clock in the

morning and advised by another supervisor that J.D. had been found shot dead on his porch and said that his wife had shot him because he was drunk.

So I asked him -- I said, were you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1224

there? And he said, yes. I said, well, tell me what's going on. And I said, is the light on? And he said -- he said, no. What light? And it just sort of struck a chord in my head. Why is the light out, you know.

And I knew the investigating officers and went down to see the set up but really never got to see the set up. And I didn't go to his funeral, you know, because I was extraordinarily upset about it because his wife was almost red carpeted out of town after he was shot.

But I do know that he was shot at

close range with a .357 Magnum in almost a circular pattern around his heart. He was

dead so fast his eyes were still open when he hit the ground. And I thought to myself, Janice Hill only weighed like 90 -- 89 pounds rather, and had no experience with firearms. And if it was indeed dark -- number one, J.D. wouldn't have approached the porch. Number two, if someone of her stature and the knowledge of firearms had shot him, it would -- it wouldn't even have come close to being a pattern of putting three -- I mean,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1225

five .357's in a circular pattern because the first shot would have disoriented her so bad, she wouldn't know where she was in the dark.

So none of it added up, you know.

And I asked questions, questions, questions trying to see at one point Janice Hill and wasn't allowed to see her. You know, but in my mind to this day my belief was he was -- he was assassinated.

Q. She was -- she was charged and a

Grand Jury was convened but nothing --

A. Correct.

Q. -- was ever raised against her. So
there was no indictment.

A. Mm-hum.

Q. And she then left Columbus.

A. But to this day I imagine you would
find very little evidence about the
shooting.

Q. Now, coming back to the unit -- and
this was a -- this sniper team was a 20th
Special Forces --

A. Group.

Q. -- Unit.

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1226

Q. I have checked the rosters of -- of
that unit from each of the -- each of the
states that -- that you have mentioned. I'm
not going to ask you to identify any names or
state any names for the record. But I'm just

going to show you the Mississippi roster, and I'm just going to see if any of the names on that roster are names that you heard about or knew were involved on this team -- this assassination team with -- with J.D. Hill.

A. See, it's easy to do because J.D. had told me anybody on the team had to hold at least the rank of sergeant. And --

Q. Do you see any names there that -- that --

A. One --

Q. -- you know?

A. -- two, three -- and all three of these people were very close. One, two --

Q. There's J.D.'s name.

A. Mm-hum, J.D. And this one, this one.

Q. Then you go down to Florida. So it's -- so there are recognizable names there on that roster of people who were on that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1227

team.

A. Mm-hum.

Q. Well, Jack, at various times in your professional career, you have been -- you've been interviewed by television teams, and you've been a source of information --

A. More than I can count.

Q. -- via television on documentary and news programs, haven't you?

A. Mm-hum. Mm-hum.

Q. Have you as well been a source of information to -- to ABC's news department for various --

A. Several times.

Q. -- things?

A. Several times. In fact, I worked very closely with a producer there, Chris Isham, on a couple of big stories which were aired.

Q. And did ABC ever require you to take a polygraph?

A. Yes, they did. They took me to Miami, Florida, and had me polygraphed to

make -- to make sure of my quote, unquote,
reliability because of this whole situation

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1228

about the credibility thing in Washington.

But I've been on 60 Minutes, Larry King, you

name it. None of them asked me to do it, you

know. But, like I said, Mike Wallace

would -- if I called him today and said I got

a story, he would say come to New York, you

know, because I've done it before. Because

they have no doubt about my credibility. But

ABC wanted to make sure.

Q. Right. And when you took the ABC

polygraph test, what were the results?

A. I passed it.

Q. And so your credibility was, in your

mind anyway, well established with ABC.

A. Oh, yes.

Q. Now, do you recall some while ago

that ABC did a program -- a documentary on

the King assassination?

A. Mm-hum.

Q. A program presented by a chap called

Forest Sawyer.

A. Yes.

Q. Now, did they send a team here to

Florida to interview you?

A. Right up the road here in a hotel.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1229

Q. And how long did that interview take?

A. About three hours.

Q. So they interviewed you for three

hours?

A. Mm-hum.

Q. And did you tell them -- that ABC

team -- did you tell them the story that you

have put forward here today under oath?

A. Yes, I have.

Q. And this -- with this kind of

detail --

A. Correct.

Q. -- about the presence of that 20th

Special Forces Unit --

A. Correct.

Q. -- in Memphis? And was any of that interview -- any part of that interview used on that documentary?

A. No. I was shocked when it wasn't.

Q. Not -- not one second of that interview --

A. Not one second, no.

Q. -- was used. And do you have any idea why it wasn't used?

A. Well, after the interview, a few days

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1230

later, I received a phone call from an old friend of mine in FBI counter intelligence.

And he said, I thought your press days were over. And I said, well, what are you talking about? He says, M.I. knows everything that you're doing with ABC, and that's military intelligence. So, evidently, DIA was and may still be keeping an eye on me. And they

didn't -- who knows. If they didn't want it used, it wouldn't have been used.

Q. So this clearly implies that there was some -- appears to have been some collaboration between ABC and intelligence. Or at least to the extent that your --

A. Their knowledge --

Q. Their knowledge.

A. -- was out, yes. They had called it a leak, you know. But somebody knew, yes. Because, again, this guy didn't just call me out of the blue. They sent me a message. And I soon after left the country.

Q. You left the country after that?

A. Yes, I did.

Q. You felt that that was the prudent

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1231

thing to do in terms of --

A. Well, I'm tired of being a target, you know. I mean, they tried too many times

to get me. And I've learned over the years that if you want to disappear, you leave the country for an extended period and you come back and set up in a different place and they got a cold trail.

Q. How long were you gone when you left the country?

A. Several months. In fact, I went to Russia just to piss them off.

Q. But coming back to the absence of your -- your information and your recollection on the ABC program, there would have been no basis for them to --

A. None.

Q. -- challenge your credibility because they had used you --

A. Oh, yes.

Q. -- so many times before and tested it.

A. Correct.

Q. And they knew you very well.

A. Correct. Several people at ABC,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1232

Karen Burns, people like this, they all know me. They know my credibility. They've done too many stories on me. I was the source for too many of their stories while I was in Washington for nearly two years.

Q. So there has to be another reason --

A. Yes.

Q. -- for their failure to use that story. Jack, we just -- we're coming to the end here, and we have moved along quite well. I'd just like to know that in the 20 odd years or so that's intervened since J.D. Hill told you about him being trained and being a part of the unit that was under orders to kill Martin Luther King, Jr., if you -- if you have developed any reason to question what J.D. was telling you -- any -- anything at all that -- that would lead you now to disbelieve what he was saying to you then --

A. No. None. Nothing whatsoever. I

mean, then, now, whatever -- in fact, I probably would believe it more now than I did then, you know. Because just the time line and the way things -- you know, you can look

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1233

back and see things. But probably time has reinforced what he told me more than, you know, him just telling me then, which I believed then because we were that close.

Q. So do you now with all of -- all of this consideration and all of your conscience believe that your old friend J.D. Hill was a part of a 20th Special Forces Sniper Unit that was on a mission to kill Martin Luther King on the 4th of April, 1968?

A. Well, if this was a death bed confession, I wouldn't change a word. Yes, of course I believe it.

Q. Okay. No doubt at all?

A. No doubt.

Q. Okay. Thanks very much.

A. Sure.

UNIDENTIFIED SPEAKER: The time

is 3:45 p.m. We're off the record.

(End of video deposition.)

THE COURT: Okay. Let's take a

short break.

(Brief break taken.)

THE COURT: Bring the jury out,

please, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1234

THE SHERIFF: Yes.

(Jury In.)

THE COURT: Ready, Mr. Pepper?

MR. PEPPER: Your Honor,

plaintiffs call Mr. Louis Ward to the stand.

LOUIS WARD,

Having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Ward.

A. Good afternoon.

Q. Thank you for coming here today and helping us in this case.

A. You're welcome.

Q. Would you please state your full name and address for the record.

A. Louie Ward, 2440 Cardigan Drive, Memphis, Tennessee. That's 38119.

Q. And what do you do presently, Mr. Ward?

A. Roofer presently.

Q. I know you -- are you involved in roofing activity part time or full time?

A. Well, part time now. I have full

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1235

time for about 36 years, but I'm just part time now. My boy now is kind of handling most of it.

Q. What did you do previously in addition to being a roofer?

A. Well, I was security police for the

Government for about 22 years. Of course, I
done -- drove a taxicab part time.

Q. Where did you work in security police
work?

A. Out at the Army Depot.

Q. I'm sorry?

A. At the Army Depot.

Q. The Army Depot. And where was that?

A. Out on Airways Boulevard.

Q. I see.

A. 2163 Airways.

Q. So you held that position for how
long?

A. 22 years in the security police, and
then the last eight years I was a roofer out
there.

Q. And in addition to that you said
you -- you also drove a taxicab part time.

A. Yes, I sure did.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1236

Q. And for which company did you drive a

taxicab?

A. Well, I drove for both companies. Of course, I drove for Yellow most of the time. Of course, there was about -- when I first came to Memphis, I came to take a course in watch making. And I started driving a cab in order to have some money coming in. I done that for three years, and then I found other jobs, and I just drove part time then for several years.

Q. Right. And in 1968 which company were you driving for?

A. Yellow.

Q. You were driving for Yellow?

A. Mm-hum.

Q. Mr. Ward, could you come forward a bit, a little closer to the microphone so everyone can hear.

A. Is that better?

Q. Yes. Can you pull your chair forward, please, just a little bit.

THE COURT: That's good.

Q. (BY MR. PEPPER) Okay. I think that

will be better. Thank you. You were driving

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1237

for Yellow Cab in 1968?

A. Yes, sir.

Q. All right. How often did you drive
for them?

A. Oh, most of the time about once a
week or sometimes twice a week. On my off
days out at the depot I would usually drive.

Q. Okay. Were you driving for Yellow
Cab Company on the 4th of April, 1968?

A. Yes, I sure was.

Q. And were you driving for Yellow on
the evening of April 4, 1968?

A. Yes, sir.

Q. Did you -- in the course of your
taxicab driving and duties, did you come to
know a driver named Paul Butler?

A. I sure did.

Q. And do you remember which car number
Mr. Butler was driving on the 4th of April,

1968?

A. 58.

Q. He was driving Car Number 58?

A. Yes, sir.

Q. Do you know how long Mr. Butler had
driven for Yellow?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1238

A. Several years because the drivers
that had drove a long time drove the new
cabs, and us drivers that just drove part
time drove the old cabs. So he had a new cab
that he -- at that time that he drove. So he
had been there for some bit.

Q. So -- so Mr. Butler had been driving
for Yellow Cab for a number of years.

A. Yes, sir.

Q. Did he always drive Car Number 58
or --

A. Well, he did until they were getting
another new cab. And, of course, when they
got another new cab, it would be a different

number. And he would always -- well, you bid on your cabs according to your seniority. So he would -- when the new ones come out, he would be able to get a different cab. 58, he had drove it for about -- I guess it was a couple of years old or something like that, that he drove all the time.

Q. Did he have a particular route that he drove on?

A. He -- well, of course, he got different calls here in the city. But mostly

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1239

he played the airport -- what we call "played the airport." In other words, he --

Q. Drove the airport route?

A. Mm-hum.

Q. Now, did you see Mr. Butler on April 4, 1968?

A. Yes, sir, I sure did.

Q. Did you ever see Mr. Butler again after April 4, 1968?

A. No, sir, I sure didn't.

Q. Now, would you tell this Court how you saw Mr. Butler and when you first heard from him and how you saw him on April 4, 1968.

A. Well, I was sitting at Quince and Kirby in a service station. I called and reported where I was sitting waiting on a call. And I heard Paul come in on the radio and -- well, I couldn't hear him, but he talked to the dispatcher. And the dispatcher called his name, that's the reason I knew he was talking to Paul. And I heard him say, I'll send an ambulance. And so --

Q. You heard the dispatcher say "I'll send an ambulance"?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1240

A. Send an ambulance, yeah. And so I knew then that somebody had gotten hurt. I didn't know whether it was another cab driver or not. And then the dispatcher -- he

started repeating what Paul said. He said,
you mean that Dr. Martin Luther King has been
shot? And he said yes. And he said, well,
I'll send an ambulance. And he said, I don't
believe an ambulance can help him. Because
he would repeat it back so I knew what he was
saying. And he said, well, I'll send an
ambulance anyhow and send the police.
He told him -- he says, when you
call the police, tell them that the man who
shot him is headed towards the squad car just
sitting about a half a block north towards
the hotel.

Q. Now, let me back you up a little
bit. How are you hearing this conversation?
Is the dispatcher repeating what he's
hearing?

A. He was repeating, yes, sir. He was
repeating what Paul was saying.

Q. And what did he say? What did he
repeat that he heard Paul broadcasting?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1241

A. Well, he had -- he just repeated that Dr. Martin Luther King had got shot and then -- of course, he repeated that he would send an ambulance and send a squad car and -- call the police rather. And that's whenever Paul came back and told him there's a squad car sitting north -- about a half a block north of the motel. And that the man who shot him was heading towards the squad car. And -- of course, when he -- well, he -- of course, I went out and talked to him later on and got the message good of what he was saying.

Q. Let's move -- let's move to that. So you heard this exchange on the radio.

A. Yes, sir.

Q. What did you do after that?

A. Well, I told the guy at the service station -- I said, Martin Luther King just got shot. He laughed at me. He said, you see that box sitting up on the pump? He said, that would be the first thing that come

on it. And I said, no. I said, he just got shot. It would have to go to where that box is coming from before you get it. I headed

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1242

from there to my home which at that time was 4935 -- 3549 Kay, which is about two -- two and a half miles.

And I drove in and told my wife the same thing. And she had the television on. She said the same thing. Well, I was there about two minutes when it came on that he had been shot but not serious. And I said, well, the guy said that it looked like he had a stick of dynamite in his mouth. It blew his jaw off and part of his vertebrae is out of his neck. And I said, he's going to the airport and there's no calls coming in, so I'm heading to the airport. So I did. So I went out there, and there's where I found Paul out there, so --

Q. You then drove to the airport --

A. Yes, sir.

Q. -- and looked for Paul?

A. Yes, sir.

Q. And you found him?

A. Yes, sir. He was sitting out there.

Q. And did you -- did you talk to him?

A. Yes, sir, I sure did. Because I --

you know, I was interested in knowing just

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1243

exactly what happened. So -- of course, what

he told me, that the passenger that he picked

up he believed knew something about it. Of

course, he said I was looking -- I was

loading stuff in the trunk. And there was so

much stuff, I could not get it all in my

trunk, had to put some in the back seat.

While I was placing it in the trunk,

he said, I was looking in the direction where

the guy was going to shoot. Before the shot,

he punched me and said, look up there,

Dr. Martin Luther King is standing up there

by himself, not a soul with him. He said,
that's something you don't usually see. And
as I raised up and looked, that rifle
popped -- it didn't sound like a rifle, it
sounded like two boards clapped together.
And he said, I seen his jaw and part of his
neck blowed away. It was like he had a stick
of dynamite in his mouth. He said, as I
wheeled and looked, I seen a cluster of smoke
coming up out of the bushes, and then I seen
the guy come running up. He didn't have no
rifle. But he said, I know that he is the
one that had to shoot him. And then he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1244

headed towards the -- headed north towards
the squad car.

And, of course, we thought the
police had picked him up. Because it was a
black and white squad car. Of course, the
black and white squad car at that time takes
care of traffic. The blue squad cars was

really the police. But this was a black and white squad car. But we thought they had picked him up. So he told the dispatcher. He said, did you hear the tires were squealing? And he said, yes, I could hear the tires were squealing.

Q. So he's telling you that after the shot he saw a man come out of the bushes --

A. Yes, sir.

Q. -- run up north on Mulberry Street --

A. Yes, sir.

Q. -- and get into a squad car -- a traffic --

A. Traffic squad car, black and white, mm-hum.

Q. Which was parked where?

A. He said about a half a block north of the motel.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1245

Q. And then what happened to that car?

A. Well, he said they headed north. We

thought he picked -- well, he come back on the radio and said the police has picked him up and they headed north with him. You could hear the tires were squealing. So we thought the police had already picked up the guy that done the shooting.

Q. I see. So both you and Mr. Butler had thought that the police had apprehended the shooter.

A. Yes.

Q. What happened next? Did any police come out to the airport?

A. Yes. While I'm standing there talking, a squad car drove up with a lieutenant and a patrolman. They got out. Well, I didn't see the squad car as it drove up. But they walked up as I was talking to Mr. Butler. And the lieutenant had a pad. So he had taken the same report that Mr. Butler had gave me and the rest of us -- because there are several of us cab drivers standing around.

And the lieutenant wrote the report

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1246

down that he had and told him that they would be back in contact with him. So they got in the squad car and left after they got the report.

Q. So they took a report from Mr. Butler and they -- they left. Where were you standing when that report was being taken?

A. Oh, probably -- when they came up, I was standing up next to him. When they came up, I backed away, probably 3 or 4 feet out of their way, where they would have plenty of clearance. But I was close enough that he gave them the same report that he gave me.

Q. You overheard this report being given?

A. Yes, sir.

Q. All right. Then what happened next?

A. Well, they called -- the dispatcher called him to come in to the headquarters.

We have a headquarters. Said he was wanted

down there. Well, later on that night, not too much later, I was in town and drove by the cab company and there was several squad cars down there. And I figured that they were, you know, taking some more reports.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1247

And then I found out later that he was supposed to be at court at 9 o'clock the next morning.

Q. He was supposed to give a statement --

A. Yes, sir.

Q. -- the next morning? And how many squad cars were around Yellow's offices that night?

A. There were several. I would say seven or eight. Might have been more, might have been five or six. But I just noticed there were several squad cars sitting there. I didn't count them.

Q. Seven or eight Memphis Police

Department cars around Yellow's headquarters
that night?

A. Yes, sir.

Q. Okay. You didn't see Mr. Butler at
that time, did you?

A. No, I sure didn't. I didn't go in.

I just drove by and seen it. There were so
many squad cars down there, I just pulled on
because I didn't --

Q. What time did you get home that --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1248

that evening on the 4th of April?

A. I was -- I drove all night that
night. I was the only cab driver that drove
all night that night. And -- but I stayed
out there. And, of course, I seen police
heading out there. And, of course, they had
a curfew. Everybody was in. They called the
cabs in. But I just stayed out there and
drove because I had plenty of business, and I
stayed out there and drove all night that

night.

Q. Right. You drove all night and you went in -- went home the next morning?

A. Next morning, yes, sir.

Q. When did you next go to Yellow Cab's offices, Mr. Ward?

A. It was about two weeks. Because, see, they -- I was security police out at the time out at the Depot. My wife -- when I got home, she said there had been a call for me to come out there. So I went out there, and we stayed on duty 24 hours a day for a whole week -- all of the security people did. And then it was about two weeks.

Q. It was about two weeks before you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1249

reported back to Yellow --

A. Yes.

Q. -- to go to work?

A. To drive a cab.

Q. And would you tell us what happened

when you reported to work at that time?

A. Well, I was out at the airport and picked up a gentleman. And he was -- of course, he was with the FBI. I mean, we had had dealings with him out at the airport, and I knew him when I picked him up. So on the way in, I asked him -- I said, what are you doing in town? And he said, who am I talking to? So I raised my cap up. And he said, Mr. Ward, what are you a policeman or a cab driver? And I said, well, I don't make money like the FBI. I have to be both guys. So we, you know, laughed about it.

He said, you know why I'm in town so why do you ask? And I said, well, I figured that's why you're in here, but I'm just wondering. And he said that's -- well, that's why I'm here. And, of course --

Q. Then did you go into -- into Yellow's offices?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1250

A. No, I brought him on down to the motel is where I brought him. I brought him to the Peabody Hotel is where I --

Q. When was the next time you actually went into the offices and --

A. Oh, it was -- well, I went into the office when I first came back to work. I went in then. That's when I -- I asked him about Mr. Butler.

Q. Who did you ask about Mr. Butler?

A. There was four or five cab drivers standing around talking. And I just asked them. And that's when they told me -- I don't even remember which one told me. But he said he had been throwed out of a high-speed automobile between Memphis and West Memphis. And they found him about 10 o'clock the next day.

Q. They said he was thrown out of a high-speed automobile. When was he thrown out of that automobile?

A. The next -- the next morning. They said they found his body about 10 o'clock or

10:30 the next morning. He was supposed to
have been in court at 9 o'clock that morning

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1251

and he wasn't there. They found his car
there at the cab company. And -- but he
wasn't -- he wasn't -- never made it to
court. But then about 10:30 they said they
found his body between Memphis and West
Memphis.

Q. They found his body between Memphis
and West Memphis?

A. On the old -- on the old highway. Of
course, they didn't have the other highway at
that time. It was just --

Q. Would it have been the old -- the old
bridge or was it off the bridge?

A. From what they said, it was off the
bridge. They said between Memphis and West
Memphis so I figured it was probably
somewhere along that straight stretch that he
was thrown out.

Q. And did they say what car he was thrown out of?

A. No, sir, they just --

Q. Just said he was thrown out?

A. A high-speed car. They just found his body. And they said he had been thrown out of a high-speeded automobile. And that's

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1252

all I got. I got the paper. I thought I'd read about it. And, of course, at that time they had the Press Center and the Commercial Appeal. And I went from page to page and there wasn't never nothing put in the paper about -- about it, so -- and --

Q. You never read anything in the newspaper about it?

A. No, sir.

Q. About the death?

A. No, sir.

Q. Did you believe the story that you were being told by your --

A. Well, yes. I didn't see him. Of course, the boys -- I mean, they all walked up and told me. Yes, I had no doubt not to believe it. In fact, that's -- I never did see nothing -- nobody else about it. I mean, being he got killed, I didn't -- I wasn't ready to go then, so -- I'm still not ready to go, but I feel a little bit more better now than I did then.

Q. Many years later.

A. Yes, sir, many years later.

Q. Did you ever tell this story to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1253

anyone?

A. Yes, sir. You know, didn't nobody believe me. It was just like that guy I talked to at the service station. I wonder what he thought later on when it came on his box, what he called it, what had happened. But I told the people about it. And then a year or so later say something about it, and

they never heard a thing about it. And I said, you didn't believe me the first time I told you, did you? So I just mostly kept it to myself then.

Q. Did the -- did you ever tell this story to the FBI?

A. Yes, sir. I -- well, I called -- his name -- Mr. Pungetti (phonetic), I believe was his name. He was a district attorney here. And I read a piece in the paper where he was so sure that James Earl Ray killed him and he didn't want nothing else said about it. So I called and I never could get to talk to him. And, of course, Mr. Veasley -- he used to be my Sunday school teacher. I got a hold of him. He was the Assistant District Attorney at the time. And I asked

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1254

him, can I talk to Mr. Pungetti? And he said yes. So -- he said, I'll get you on with him.

Well, I asked him -- I told him, I said, I read what you put in the paper that you were so sure that James Earl Ray killed him and you didn't want nothing else said about it. And I said, what makes you so sure? And he said, well, what makes you sure he didn't? And I said, well, I know he didn't.

And -- so -- but you're so sure. I said, was you driving the squad car that hauled -- of course, he was a policeman back at that time. I said, were you -- were you driving that squad car that hauled the man who shot him away? And he hung up on me.

Q. He hung up on you?

A. So I don't know whether he was driving the squad car or not.

Q. An unanswered question. Have the police ever questioned you or asked you about this?

A. No, sir.

Q. Any government agency ever come to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1255

you and ask you about this?

A. No, sir. The only one I talked to was the FBI that -- that I was -- I mean, I knew him when I seen him. I knew him because he had been out at the depot back when I was in security. Well, of course, we had several FBI's out there that would have things that come up. So I just happened to know -- I knew him when I seen him. And he was the one that I brought in that -- and I never -- and I never ever saw him since, so --

Q. So it's your testimony here today that Paul Butler died being thrown out of a high-speed automobile?

A. As far as I know he did.

Q. On the -- on the night of the assassination of Martin Luther King on the 4th of April, 1968?

A. Well, they said about 10 o'clock the next morning when they found him. In other words, this happened late in the afternoon

that Dr. Martin Luther King got shot. And
this was some time the next morning. I don't
know what time he was thrown out of it. Of
course, he might have been thrown out that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1256

night. But his car was found at the cab
company, and he couldn't be found at that
time because they had called around trying to
contact him.

And then at about 10:30 that's when
they said they found his body.

Q. They found his body the next morning?

A. Right, about 10:30.

Q. About 10:30. Some time prior to
that --

A. He was thrown out.

Q. -- he was thrown out of the
automobile -- high-speed automobile
supposedly. And you never saw him again?

A. No, sir.

MR. PEPPER: Thank you,

Mr. Ward. Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Ward, you first called me a few years ago and pretty much told me this same version, didn't you, that you had tried to tell the police about it and different ones, but no one would listen to you?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1257

Q. Basically. Let me ask you -- now, when you were at the airport with Mr. Butler, did you -- did he tell this same version to the lieutenant and the other officers that were there? You heard him tell them what had happened?

A. Yes, sir. Because I was standing there, and he told them practically the same thing he did me.

Q. And he told them he had seen someone get in the police car and leave and they were

escorted away in a squad car?

A. Yes, sir.

Q. And they were writing that down all that time; is that right, sir?

A. Yes, sir.

Q. You had tried to make this known for some several years, and no one would listen to you, didn't you?

A. That's right.

MR. GARRISON: That's all I have.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Mr. Ward, an author recently -- well,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1258

the last year or so wrote a book establishing James Earl Ray as the -- the killer in this case in his view. Have you been interviewed by any author who has published and who is interested in this case?

A. No, sir, I haven't.

Q. You never told that story to anyone?

A. No, sir.

MR. PEPPER: Thanks very much,

Mr. Ward. Nothing further.

THE COURT: All right. You may stand down, sir. You can remain in the courtroom or you can leave.

(Witness excused.)

THE COURT: Call your next witness.

MR. PEPPER: Plaintiffs call

Mr. Raymond Kohlman to the stand.

RAYMOND KOHLMAN,

Having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Kohlman.

A. Good afternoon.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1259

Q. Thank you for joining us.

A. Certainly.

Q. Would you please state your full name and address for the record.

A. Raymond D. Kohlman, K O H L M A N.

And my office is at 7 North Main Street, Attleboro, Massachusetts.

Q. And what do you do for a living, Mr. Kohlman?

A. I'm an attorney.

Q. And where are you licensed to practice law?

A. Presently in the Commonwealth of Massachusetts.

Q. And have you, in the course of these proceedings and in preparation for this trial, assisted the plaintiffs with certain investigative work?

A. Yes, I have.

Q. And would you tell the Court and the jury what your assignment was in terms of this matter.

A. I was asked to go to the public library and to determine the listing for a

Betty Butler or a Paul L. Butler, either

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1260

separately or together. During that investigation, I found -- I did it from 1966 through 1970 -- those years in the Polk reference books.

Q. Let me show you a page from Polk, Page 210, 1966. Is that the page that you photocopied from Polk for 1966?

A. I can't see it too clearly. But it is a page because I put -- specifically put a yellow marking on it.

MR. PEPPER: Let's -- let's do this. Let's pass these up to Mr. Kohlman so that he can look at them.

A. Yes, that's Page 210, 1966.

Q. (BY MR. PEPPER) Right. And would you read the highlighted insert there?

A. It's Paul (Betty), driver, Yellow Cab, H, which is the house, 339 East South Parkway.

Q. Okay. That is the address of Paul and Betty Butler in 1966 listed in Polk publication, and Paul is listed as a Yellow Cab driver?

A. Yes, sir.

Q. I'd like to show you the next page.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1261

A. This is, again, Polk. All these pages would be from Polk. 1967. It's Page 158. The listing is for Paul -- again, (Betty), and it is 2639 -- it doesn't give a street. This street is -- it doesn't show up here, Apartment P1.

Q. Okay. Let me ask you to look at this.

A. This is from '68. It's Page 157.

And the listing is Betty L. (wid. -- which is the abbreviation for widow -- Paul), branch manager, Gridiron Systems, 2639 Central Avenue, Apartment P1.

Q. May we have that back so we can zoom

in for the jury. That listing then is 1968,
and it shows Paul -- it shows Betty is a
widow -- listed as a widow of Paul.

A. Yes, sir.

Q. So for the first time we see Betty
listed as a widow of Paul Butler.

A. Yes, sir.

Q. Here's the next one.

A. This is Page 163 from 1969. And the
listing here is for Betty L. (wid., Paul)
branch manager, Gridiron System, 2639 Central

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1262

Avenue, Apartment P1.

Q. This is another listing for the year
1969. Betty is still listed a widow of
Paul --

A. Yes, sir.

Q. -- at that point in time?

A. Yes, sir.

Q. Now, it's your testimony that you
extracted and copied each of these pages.

A. Yes, sir.

Q. Let me show you this, Mr. Kohlman.

Would you tell the jury what you're holding?

A. This is a request for a death

certificate that was submitted by me to the

Shelby County -- Memphis and Shelby County

Health Department. I went in there to seek

certification of the death of Paul L.

Butler. After the clerk went through 1968 --

and I just dealt with 1968 -- she determined

that there was no death certificate for that

year for Paul L. Butler, and she signed and

dated and gave her clerical number.

Q. Mr. Kohlman, did you also call the --

a similar agency of the State of Arkansas?

A. Yes. Because of where the body

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1263

supposedly -- where the murder supposedly

occurred, the cab was found halfway between

here and Arkansas, wherever, I contacted --

actually, I went over to Crittenden County

Health Department. They don't keep records back that far. They suggested I get a hold of Little Rock Vital Records Department. I did that yesterday morning and spoke with -- I had to speak with a supervisor, a Mrs. Carson. And she went through -- she stated that she went through the records for 1968 looking for Mr. Butler -- Paul L.

Q. So is it your testimony then that you could not find any official records of the death of Mr. Paul Butler either in Tennessee or in Arkansas?

A. Correct. There is -- as far as the official records are concerned, Memphis/ Shelby County, no record of death for Mr. Butler. And as far as Tennessee is concerned, for 1968 there was no record of Mr. Butler's demise.

Q. Thank you, Mr. Kohlman.

A. Thank you.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1264

MR. PEPPER: Nothing further,

Your Honor.

MR. GARRISON: Your Honor, I

have no questions.

THE COURT: You may stand down,

sir.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: All right.

MR. PEPPER: Your Honor,

plaintiffs have five minutes of film

testimony of a witness from California who

could not be here. We tried desperately to

get him here. He is a former newspaper

journalist for the New York Times. And it

was taken in the television trial

proceeding. He was cross-examined by former

U.S. Attorney, Hickman Ewing. In the

beginning he's giving testimony under direct

examination. We would like to play that.

And we also move at this time that

the documentation of Mr. Kohlman we covered

on -- for the plaintiffs be admitted into
evidence.

THE COURT: Any objections?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1265

MR. GARRISON: No, Your Honor.

THE COURT: All right.

(Whereupon said documents were
marked as Collective Exhibit Number 24.)

MR. PEPPER: The name of the
witness, Your Honor, is Mr. Earl Caldwell.

(Whereupon the videotape was
played for the Court and Jury.)

FROM THE VIDEO:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Back in April of 1968, for which
paper were you writing then?

A. I was writing for the New York Times.

Q. You were a New York Times reporter?

A. Yes.

Q. And were you given an assignment to

Memphis, Tennessee, in April of '68?

A. Yes, I was.

Q. And what was your -- what was your assignment?

A. Well, at that time Claude Sitton (phonetic) was the national editor of the paper, and I was working as a national correspondent. And I was told to go to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1266

Memphis, Tennessee. And we had a meeting.

And at this meeting he told me that he had gotten information that Dr. King now had people as a part -- that were a part of his group that he couldn't control. Said he could no longer control his people. And that -- he explained some of that to me. And I remember the last words were he wanted me to go to Memphis and nail Dr. King.

Q. And now we're on the -- we're on the last hour of Dr. King's life.

A. Right.

Q. And at 6 o'clock -- at 6 p.m., where are you standing and what are you doing?

A. At that moment I heard what I was sure was a bomb blast. I ran to the -- I ran to -- into the doorway to see what happened.

Because I was sure the motel had been bombed. As it happened, the first thing I saw when I looked out the door was a figure in the bushes directly -- I would say directly across to the right of where I was looking when I looked out.

Q. And what was that figure doing?

A. Well, I couldn't tell. He was doing

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1267

something in the bushes. I didn't know what he was doing. At that moment it was like he was the key to what had happened in my mind.

Q. Has any FBI agent ever asked you what you saw?

A. No. No one asked me ever. No FBI agents, no local police, no authorities at

all.

CROSS-EXAMINATION

BY MR. EWING:

Q. How did you know to go to the
Lorraine Motel?

A. Because I had called ahead to
Memphis -- to the SCLC headquarters telling
them who I was. I wanted to know where he
was staying, and I was going to stay at the
same motel.

Q. Then would you have talked to them on
the 1st or the 31st?

A. Yes, I -- all those days.

Q. And you -- you found out from them --

A. Yes.

Q. -- that they were going to stay at
the Lorraine when they came to Memphis.

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1268

Q. Would you come over here and approach
this chart?

A. Right. Right.

Q. Point to where you say you were

staying at the hotel -- or motel.

A. (Indicating) I would have -- I think

my room would have been about like right in

here or something like that.

Q. So you come to the door when you hear

the bomb blast and you're standing there in

your shorts --

A. Right.

Q. -- and you look --

A. Right.

Q. And where do you say this man was in

the bushes?

A. He was right here in the heavy part

of the bushes. These bushes, mind you -- I

say "bushes." They were pretty high. They

were really high. They were like -- they

weren't bushes. You say bushes, like knee-

high. They're much higher than that.

Q. Could you stand right over here so

everybody can see you. Would you describe

what you saw the man do. In other words, get

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1269

down there and let's go through what you say

you saw out there.

A. Well, okay. I -- mind you, there are

these bushes there. And I -- when I'm seeing

this guy for the first time, he's in some

kind of a position. But I can't tell whether

he's like this or whether he's like this or

whether he's like this. I really don't

know. But he was in some kind of a position

that was not a stand-up position.

Q. Okay. Did you see him with a gun?

A. No.

Q. So when you see him and he's in the

bushes, is he twisting toward this way or is

he --

A. No.

Q. -- twisting this way?

A. When I seen him first, he was looking

at something over towards --

Q. Towards the motel?

A. Towards the motel, yes, right.

Q. Did he look up when he twisted?

A. He was still looking over to the balcony.

Q. Was this man white or black?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1270

A. He was white.

Q. What was he wearing?

A. I don't know. I thought it was some kind of a coveralls or something. I said -- in my notes I said I thought he was in coveralls or something like that. I couldn't really be sure.

Q. Over the years, up until recently, you -- were you aware that the House Committee looked into this?

A. Yes, I was.

Q. And did you -- did you offer to tell them what you saw?

A. I didn't think it was my place to offer to them. But I did write in the

newspaper and saw to it it was published --
what I knew and why I knew it.

MR. EWING: Thank you.

MR. PEPPER: Your Honor, that
being the last witness available to the --
(End of the videotape portion.)

MR. PEPPER: Plaintiffs move
admission of that testimony.

THE COURT: Any objection?

MR. GARRISON: I don't have any

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1271

objection.

THE COURT: All right.

(Whereupon said videotape was
marked as Trial Exhibit Number 25.)

MR. PEPPER: Plaintiffs next
witness will take a little bit of time, Your
Honor. Would the Court like to break?

THE COURT: Okay. We'll break
for lunch and resume at 2:30.

(Lunch Recess.)

THE COURT: Bring the jury out,
please, sir.

THE SHERIFF: Yes, sir.

(Jury In.)

THE COURT: All right. We're
ready.

MR. PEPPER: Yes, Your Honor.

Plaintiffs call their first witness, Mr. Roy
Grabow.

ROY A. GRABOW,

Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Grabow. Thank

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1272

you for coming all this way up from
Mississippi to be here.

A. Thank you.

Q. Would you state your full name and
address for the record.

A. Roy Allen Grabow.

Q. Would you please pull up a bit in the chair there.

A. Roy Allen Grabow.

THE COURT: Spell your last name, please.

THE WITNESS: G R A B O W.

THE COURT: Thank you.

THE WITNESS: Thank you.

Q. (BY MR. PEPPER) And what is your address, please.

A. 1206 Church Street, Boonville, Mississippi.

Q. And we're taking you somewhat out of turn, Mr. Grabow, because of an illness of your -- your wife.

A. Right.

Q. Can you tell the Court what is -- what is the problem -- medical problem?

A. From a car wreck.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1273

Q. And what is her present physical condition -- Glenda Grabow's present physical condition?

A. Her rib is cracked, broke, and it's pressing against her and she's bleeding internally a little bit.

Q. Has she been instructed not to be transported here?

A. Yes, sir.

Q. What I'd like to do is move ahead with you in this testimony to the extent of your personal knowledge.

A. Yes, sir.

Q. What you know, not what you have been told or know from her but what you know personally.

A. Right. Yes, sir.

Q. Did you live in Houston, Texas, with your wife in the early 1960's?

A. Yes, sir, I did.

Q. And at that time when you were living in Houston, Texas, what was the -- where was the area where you resided?

A. Around Hobby Airport.

Q. Around the Hobby Airport.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1274

A. Yes, sir.

Q. And at that time did you see a -- an individual who has been described in these proceedings as -- as Raul?

A. Yes, I did.

Q. Let me, just for the purposes of identification, show you a spread of photographs. Do you see a likeness of Raul in -- amongst those images?

A. Yes, I do.

Q. Which one is Raul as you knew him?

A. Number 4.

Q. Number --

A. 4.

Q. Number 4.

A. Yes, sir.

Q. Second hand --

A. Middle one on the right, yes, sir.

Q. Thank you. Where did you see this person in Houston?

A. Oh, where I used to gas up on the -- the service station where I used to gas up at on College Street.

Q. Did your wife also -- to the best of your knowledge, did your wife also know this

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1275

person and become acquainted with him?

A. Yes, she did.

Q. All right. Mr. Grabow, I'm going to show you two affidavits that have been executed before a notary by Glenda Grabow and ask you if you were present when these affidavits were sworn -- written and sworn by your wife.

A. Yes, sir.

MR. PEPPER: Okay. I'll move their admission, Your Honor.

(Whereupon said documents were marked as Trial Exhibit Number 26.)

Q. (BY MR. PEPPER) I'm going to show you a series of photographs and ask you if you recognize the individuals and/or the places here. Do you recognize the two people in that photograph?

A. Yes, sir.

Q. And who are they?

A. Amaro and my daughter, Connie.

Q. That's your daughter Connie on the right, and the other man is --

A. Amaro.

Q. Amaro. And to the best of your

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1276

knowledge, what is the relationship between

Amaro and Raul?

A. Either a cousin or an uncle. I'm not

real certain, but it's one of the two.

Q. Some relative, cousin or another.

A. Yes.

Q. Did you see much of Amaro?

A. Quite often.

Q. Quite a bit?

A. I knew him quite well, yes.

Q. All right. I'm going to show you another photograph. Get these photographs right. Who are the people in this photograph?

A. That's my daughter, Connie, on the right, me, Amaro and my wife Glenda.

Q. Let's eliminate any confusion. Where is your daughter Connie? Is this --

A. That's Connie.

Q. This is your daughter Connie. And this is you?

A. That's me.

Q. This is --

A. My wife, Glenda, and Amaro.

Q. And this is Amaro here. Where was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1277

that taken, do you know?

A. Tokyo Garden.

Q. I'm sorry.

A. Tokyo Garden.

Q. Tokyo Garden?

A. Restaurant, yes.

Q. Where is that?

A. Houston, Texas, in west town.

Q. And about what time was that photograph taken?

A. You mean date or --

Q. Yes, the approximate date.

A. It was in -- probably about '73.

Q. It was in the early 70's?

A. Yes.

Q. Do you recognize that building?

A. Yes, I do. Yes, I do. It belongs to Felix Tareno.

Q. It -- or it belonged to --

A. Well, yes.

Q. -- then Felix Tareno.

A. Yes.

Q. Had you ever seen the person whose been identified as Raul on those premises?

A. Yes, I have.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1278

Q. Where have you seen him on those premises?

A. On the porch.

Q. On the porch. Was that building the -- to the best of your personal knowledge, was that building the scene of some unpleasantness involving your wife --

A. Yes, it was.

Q. -- and Raul?

A. Yes, sir.

Q. It was.

A. Yes, sir.

Q. Was there a time when you and your wife went together to visit Attorney Percy Foreman?

A. Yes, there was.

Q. Where did you visit Attorney Foreman?

A. Where? At his office.

Q. At his office?

A. Yes.

Q. And what was the purpose of that

visit?

A. I hired him for my brother.

Q. Sorry.

A. I hired him for my brother.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1279

Q. Your brother had a --

A. Case, yes, sir.

Q. Had a case. And when you went into Attorney Foreman's office, did you notice anything of particular interest concerning this case?

A. They -- they had some books and papers in the office pertaining to it, yes, sir.

Q. Pertaining to Mr. Foreman's representation?

A. Yes. Yes.

Q. And did your -- did Attorney Foreman give your wife a drawing of himself?

A. Yes, he did.

Q. And was that drawing signed by him?

A. Yes, it was. To her from him.

Q. Right. And the subject of your --
of -- of your visit and the relationship with
Foreman is covered in these affidavits sworn
by your wife?

A. Yes.

Q. Is that right?

A. Yes, sir.

Q. Now, when did you leave Houston,
DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
1280

Texas, and move to Mississippi?

A. When -- we come down in 1980, stayed
for six months, sold my house in Houston.
And went back to Houston, finalized it, and
moved to Mississippi in '81 -- 1981.

Q. Mr. Grabow, why did you leave
Houston, Texas?

A. Threats.

Q. Sorry.

A. Threats. Mr. Foreman said to get out
of town or we would be dead within a year.

Q. Let's back up on that again. There were threats to you?

A. Threats to my wife and me.

Q. Threats to your wife and you?

A. Yes.

Q. And Mr. Foreman told you what?

A. To get out of town within a year or we would be dead.

Q. Get out of town within the year or you'd be dead?

A. That's right.

Q. Who wanted to kill you and your wife, Mr. Grabow?

A. Well, I don't know. From what he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1281

told my wife, it was from Raul.

Q. What did that all have to do with, these threats? Do you know what all that had to do with?

A. What do you mean?

Q. What was behind the threats? What

caused the threats?

A. My wife --

Q. From your knowledge, what was behind it?

A. I don't really know. From what --

this is what my wife knows -- most of it.

Mine would just be what I know from her.

Q. Well, we're not going to ask you to testify about that.

A. But I know it was pertaining to Raul and the Ray case.

Q. Something to do with Raul and the Ray case?

A. Right. I know that much.

Q. Did there come a time in Houston, Texas -- after you left you sold your house and -- finally in what year?

A. In -- we finally sold it in '81.

Q. 1981?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1282

A. Yes, sir.

Q. Did you go back there in subsequent years to Houston at all?

A. Yes.

Q. To visit?

A. I went down and worked for a while on account of my daughter, Connie. She had a lot of problems -- medical problems. I went back to where a good hospital was.

Q. All right.

A. I worked down there for about five or six months on a job that --

Q. At one point later on when you were living in Mississippi, did you become aware again of the man you've identified as Raul?

A. Yes, sir.

Q. And how did that happen?

A. My wife called him and talked to him.

Q. Your wife called him and talked to him. How did your wife get his telephone number? How did she become aware of where he was?

A. Look in the phone book, called information to find him.

Q. How did she know which phone book to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1283

look in? Did someone show her some

information, or how did she become aware of

his presence and where he was living?

A. I don't know exactly. I don't know

exactly.

Q. But somehow she became aware --

A. Yes.

Q. -- of his presence.

A. Right.

Q. And somehow she obtained his phone

number.

A. Right.

Q. But you weren't present when she did

that, or you don't know exactly how she

obtained it.

A. No.

Q. Okay.

A. There was some things she kept from

me.

Q. You testify to what you know, please,
sir.

A. Yes, sir. That's what I'm doing.

Q. Now, Mr. Grabow, I'm going to show
you an original telephone bill dated the 5th
of May, 1995.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1284

A. Yes, sir.

Q. Is that your telephone bill?

A. Yes, it is.

Q. For that period of time?

A. Yes, sir. Yes, it is.

Q. It has your phone number on there?

A. Yes, sir.

Q. Do you see a telephone call made on
the 20th of April?

A. Yes, I do.

Q. What time of day was that call made?

A. What time of day? 12:54 p.m.

Q. And how long was that call?

A. Six minutes.

Q. Were you present when that call was made?

A. Yes, I was.

Q. And who was that call made to?

A. Raul in Yonkers, New York.

Q. And who made the call to Raul?

A. My wife, Glenda.

Q. I'm not asking you to comment on even one side of the conversation. Did you have the impression that this telephone call -- that the parties speaking on this telephone

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1285

call, one of them was your wife, knew the other party?

A. Oh, yes.

Q. That they were familiar?

A. Yes, sir.

Q. Would your wife ever talk on the telephone with someone for six minutes she didn't know?

A. No.

Q. Or didn't know her?

A. No. She didn't like to talk on the phone anyway. Very seldom.

Q. But in this instance she was talking on the phone for six minutes.

A. Yes, sir.

Q. That's the second longest call on this -- on this bill, isn't it?

A. Yes, sir.

Q. I'm going to show you a copy of this bill, and we've blocked out Raul's telephone number.

A. Okay.

Q. I would like you to compare the copy with the original and tell us whether they are identical except for the redacting of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1286

Raul's telephone number.

A. Yes, they are.

Q. Well, please, would you look at all of the pages.

A. Oh, all of the pages. Okay. Yes,
sir.

MR. PEPPER: That being the
case, Your Honor, plaintiffs move the
admission of the copy with the redacted
telephone number.

THE COURT: All right.

(Whereupon said document was
marked as Trial Exhibit Number 27.)

Q. (BY MR. PEPPER) Mr. Grabow, have any
investigators -- official investigators of
the United States Government or any police
authority discussed with you or your wife
information that you may have about this man,
Raul?

A. About -- lately or --

Q. At any time.

A. No. I think the -- the men from
homicide in Memphis here came down to talk to
us one time.

Q. Somebody did come down?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1287

A. Yes, sir.

Q. How long ago was that?

A. Last year.

Q. Did you tell or did your wife tell
everything --

A. Yes, she did.

Q. -- that she knows about this?

A. Yes, she did.

Q. Did you hear anything further --

A. No.

Q. -- with respect --

A. We have come back up and talked to
them because some of the things she said was
changed on the affidavit. She made an oral
affidavit. And when he typed it out and
showed it, we had to change a lot because
some of the things was changed on there.

Q. The statement that she gave was not
the same statement that was printed that she
was asked to sign?

A. Yes, some things were.

Q. It was different?

A. Yes, some things.

Q. Did you effect those changes? Did you make -- ensure that they made those

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1288

changes?

A. What we could. What we could, yes.

It took so long. She don't read so fast.

And it was taking an awful long time for her

to. So we changed what she could.

Q. This Court has heard evidence that your wife has given a lengthy, almost autobiographical, statement to an English film producer, Jack Saltman. Do you know that that's the case?

A. Well, it's -- I don't know what it was. If I understood it -- we thought we was working with a lawyer and stuff. And she talked to him a long time. And I think they was trying to make some kind of movie deal or something. I don't know what it was.

Q. So they took a statement?

A. Yes, they did. Yes, they did.

Q. You thought you were working --

A. Yes, sir.

Q. -- with whom?

A. I thought we were working with the
lawyers for -- attorneys for --

Q. Attorneys for whom?

A. The Rays. I don't know. Ray's

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1289

attorneys, I guess. What we understood is
they just kept running us around keeping us
away from him.

Q. And that went on for a period of
time, didn't it?

A. Yes, it did.

Q. But your wife has discussed with you
all of these events and everything that she
knows at this point in time.

A. Oh, yes.

Q. I'm not going to ask you to say what
these are, but she has discussed these things

with you.

A. Yes, she has.

Q. And whatever it is she has told you and has discussed with you, has she ever changed her story over all these years --

A. No.

Q. -- in terms of what has happened to her?

A. No.

Q. And what has happened to her is reflected in these affidavits that we have put into evidence?

A. Right. There are no changes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1290

MR. PEPPER: No changes. Thank you very much. Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Grabow, would you tell us if the gentleman who came from Memphis to talk to you and Mrs. Grabow was a gentleman named

Mark Glankler? Does that sound like his name? Last year --

A. Glankler?

Q. Yes, sir.

A. I don't think so.

Q. Someone did come and talk to you and Ms. Grabow from Memphis?

A. Yes.

Q. Now, you called me several years ago and told me that your wife had some information and you had been unable to get her to come forth.

A. Yes, I did.

Q. And you came and talked to me about it.

A. Yes, sir.

Q. You and your wife.

A. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1291

Q. Let me ask you, during the time that you were around this Raul and -- what's his

name, Amaro?

A. Amaro.

Q. Did they ever mention the name of Loyd Jowers to you? You never heard of that name, did you?

A. No, sir.

Q. And Mr. Foreman never mentioned the name of Loyd Jowers, you never heard of him?

A. No, sir. First time I heard it was when we seen a little piece in the paper and we called you.

Q. Okay. When your wife talked to this Raul -- I'm not asking you what she said -- but did she seem pretty sure that that was the person that she had seen back in the 60's? Was it pretty certain through the whole conversation that it was the same person?

A. She was very certain.

Q. She was very certain it was?

A. Yes, sir.

Q. Did they talk about things that people who have known each other a long time

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1292

would talk about?

A. I didn't stay in the room that long.

But when she started out talking to him, she
knew him real well.

MR. GARRISON: That's all.

THE COURT: All right, sir. You
may stand down. You can remain in the
courtroom or you're free to leave.

THE WITNESS: Thank you, sir.

(Witness excused.)

MR. PEPPER: Plaintiffs call

Mr. John Smith.

THE COURT: Would you all come
up here a minute.

(A bench conference was held at
sidebar outside the hearing of the jury.)

JOHN C. SMITH,

Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Smith.

Mr. Smith, could you please move forward to the microphone. Thank you for coming here this afternoon. I know you have been

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1293

hospitalized, and that's why we're calling you way out of turn in terms of your knowledge of facts -- particular facts in this case. We are grateful for you to come.

Would you state your full name for the record, please.

A. John Charles Smith.

THE COURT: What is it again, please, sir.

THE WITNESS: John Charles Smith.

THE COURT: John Charles Smith.

Thank you, sir.

Q. (BY MR. PEPPER) And have you been a resident of Memphis for many years?

A. Well, about nine now.

Q. You were away for a period of time?

A. Yes.

Q. Where are you from originally,

Mr. Smith?

A. Memphis.

Q. Memphis. And when did you leave

Memphis?

A. As a kid. I grew up in Los

Angeles -- in Oakland.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1294

Q. All right. And when did you come

back to Memphis?

A. '67.

Q. 1967. How old were you in 1967 when

you returned to Memphis?

A. 25.

Q. Did you join a group called the

Invaders at that point in time?

A. Yes.

Q. Or become associated with them?

A. Yes, more -- more --

Q. And were you active with the Invaders during the time of the Sanitation Workers' Strike?

A. Yes.

Q. And during the time when Dr. King came to Memphis?

A. Yes.

Q. And along with Charles Cabbage and Covey Smith and others?

A. Yes.

Q. Now, were you at the Lorraine Motel in April -- on April 4, 1968?

A. Yes, I was.

Q. Would you -- would you tell us when

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1295

you came to the motel.

A. It had to be around 6 -- between 6 and 6:30.

Q. Was that when you arrived at the hotel or when you -- how long had you been at

the hotel during that day? Let me give you a benchmark for your -- your movements.

Dr. King was assassinated at 6:01.

A. Right. Well, then I had been around the Lorraine most of the day off and on.

Q. So you had been around -- prior to the assassination around the hotel?

A. Yes.

Q. And where were you when you were at the hotel? Do you recall where you were most of the time?

A. In the lobby.

Q. In the lobby?

THE COURT: Excuse me just a minute, Mr. Pepper. There's a beeping going on some place. Does anyone know the source of it? I just heard it.

MR. PEPPER: I did hear something, Your Honor.

THE COURT: There it goes

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1296

again. Okay. You may proceed.

Q. (BY MR. PEPPER) So you were around the hotel most of the day and you were around there in the afternoon?

A. Yes.

Q. And you were in the lobby in the afternoon?

A. Yes.

Q. Okay. Did you see earlier in the afternoon around the lobby in the hotel a police presence?

A. Yes, there was a black detective who was sitting in the lobby in the corner.

Q. Right.

A. And I left out, went into the restaurant. And when I came back out, he had left.

Q. And what time was it when you came back out of the restaurant? Do you have any idea?

A. No, I couldn't tell you the time, but it was before the shooting though.

Q. Do you have an idea how long it was

before the shooting?

A. Maybe ten minutes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1297

Q. Shortly before?

A. Yes, sir.

Q. Did you see any police around the

hotel in the course of the day?

A. There was a few over at the fire station and cars riding around the motel.

Q. But in the motel itself --

A. The only one I really saw was him.

Q. Was that one?

A. The one black detective.

Q. Was he in uniform or in plain

clothes?

A. No, plain clothes.

Q. He was in plain clothes. And he was there up until a few minutes before --

A. Before the shooting.

Q. Some time -- a short time before the shooting.

A. Yes, about ten minutes before.

Q. You came out and you saw he was gone?

A. Right.

Q. Did you ever see him again on the premises that afternoon?

A. No, not that night.

Q. Did you ever see any other policemen

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1298

around the motel -- in the area of the motel itself or inside the motel at the time of the shooting?

A. No. Most of them were outside -- outside of the property.

Q. Did you -- what did you do after the shooting yourself?

A. Well, I -- I walked out and walked in the back lot. There was a cafe back there. And I was looking for my wife at the time.

Q. All right. Did you at any time look up into the -- across Mulberry up into the bushes or the brush area?

A. Not -- I can't remember that.

Q. You can't. Do you remember seeing any -- anything strange or anything that caught your attention?

A. Well, it was just that it was just -- everything just became steel. Everybody -- there was no movement outside of the motel, period. No cars were moving, nobody was walking.

Q. Still.

A. Yes.

Q. For how long a period of time did

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1299

that stillness take place?

A. Up until -- I guess just before I headed inside the cafe. It was on the lot of the motel. And when we came out, it was all -- it was all over then. There was traffic everywhere.

Q. It just erupted after the shooting?

A. Yes.

MR. PEPPER: Okay. Nothing further, Your Honor. Thank you, Mr. Smith.

MR. GARRISON: I don't have any questions, Your Honor.

THE COURT: All right, sir. You may step down.

(Witness excused.)

MR. PEPPER: Plaintiffs call Mr. William Schaap to the stand.

WILLIAM SCHAAP,

Having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Schaap.

A. Good afternoon.

Q. Would you state your full name and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1300

address for the record, please.

A. My name is William Schaap. My address is 143 West Fourth Street, New York,

New York.

Q. Could you give us a summary of your professional background, please.

THE COURT: Before you do that, spell your last name.

THE WITNESS: I'm sorry.

S C H A A P.

THE COURT: Thank you.

A. I'm an attorney. I graduated from the University of Chicago Law School in 1964. I've been a practicing lawyer since then. And I'm a member of the bar of the State of New York and of the District of Columbia. I specialized in the 1970's in military law. I practiced military law in Asia and Europe. I later became the editor in chief of the Military Law Reporter in Washington for a number of years. And in the 70's and 80's I was staff counsel of the Center for Constitutional Rights in New York City.

I also in the late 1980's was an

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1301

adjunct professor at John J. College of Criminal Justice of the City University of New York where I taught courses on propaganda and disinformation.

Q. (BY MR. PEPPER) Have you also been involved in journalism and publishing?

A. Yes, I have. Since 1977 or '78, in addition to being a practicing lawyer, I've also been a journalist and a publisher and a writer specializing in intelligence-related matters and particularly their relationship to the media. For more than 20 years I've been the co-publisher of a magazine called the "Covert Action Quarterly" which particularly deals with reporting on intelligence agencies, primarily U.S. agencies but also foreign.

I published a magazine for a number of years called "Lies Of Our Times" which specifically was a magazine about propaganda and disinformation. And I've been the

managing director of the Institute for Media

Analysis for a number of years. I also, for

about 20 years now, I think, was one of the

principals in a publishing company called

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1302

Sheraton Square Press that published books

and pamphlets relating to intelligence and

the media.

Q. Do you also write? Have you authored

articles and works?

A. Yes, I do. I've written, oh, dozens

of articles on -- particularly on media and

intelligence. I've edited about seven or

eight books on the subject. I've contributed

sections to a number of other books and

had -- I've -- many of my articles, of

course, have appeared in my own -- our own

publications, but I've also had articles

appear around the world including New York

Times, Washington Post and major media

like -- like those.

I've appeared a lot on radio and television as an expert on intelligence and the media. I'm slowing down a bit now because I'm getting older. But I used to do a lot of speaking at universities and colleges around the country and debating government officials and people connected to organizations that supported the CIA and the other -- FBI and the other intelligence

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1303

agencies.

Q. Have you ever testified as an expert witness in the area of governmental use of media for disinformation and propaganda?

A. Yes, I have. I've -- I've testified as an expert in that field in both state and federal courts in this country. I've testified in foreign courts. I testified once before the United Nations on that subject and once before the U.S. Congress.

Q. Mr. Schaap, I'm going to show you a

copy of a -- of your own CV. It's a summary of your professional qualifications. I want you to confirm its accuracy.

A. Yes, that's -- that's my CV that I prepared.

MR. PEPPER: Your Honor, we move admission of Mr. Schaap's CV and move that he be accepted as an expert witness in the matter at hand for the issues of government use of media or disinformation and propaganda purposes.

THE COURT: Objections?

MR. GARRISON: I have no objection.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1304

THE COURT: All right.

(Whereupon said document was marked as Trial Exhibit Number 28.)

Q. (BY MR. PEPPER) Mr. Schaap, in the course of your research, have you had occasion to study the use of the media by

government agencies?

A. Yes, I have. I've studied many government reports on the subject. Many, many books have been written about it and articles. In fact, I've written many of those articles.

Q. Can you give the Court and the Jury a brief summary of the subject indicating the extent to which this type of activity by government still takes place?

A. Yes, I can. I -- I won't go into ancient history, but it should be noted that -- that governments around the world have secretly used the media for their purposes for many hundreds of years, probably thousands. But certainly from the 16th and 17th century in England on there has been a great deal of research about the use by governments -- a secret use of the media.

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(901) 529-1999

1305

For our purposes though, the --

particularly relating to the U.S., the most significant and the first major deliberate program in this country was during World War I when President Wilson set up an organization called the Committee For Public Information under a public relations executive -- a man named George Creole.

The purpose of this committee was to propagandize the war effort against Germany. This was created immediately after the U.S. entered World War I in 1917. And in propagandizing the war effort and war news, it was the policy of this committee to have no compunctions about falsifying the news whenever it was felt that that was necessary to help the war effort.

Q. Can you give us an example of the type of falsification of the news that you're talking about.

A. Yes. They -- the Committee For Public Information purported very often to release documents, supposedly genuine documents, to the press in order to

substantiate whatever particular position

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(901) 529-1999

1306

the -- the Wilson government might have been taking at the time. And one of the most famous that happened early in its creation in 1917 was a disinformation campaign to suggest that the Russian revolutionaries, Lenin in particular and Trotsky, were actually German agents being paid by the Kaiser.

The Government and Creole's committee made up the story. They made up -- created phony documents. They passed it all to friends in the major newspapers. And almost immediately this was front page news around the United States and around the world.

Q. I'm going to show you a New York Times headline of that era and see if that's the kind of falsification you're talking about.

A. Yes, this is -- the rest of the text

is from an article where that headline appeared. But that was on the front page of the New York Times in 1917. And later it transpired that the documents were -- were forgeries that had been created by Mr. Creole. And, of course, it was obvious

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1307

by the current course of history, the Russian revolutionaries were hardly friends of the Kaiser.

Q. Yes, indeed.

A. Much less employees.

Q. Can you continue with your summary, please.

A. Yes. After World War I, the U.S.

continued to be the -- or actually became the world's leader in the control of information. Britain had been more pre-eminent before World War I. But at the end of the war, the U.S. was really in control of all the world communication media. And

disinformation was used by the government sporadically during the inter-war years. It was particularly used in the red scares of the 1920's and the creation of dis-information suggesting various opponents of the government were communists.

But it wasn't a major aspect of government policy until the advent of World War II. And that was when deliberate disinformation or a structure for emitting deliberate disinformation became very, very

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(901) 529-1999

1308

important.

Q. What happened at that point in history to bring about that resurgence?

A. Well, at the very beginning of World War II there were really two schools of thought competing, both of which had government agencies. One that was set up was called the Office of War Information which was a civilian organization although it

worked closely with the War Department, as it was then called. And it was headed by a man named Elmer Davis who was a very famous reporter -- journalist.

His philosophy was that the agency should tell the American people exactly what was happening -- tell them the truth. If we lost a battle somewhere in Europe or the Pacific, we should tell the people we lost that battle. If we won a battle, we'd tell them we won it. But he believed that in the long run we would do best by reporting the truth.

But at the same time another key organization that developed during World War II was the Office of Strategic Services, the

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(901) 529-1999

1309

OSS, which was headed by a military man, William Donovan, who was known as Wild Bill Donovan, who believed the saying that George Creole had -- his philosophy from World War

I, which was that you should lie to the people whenever it's necessary, whenever you think lying will help maintain morale and win the war.

This struggle was taking place, of course, in the context of World War II. And Donovan won both with President Roosevelt and afterward with President Truman. His philosophy that disinformation was a powerful -- a valuable weapon for a country to have, and that the disadvantages of lying to the American people were outweighed by the advantages of being able to manipulate the media.

So when the war was over, the Office of War Information was dissolved. The OSS was transformed into the CIA. And the CIA was now existing in peace time, mind you.

World War II is over, and now the CIA is set up with this information as a major part of its work and, in fact, as most of the reports

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1310

later pointed out, the largest single part of the CIA's operations.

The -- within the government at least, the acceptability of lying to the public became very widespread and acceptable even in time of peace. There had been people who felt, well, it's one thing when you're at war. But even in time of peace it became acceptable, and it spread from other agencies, including the -- the FBI which also began to engage in media manipulation in a very, very large way.

Q. So in addition to being a war time strategy with respect to the security of the nation and the -- the promulgation of -- of falsehoods in times of war, this tactic started to be used in peace time.

A. Exactly. That was the major difference. Certain things were -- were much more acceptable or expected over the course of history in time of war and were generally supposed to stop when the war was over. Now,

there were people who argued in the late 40's

that the Cold War was a war just like a hot

war, and that was the war that was on, and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1311

that was why we had to do this.

But what really happened is there

were not battles being waged between

soldiers. There was not a hot war going on

anywhere, and yet the -- the infrastructure

that had been set up to spread disinformation

to be able to lie became institutionalized

and became operating at a greater and greater

level.

Q. Mr. Schaap, how is it that some

individuals like yourself have become more

aware of these kinds of practices in our

lifetimes while the mass of the population

has not?

A. Well, it's mostly because -- by

coincidence there were a number of factors

that came together, mostly in the 1970's,

leading to major congressional investigations of these activities leading some newspapers to fund serious in-depth investigative reports. And in the middle and late 70's there were a series -- a huge series of congressional reports on intelligence activities , a whole section of which was devoted to media activities.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1312

And then there were major exposes in the New York Times and the Washington Post.

It was sort of the Watergate mentality, I guess, that allowed this to happen. There was a window of a few years when exposing government misconduct, particularly past government misconduct -- and as far as the government was concerned, the older the better. But at least there was a window of opportunity where this was acceptable even within the mainstream, the establishment press. It was not frowned upon as much as it

might have been at other times both before
and since.

Q. Before we go into some specific
instances of this and details, can you
explain to the Court and Jury really how does
disinformation work? And why is it so -- why
is it so successful?

A. Well, you have to understand first
the target of propaganda -- of
disinformation. The consumer of the false
news so to speak is -- in what we're talking
about is the American public in general and
sometimes the public overseas. Dis-

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1313

information is almost always by -- by
definition, about things that the average
person has no separate personal knowledge of,
otherwise it couldn't really work.

I mean, you can't fool the people
you're talking about. You can fool the other
people who don't know about it. You're not

trying to fool the people you're talking
about.

The simplest example is during the
Vietnam War when there was a massive bombing
campaign and the U.S. was bombing Cambodia.

President Nixon and Secretary of State
Kissinger repeatedly made public statements
that we were not dropping bombs in Cambodia.

Well, you couldn't fool the Cambodians who
looked up and saw the bombs falling in their
back yard. They knew you were bombing
Cambodia. But the American people by and
large accepted these statements as truth, and
in fact that was a disinformation campaign
that was later admitted.

You're -- really we're talking about
things that the public has no separate
knowledge of. And it's also reinforced by

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1314

the fact that Americans generally tend to
believe what their government tells them, to

believe that government officials on all levels generally tell the truth. And that -- if you have that, that absence of skepticism, it's a major plus for the disinformationists. And, also, it's very, very unusual around the world other than in the United States. In most other countries, particularly in Europe, it's much more the opposite. People tend on average to be very skeptical of their government. If the Italian government issues a statement, the average Italian on the street will say it's probably a lie until you can prove to me otherwise that it's not a lie. Because governments lie. That's what they -- you know, they sort of expect them to do that whereas Americans don't expect that. The average American would hear something from the government or hear the news on television and assumes that what they're hearing is the truth unless they're shown otherwise. They assume that almost nothing is ever a conspiracy. In Europe it's

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1315

very much the opposite. Anything happens.

They tend to think it's a conspiracy unless

you show them that it wasn't a conspiracy.

I mean, after all, "conspiracy" just

means, you know, more than one person being

involved in something. And if you stop and

think about it, almost everything significant

that happens anywhere involves more than one

person. Yet here there is a -- not a myth

really, but there's just an underlying

assumption that most things are not

conspiracies. And when you have that, it

enables a government which has a propaganda

program, has a disinformation program, to be

relatively successful in -- in having its

disinformation accepted.

The other reason why it -- why it

works even though as we -- as we know,

somewhere there are people who know it's not

true. Somewhere they know you're lying about

something. But another reason it works is that disinformation is very, very effective over time. The longer that you, whoever you are, can control the spin on a story, the more that spin becomes accepted as the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

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1316

absolute truth. And in this country the government has a great deal of power and influence over that spin.

Q. Why is it so effective over time?

A. Well, this is an area where I had to consult with other experts because it turns out really to be a neurological function.

And that was first explained to me by a -- a professor at Harvard Medical School. And it has to do with the way the human brain remembers things, the way we learn things, the way we create patterns and associations and reinforce -- well, I don't know how you -- it sort of like channels in the brain when certain things trigger certain

collateral thoughts.

And when you associate one thing
with another over time, just the mention of
the one brings the association of the other.

What this will sometimes mean is that even
when something is later exposed as a lie, if
it was accepted as a truth for a long time,
the exposure of it as a lie is not believed.

It's in one ear and out the other.

The best example that we know in my

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1317

field is one that John Stockwell reported
on. He was a CIA officer in Angola -- for
Angola. But they were based -- the CIA
station was based in the Congo. And when the
Cuban troops were sent in to help the
Angolans fight the South Africans during the
early and mid 70's, the CIA's task was to try
to discredit the Cubans and do whatever it
could to make people around the world think
it was a terrible thing that the Cubans were

helping the Angolans.

So Stockwell's group in Congo sat

down, and one guy says to the other guy,

let's think of something terrible to say that

the Cubans did. And another guy says, hey,

why don't we say they're raping Angolan

women. That would be a great thing to say.

The other guy says, terrific. And they call

in their media experts, and they start

sitting there at their desk at the CIA office

and they start typing out these news stories

about how a group of Cuban soldiers raped a

bunch of Angolan women in some operation.

And then they write Story Number 2

which is that the villagers got incensed and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1318

decided they didn't want the Cubans anymore,

and they were going to find the fellows who

did it and arrest them. And in Story Number

3 the villagers captured the Cubans. In

Story Number 4 they were tried by a jury of

the women victims and they were later executed with their own weapons.

And they made a series of about 12 newspaper stories in a row. And with one phone call and one visit, it went over the wire services, it went into Europe, it went into the United States, it went around the world. And for about a six-month period there were all these stories about the horrible Cuban rapes in Angola. And what that does is when you hear -- the average person hears Angola or Cuban, they'll think rape of the women. And if they hear rape of the women, they will think Angola or Cubans. And if you get Angola, they'll think Cubans and rape of the women.

And these patterns build up so that that becomes the truth embedded in your mind. Four years later John Stockwell quit the CIA and wrote a book exposing it. Wrote

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1319

a big piece for the New York Times about how the entire Cuban/Angola story was a fabrication. And he sat there at the desk typing it. And the day after that story appeared, there was still 900 million people around the world who thought the phony story was true.

Because when year, after year, after year you hear that something was the case, one story -- one day saying, hey, the whole thing was a lie, and it doesn't register on their brain. It can't beat those -- those patterns that have been built up.

Q. Let's go back now taking an example -- let's go back now to the general area of intelligence because all of this activity is useless unless there's a structure into which it fits and into which it can be put out. Can you deal with the kind of structure of media operations that puts out this kind of disinformation. How extensive is it?

A. Yes. We can be -- we have a lot of

information about the CIA. We have a certain amount of information about the FBI, a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1320

certain amount about military intelligence.

And the reason for this is because there were

those congressional investigations that I

mentioned before. There have been reports

published, particularly from the Church

Committee in the late 70's, where they

published volume after volume describing the

extent of media operations by the CIA and --

and other agencies.

They -- the exact amounts of money

that were being spent were -- were not

divulged by those initial reports because

that was considered to be classified. The

intelligence budgets are always classified

except at the same time every few weeks

you'll read something in the newspaper where

they say, the classified budget, which is

approximately 25 billion dollars, and so on

and so on and so forth.

So what we -- what we have learned from these reports is that -- the first thing was that about a third of the whole CIA budget went to media propaganda operations.

Q. Well, if a third of the CIA's budget went to media propaganda operations, how much

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(901) 529-1999

1321

would that be approximately?

A. We're talking about hundreds of millions of dollars a year just for that. I mean, the intelligence budget -- now everything together is according to these -- all these reports that say it's secret, but it's about 25 to 30 billion dollars a year. Now, a lot of that is high-tech stuff. It has nothing to do with what we're talking about -- satellites and so on. But the stuff that goes to the CIA is several billion.

And when you factor out overhead and things like that, you have got your

operational amount. Most of the estimates suggest that -- that hundreds of billion -- hundreds of millions of dollars -- close to a billion dollars are being spent every year by the United States on secret propaganda.

Again, we have fairly good figures for the CIA because it at least has been admitted in the past that they did do this stuff. They admit they do it now except they say they don't do it within the United States. But they admit that that's part of what they do.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1322

The FBI is much harder to -- to get figures for because they don't generally admit to conducting media operations. And unless and until something gets exposed and they have to admit that particular operation, they -- they deny to an extent where it's really hard to try and estimate how much money is being used by the FBI and by the

military intelligence agencies.

But it's sort of clear that hundreds of millions of dollars a year are being spent by various aspects of the government on deliberately creating and spreading lies.

Q. Before we get into the specifics of media operations related to the Martin Luther King case and James Earl Ray, can you give us -- just to finish the background, can you give us some idea of the influence that the CIA and the FBI have had over the media.

A. Yes. Again, this was something that very specific figures came out in the 70's and 80's, and we don't know the precise figures. Today we have no reason to think that they are significantly less than when they came out. But when the Church Committee

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1323

reported on the CIA media operations, for example, beyond friends in the press, beyond having people who were just generally --

thought along similar lines, it turned out that they had thousands of journalists in their employ. Not merely friendly, not merely agents, not merely someone you could pass a story to, but people who might have appeared to the outside world to be a reporter for CBS was in fact a CIA employee getting a salary from the CIA.

And that was repeated thousands of times all around the world. They also owned outright, the CIA -- about that time 250 or more media organizations. That's wire services, newspapers, magazines, radio, TV stations -- all around the world that they owned outright. The actual shareholder of the company turned out to be some CIA front.

The Church Committee, unfortunately, did not name very many of these organizations because those that got named, of course, had to close down immediately. But it was learned that -- even things like the Rome Daily American, which was a major English

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1324

language newspaper in Rome, for 20 or 30 years had been owned by the CIA. This was published and, of course, the paper closed the next day.

But most people didn't realize the extent of the intelligence media organization. It's fairly incredible. They sort of brag about it. When you read the books about the history of the CIA, one of the heroes was the first man in charge of media operations, a man named Frank Wizner.

And they referred to his organization as the Mighty Wurlitzer. And there's this image of this guy sitting at one of those giant organs, you know, with seventeen keyboards and you're playing this -- sort of like The Phantom of the Opera in that scene, and there was the guy running the CIA media operations all around the world. And he really was because every single city of any size on earth, he had some employee who was --

supposedly worked for a newspaper or a magazine or a radio station or a wire service, and they could get stories anywhere.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1325

Q. Can you give just one or two more specific examples.

A. Yes. There was one -- actually in an article that was published written by a former CIA officer named James Willcot, who was not in the propaganda division, he was in finance. But he was so amazed he wrote a little article about this. And he was stationed in Japan one time when there was a big debate raging there over whether nuclear power ships should be able to dock in Japanese ports. It's been a very touchy issue -- at least since Hiroshima it's been a very touchy issue in Japan -- even peaceful uses of nuclear power.

And the U.S. line was to promote the

docking of nuclear power ships because the U.S. had more and more of them. So they wanted the Japanese papers to editorialize in favor of this in the debate that was going on.

And Jim said he looked and he saw this guy at a nearby desk sit down and type -- this is a CIA officer, an employee of the U.S. Government -- type an editorial and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1326

then wave goodbye to everybody, left the office. The next morning that appeared as the editorial -- the lead editorial in the largest newspaper in Japan. Now, that level -- they didn't go to a friendly publisher and say, gee, we would sort of like it if you could maybe do something a little bit favorable to this issue. They wrote the editorial, they handed it to the guy. And the next day in Japanese it appears in the paper.

Another thing showing the influence here in this country was during the Vietnam War. I don't know if -- well, some people might. People my age will remember it. There was -- Life magazine that had a cover picture of a North Vietnamese stamp that showed the Vietnamese shooting down American planes. And it showed U.S. planes with U.S. markings being burst into flames and crashing and U.S. pilots being killed.

And it was a pretty bizarre and gruesome set of postage stamps. And there was a whole story in there basically trying to give the line that the Vietnamese were

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1327

glorifying the killing of Americans. And they thought it was so great to kill Americans that they were putting it on their postage stamps. The only thing that was later learned is that these were not North Vietnamese stamps. They were CIA forgeries.

Had never been real stamps. And the CIA was able to have them appear on the cover of Life magazine as if they were the real thing.

That level of influence is something that many people don't realize. And when you read the congressional reports, page after page after page, it's absolutely astonishing how, given the urgency and given that they have hundreds of millions of dollars at their command, they could get almost anything to appear almost anywhere.

Q. What about the FBI and domestic propaganda?

A. Well, the FBI, there's much less documentation, again, because the official position is that the FBI doesn't do this.

Whereas the official position is the CIA does do it although they tried not to talk about it. But what did come out in the

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(901) 529-1999

1328

congressional reports primarily is that a

major FBI division that was called the crime reporting division was theoretically supposed to keep track of how federal crimes were being reported. Why that was their business, I don't know. But that's what its theory was.

But in fact what it was doing was a whole division set up to keep track of journalists and reporters and magazines and newspapers to decide who could be counted on to write stories that the FBI wanted written, who would slant stories the way they wanted it.

The question of whether these particular reporters were actually FBI employees, like so many were CIA employees, is unclear. That's never been admitted by the government that the FBI actually took its own employees and had them get a job as a correspondent on the newspaper, whereas we know the CIA did that in many, many places. There's no reason to think they couldn't have done it other than the fact that it hasn't

yet been -- been exposed.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1329

But in any event, there were

significant pressures available to the FBI

to -- to use their friends. And the Church

Committee report gives -- gives many, many

examples -- copies of memos from Hoover on

down where there would be a thing attached

and say, get this information to our friends

at the Copely News Service, get this

information to our friends at Reader's

Digest, get this to our friendly AP reporter

and so on.

And then, of course, they would show

the clipping indicating that in fact someone

had gotten it to their friends, and it would

then go over the wires or appear in stories.

Q. Let's turn now to the use of the

media in this type of campaign against Martin

Luther King, Jr. But before you do that,

could you tell the Court and the Jury, what

are the sources of -- underlying your testimony -- this aspect of it.

A. Yes. I did a goodly amount of additional research and preparation and contemplation of appearing here. And there really are two main sources. The first, of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1330

course, is the various congressional reports that we have talked about. In addition to reports about the general operations or misconduct of the CIA or the FBI, there have been specific studies -- I don't know if they have been mentioned in this case, but there have been specific studies relating to Martin Luther King, Jr., both with respect to attacks on him while he was alive and also specific reports with respect to his murder.

There was an entire volume published from one of the Senate investigations on the FBI media campaign against Dr. King. And there was a House Committee that published a

volume investigating his assassination. And these, of course, are the -- the most important sources for what I'm talking about and what other people have written about because they have a great deal of government documentation in them which no private journalist could ever get their hands on.

There are things in there that even the best of research wouldn't be able to obtain. But the congressional committees had subpoena powers and were able to amass

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1331

thousands of documents, most of which were photocopied and attached to their reports.

Q. For our purposes here, as well as those sources, what other sources have you used?

A. Well, I've also, of course, reviewed many books that have been written on the subject -- hundreds of articles. And I've -- I've done briefcases full of clippings that

were major stories written about Dr. King, particularly in the last few years of his life. And then the -- most of the coverage in the first few years of the James Earl Ray case. Both before and after his guilty plea there was intensive coverage, as you can imagine.

And throughout the 60's and into the early 70's, there was quite a bit of coverage, and those clippings that I've been able to find I've reviewed. Some of the sporadic coverage in the 80's and 90's I've also been able to assemble and review, although the level of that coverage has decreased very much over the last decade or so.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1332

Q. What do the congressional reports -- if you can summarize them, give some instances, what do the congressional reports tell us about the FBI's use of the media in

general but then particularly as it relates
to Dr. King?

A. Well, in general, the first thing
they show is that throughout its history, the
FBI has made relations with the media a key
area. Not so much infiltrating employees as
the CIA did, but cultivating very, very deep
connections throughout the American media.

They had the entire division of the FBI --
the crime reporting division was dealing
solely with developing friendly journalists,
developing ways in which you could get what
you wanted to appear in the papers to be
there and what you didn't want not to be
there on a level that was -- nobody realized
until these -- these reports came out.

The crime reporting division was
keeping track of virtually every journalist
in America that wrote anything that had to do
with the FBI. And whether everything was
being classified as friendly or unfriendly,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1333

it -- of course, it was somewhat complicated because it generally meant: Did J. Edgar Hoover like what they wrote or not like what they wrote? And practically -- the opinion of nobody else at the FBI mattered while Hoover was alive.

But he kept charts on every significant journalist as to who was helpful. And when you look through the reports and the documents that have come out, you will see statements by Hoover and his immediate subordinates get this information to friendly journalists. Get this to our friend at U.S. News and World Report. Get this to some friendly reporters in Memphis. And you just see all that sort of stuff.

Interestingly though, this information -- it never mattered whether the information was true or false. That was not what it was about. You find FBI planting information that's true, you find them planting information that's false. The

critical thing was if they had the friend at that media place, that friend was going to run what they wanted without investigating

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1334

it.

Q. Could you just cut through -- tell us what the Church Committee said about CoIntellPro reports and explain to the Court and the Jury what were the CoIntellPro activities.

A. CoIntellPro was Counter Intelligence Program, and that was the -- the major FBI program to counter what it conceived to be threats to American democracy. And it was, at least in my opinion, rather paranoid in what it considered threats. It had divisions trying to operate against communists, against socialists, against the New Left, against the Old Left, against what they referred to as Black Nationalists, what they referred to as hate groups.

They had a separate section just on the Nation of Islam. They had a separate section on the Civil Rights Movement. They had a hybrid program on CommInfil which was to deal with the possibility that communists were infiltrating non-communist groups.

So they had one section trying to disrupt groups they felt were communist

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1335

influence or dangerous, and another one trying to infiltrate groups or find out about groups that they thought other people were infiltrating.

Basically they -- and, of course, you have to understand, "counter intelligence program" was really a misnomer. Because counter intelligence normally means you're trying to find things out. Counter intelligence officers in war time and in espionage are supposed to be finding out information. But these were active

committees, not passive. And what counter intelligence programs were, were overt attempts -- sometimes very, very complicated operations to disrupt organizations which they felt were a threat regardless of whether the organizations were committing any crimes.

I mean, the irony of this is that while the FBI theoretically was supposed to limit itself to investigating crimes, and federal crimes at that, it basically took the position that, you know, thinking bad thoughts was a crime. Or if you didn't like

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(901) 529-1999

1336

the current government of that day, that was a crime. And if J. Edgar Hoover decided the group should be disrupted, then CoIntellPro would sit down and figure out how to disrupt it.

Q. Where was Dr. King in this constellation? Where did they -- how did

they regard him? How was he targeted?

A. Well, he was just about the top of the list in terms of J. Edgar Hoover for reasons that are still unclear. Many books have been written about J. Edgar Hoover, and I don't think anybody quite understands what made him tick. He hated Dr. King. He made no bones about it. I mean, he would -- he would send letters using -- referring to him as garbage, referring to him as slime.

When Martin Luther King was awarded the Nobel Peace Prize, he wrote a long diatribe about how that was the most ridiculous thing he ever heard of in his life, and in fact started a whole thing to disrupt the Nobel Peace Prize program. But he and the SCLC, as Dr. King's organization, were by themselves a major target of the FBI

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(901) 529-1999

1337

from early on. He certainly was being investigated in the 50's. It wasn't until

the early 60's that it really intensified.

But Hoover was much more public about Dr. King than almost any other individual. He would be public about "the communists" or "the terrorists" or whatever.

But Martin Luther King he specifically used -- used the most horrendous language to describe him. And once went on a -- the only time he ever gave a press interview called him -- called Martin Luther King the most notorious liar in the history of the United States.

Q. Okay.

A. And he was saying that because King had had the temerity to say that the FBI agents in the south weren't being terribly helpful to blacks who were having problems with the racism there.

Q. Can you give an example of some of the media operations that the FBI and Hoover mounted against Dr. King's organization.

A. Sure. The first really significant ones were -- were to -- to suggest that the

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(901) 529-1999

1338

Southern Christian Leadership Conference was

communist infiltrated and communist

dominated. They -- the FBI had prepared

dossiers on King and on everybody who was

working with him and had two people who were

close to Dr. King who had at some time in the

past had some affiliations with communists.

You should understand, because this

came out later, they had no evidence

whatsoever that either of these two people

was at that time a communist or that either

of these two people was trying to impose some

communist line on Dr. King, but they decided

to say that anyway.

And they prepared dossiers on these

two -- one was a white lawyer, Stanley

Levinson, the other was a black organizer

named Jack O'Dell. And what they did is

they -- the same way, get us a friend at this

paper, get us a friend there. They started

planting stories. And I think I've --

Q. Let me -- let me --

A. -- given you one of the key ones.

Q. Yes, let's pull up on the stand one
of the stories -- screen one of the stories

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(901) 529-1999

1339

that they planted.

A. That's the second page. I think the
headline is -- right. This was a major story
about -- about Jack O'Dell and an attempt
to -- I mean, they were attempting to
discredit Dr. King and the organization.

They were not -- they were not trying to just
get rid of O'Dell because that would be
better for the organization. But they spread
this -- this particular clipping, I believe,
is from The Atlanta Constitution. But it
says in it that -- it makes reference to
prior articles in the St. Louis Globe
Democrat, in the New Orleans Times
Picayune. The story which was essentially

based on the FBI spreading this -- this information appeared all over the country.

Q. Other than a general attack, is there anything -- anything else significant about this -- this article?

A. Well, actually, this is a good one because it demonstrates some of the techniques they used. The most significant one is being fuzzy whenever you can. It has -- in there it talks -- it refers to

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1340

O'Dell and says: "Has been identified as a member of the National Committee of the Communist Party."

And that -- this is sort of the passive tense to avoid saying what -- what you know. When you say someone has been -- you don't say who identified him. You don't even say whether this identification has been confirmed. You don't say whether it's true or false. I mean, you know, one person

anywhere can say something about anybody, and then you say he has been identified as a such and such.

That's very important, particularly because we -- that's in the present tense.

It says: "Has been identified as a member of the communist party." We know now that at the time, when the FBI gave this information to its friend, they knew that was untrue.

Because they knew -- whatever might have been ten years before, they knew at that time that he was not a member of the Communist Party and yet they sent out this information saying he has been identified as a member of the Communist Party.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1341

Q. Was this a part of a broader effort on the part of the FBI to discredit the Black Movement and to tie the Civil Rights Movement to communists generally and communist infiltration?

A. Very much so. It was one of the --
the few instances where -- where Hoover
actually testified before Congress and
allowed the testimony to be public. He --
the line was that the -- the Black
Movement -- the Civil Rights Movement was
being exploited by communists. And this
particular clipping is another example --
again, this is from the New York Times -- of
this program. These are all -- despite the
fact that many of them have bylines, although
this one does not have a byline, these are
all based on material packets -- press
packets almost that were prepared by the FBI
and given to their -- to their friends in
these -- in these stories.

And in this case, it's even more
significant because this was part of a
campaign that was so organized that Hoover
got his friends to write stories about it

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(901) 529-1999

1342

before his testimony became public so that when the testimony then became public, as it did for this one, people would know about it. One of his very, very close friends was Stewart -- Joseph Alsop, who was a syndicated national columnist back then. And this was Alsop's column about the terribly sad fact that the Civil Rights Movement in America was totally being run by the communists.

This, again, was based on whatever the FBI handed him and asked him to publish.

This was just one week before the other story where the -- where the testimony became public.

Q. There was an escalating battle between Hoover's FBI and Martin Luther King's SCLC and the Civil Rights and then anti-war activities. What -- how did it intensify from the standpoint of media operations against Dr. King?

A. Well, the first real escalation was in sixty -- in late '64 when I mentioned before that Hoover gave a press conference

and called King the most notorious liar in
the country. This was sort of a -- it was

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(901) 529-1999

1343

shocking that he said it, it was shocking
that he said it in the context of a public
meeting with journalists. And it appeared
all over the country. And the whole
conference was reprinted in U.S. News and
World Report with a short response from --
from Dr. King.

That was the start of -- of a
campaign which continued right up until --
until King's death. I mentioned before that
during the Nobel Peace Prize period of time
this was in -- the nomination was in late
'64, and he received it in January of '65.

Hoover had the FBI do everything they could
to minimize -- he couldn't stop the Swedish
and Norwegian governments from giving him the
prize. But he did everything that he could
to try to stop it from being honored here.

There was a major banquet in Dr. King's honor in Atlanta when he came back from receiving the prize. Hoover got the editor of the Atlanta Constitution personally to go around and try and persuade various people not to attend the banquet. There were also a series of articles around this time

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1344

trying to show that -- that King was being influenced by communists which were being -- again, we learned this from reports.

The FBI, as the CIA, was actually writing the articles anonymously and then trying to get their friends in papers to print the article under somebody else's name. And there were a whole series, some of which actually did get printed, some of which didn't. There were also -- I won't go -- I mean, there are big -- hundreds and hundreds of pages of reports detailing all the things that the FBI did.

They -- one of the most outrageous
was a doctored tape recording that was
prepared that purported to -- to be a
recording of Dr. King engaging in raucous and
possibly sexual activities with various
people. It turned out to be -- most of it
was totally fraudulent. And what wasn't
fraudulent did not have to do with anything
torrid going on. It was all put together.

And the tape -- in fact, the tape was
originally used -- and this is one of the
things that the House Committee found the

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(901) 529-1999

1345

most outrageous -- in an attempt to try and
drive Dr. King to commit suicide.

Shortly before he went to get the
Nobel Prize, the tape was mailed to him with
a long letter basically saying, if you don't
kill yourself, we're going to make this
public. Nothing ever happened because he was
getting so much mail that this thing that

somebody thought was -- somebody made a tape of one of his speeches. And they put it in the back room, and they didn't get to look at it until about nine months later, long after he had come back.

And then they saw the note trying to get him to commit suicide. And then, ten years later, we discover that it was the FBI who wrote that note and made that tape and mailed it to Dr. King.

THE COURT: Let's take a few seconds and stretch.

(Brief break taken.)

THE COURT: Bring in the Jury.

(Jury In.)

Q. (BY MR. PEPPER) Mr. Schaap, you've described an awesome power that exists in

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(901) 529-1999

1346

government influenced and controlled, sometimes owned, media -- print, audio, visual media entities -- and how that

infrastructure gets focused on opponents of the United States such as Martin Luther King.

Do you see how this incredible power was brought against Dr. King and intensified against him during the last year of his life?

A. Yes. I think the -- the main reason for that was very, very specific. There was one speech that Dr. King gave in April of 1967 at Riverside Church in New York City where he came out against the war in Vietnam. And if you remember back to that period of time, this was a fundamental debate gripping every aspect of this country, the pros and cons of the involvement in Vietnam. And when Dr. King came out against the U.S. involvement there, this was immediately accepted by J. Edgar Hoover as proof that he was a communist, proof that he was a terrible person.

Q. But didn't this have the effect of unifying all the forces -- all of the

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(901) 529-1999

1347

intelligence forces of the United States, and so now just -- it was not just an FBI matter, but it -- it seemed to spread to military intelligence, central intelligence and other areas too, didn't it?

A. Absolutely. Once Dr. King made that statement, the CIA in particular considered him and his movement fair game. Even to the extent that their operations were limited to foreign policy, the -- again, because of the congressional investigations, we know that the CIA, which people thought did not operate domestically within the U.S., had a huge domestic program called Operation Chaos which was designed to counter opposition to the Vietnam War.

And even though they later admitted it was illegal and later admitted they shouldn't have been doing it, there have been whole books of congressional reports about all the Operation Chaos activity in the

United States, and what they called Black Nationalists were a specific target of that -- that campaign.

Q. Did this continue into 1968 in his

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1348

activities with the Sanitation Workers' Strike in Memphis and planning for the Poor People's Campaign in Washington?

A. Absolutely. The campaign against Dr. King's activities went up to the very last day of his life. In particular, on the -- his involvement with the strike in Memphis, the FBI decided at that point to try to spread stories that he was encouraging violence. One of the -- the key articles was in the Christian Science Monitor at the end of March of '68 and, again, gives all of the -- the themes that the FBI wanted -- wanted planted, particularly about violence. The article uses bizarre language for something about a small strike in a

medium-sized town that, you know, was something but was not like an earth-shaking event. This was the Sanitation Workers' Strike. And this story refers to it as a potentially cataclysmic racial confrontation. Not quite World War III, but along that kind of language.

And stories that began to appear -- and this was just before Dr. King was

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(901) 529-1999

1349

killed -- were -- were suggesting that he was closely allied with violent forces.

Q. Mr. Schaap, this Court and Jury has heard testimony from a former New York Times reporter who was told by his national editor -- Times reporters in this courtroom notwithstanding -- told by his national editor, Claude Sitton, to go to Memphis and nail Dr. King. Those were the words Earl Caldwell used in his testimony here. Is that the kind of thing you're talking about?

A. Oh, absolutely. Hoover was -- you see from the memos in the report -- and Lord knows what we don't know and haven't seen -- was sending people out everywhere to talk to all of their friendly media contacts to get King. And they would usually deliver packets of information, much of it false, to be used as part of the -- of the campaign. They also were -- used a lot of interesting tactics.

And you see in these stories a lot of fuzzy -- I mean, the story that's on the screen, for example, has a sentence in it near the end where it says: "Many blacks have mixed feelings about Dr. King." I mean,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1350

this is a -- they teach you in Journalism 101 not to use sentences like that. What does it mean "many blacks"? Many -- everybody had mixed feelings about everything. If you want to do it, you say who has what feelings.

But the whole thing was to try to

say he's violent, he's hanging around with violent people, and basically the blacks in this country shouldn't support him.

Q. What was this operation like -- this media blitz, this media disinformation campaign? What was it like after Dr. King was killed?

A. Well, for one thing, the attempts to discredit Dr. King -- particularly the FBI attempts -- did not stop after his death. They continued to send out their little dossiers and reports and phony information to try and discredit his memory. They also -- in the beginning when, of course, the assassin had not yet been caught or, rather, no one yet had been caught and charged with the assassination, had to give the impression that the FBI was doing a great job.

I mean, one of the criticisms that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1351

was unavoidable is when Hoover had already

publicly attacked Dr. King in all these magazines and said he thought he was a liar and thought he was the worst problem facing the United States and so on, it became a problem for the FBI then to try and convince America that they were doing everything in their power to apprehend his killer. And to do that, they had to pull out all the stops and get all their friendly columnists writing story after story that they were doing everything they could. And also subsequently to try and add to the stories that they were convinced that James Earl Ray was the lone assassin.

Q. Let me put up this article. This story relates to a Jack Anderson column.

A. Yes. This is interesting for what it reveals later. This was a story that came out in 1975. That's actually an interesting example of Jack Anderson criticizing a group of people, of whom he fails to mention he was one at the time. It's something that happens often when columnists decide to clear the --

clear the slate.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1352

But he was reporting at this time about how the FBI had waged the campaign against Dr. King, how he knew about it, how he knew about all these gross accusations that were being -- being handed out. It's -- I mean, the story is only interesting because why didn't he say it at the time is one's first thought. But at least he stayed abreast of some of it. He also was able to -- to explain that a number of rumors about Dr. King had been proven to be not true. What he didn't know at the time because the Congressional Report came out a little bit later -- what he didn't know is that even the FBI at the time they were spreading the stories when Dr. King was alive knew that the stories were not true.

Q. Now, at the same time they were trying to discredit Dr. King and continued to

discredit his name after he was killed, they were trying to enhance the -- the manhunt and the law enforcement work during that time.

A. Yes. Not only enhance, but use hyperbole that was pretty bizarre. Although, of course, you can understand the pressures

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(901) 529-1999

1353

that were on them when no one had been caught. Drew Pearson, who was a very close friend of Hoover's, had a nationally syndicated column and wrote one basically designed to try and kill the rumors that Hoover wasn't trying hard because he didn't like King.

And in it Pearson says he is convinced that the FBI is conducting perhaps the most painstaking exhaustive manhunt ever before undertaken in the United States.

Why -- how he would know is beyond us, but that's clearly what Hoover told him to say. They also -- I don't have the

clipping here. But they also had another one of their very close operatives, Jeremiah O'Leary, who was then with the Washington Star, did an article for the Reader's Digest. And he went one beyond Pearson and said it was the greatest manhunt in law enforcement history in the world. So he was now saying this wasn't only the greatest manhunt in America, it was the greatest manhunt ever, anywhere.

There were -- there are a whole --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1354

and, of course, when Ray was arrested, then there was a state of sort of self-congratulatory columns done by the same friends of the FBI showing what a wonderful job they had done.

Q. Are there any other aspects of this coverage after Dr. King's death that were clearly media operations?

A. Well, there certainly are in my

opinion. At this point, once we get beyond the things that have been admitted in the Congressional Reports, I'm drawing my conclusions based on my own experience and expertise. But it certainly seems clear that there were media operations around -- not only that the FBI had done a wonderful job, but also on the -- the campaign to demonstrate that -- not only that James Earl Ray had done it, but that he had acted alone.

Q. What are the possible operations that you actually see?

A. Well, there -- you see in stories, again by friends of the FBI, statements like: It looks like the theory that there was a conspiracy is untrue. The FBI has

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(901) 529-1999

1355

exploded the theory that there was a conspiracy. The -- even people who had -- see, they -- they got caught a little bit because in the beginning they were planting

stories that had conspiracy -- I mean, there was a story that the FBI planted at the very beginning saying that Dr. King had been killed by the husband -- by an irate husband of a lover of his.

Now, later -- ten years later we saw that this was invented and that they had made up this story. But then they were sort of stuck. Because if you're saying that Ray was hired by somebody else to do it, that's a conspiracy. So then they had to drop that story because now the line was there was no conspiracy. Now they're saying -- and the same people. Pearson mentioned that story and then later on denounced the generally prevalent theory that the murder involved a conspiracy without pointing out that he was one of the people who were part of the original prevalent theory.

Even -- particularly, actually, after the guilty plea, when it got -- there

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(901) 529-1999

1356

was no longer a judicial proceeding going on about which they could feed the stories they wanted to, they still felt a compulsion to periodically come up with stories that there was no conspiracy, there was no plot. This one on the screen being another one of these -- these examples.

Q. This is the continuation of the lone killer, lone nut gunman that was -- had to be perpetuated throughout the period of James Earl Ray's incarceration?

A. Absolutely. It never -- because Ray insisted virtually from the day of the plea that there was a conspiracy, they felt compelled to -- to continue to plant these -- these stories. They -- they went on for a number of years at a very intense level, and then it sort of petered off.

But in the first year after the plea of guilty, Anderson wrote a number of columns saying there just wasn't any conspiracy. Max Lerner wrote columns saying Ray was the

killer, there's nothing to the conspiracy theory. And when -- another example of how they -- they fuzzied it was even at the time

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1357

of the plea, there was a story on the -- in the Washington Post, which I think I've given you a copy of, where they said: No evidence of any plot, Jury is told.

Now that isn't really what the Jury was told. But if you read the story, it was that the prosecution was not presenting any evidence of a plot, which is very different from saying -- of course, they didn't present any evidence that there wasn't a plot either. Yet if you look at that headline, it looks like something has been said and done in court showing a jury there was no -- no plot. And that's not what happened. It wasn't -- it wasn't discussed either way.

And they -- they -- there was a story I believe the next week in the

Washington Post where the title of the story was: "Ray Alone Still Talks of a Plot."

Which, again, journalistically was ridiculous. Because there were millions upon millions of Americans talking about whether there was a plot. And a story which, you know, tries to create the impression that James Earl Ray was stark raving mad and was

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1358

the only person in America who thought there might have been a plot.

That campaign went -- and, in fact, they then said, well, what we really meant was that he's the only person who is officially involved in the proceedings and thinks there's a plot, everyone else doesn't. And even that wasn't true because the next day there was a story in the papers that the -- the judge here -- the judge at the time, Judge Battle, wasn't sure and thought maybe there had been a plot and

certainly made it clear that under Tennessee law if further -- if co-conspirators came up or were arrested or indicted, they would be subject to -- to trial.

Q. Let me pass this article to you and ask you to look at that, Mr. Schaap. That's an article that appeared in the New York Times, Column 1 on the 17th of November, 1978, right at the time when the -- both Ray bothers were being questioned and examined in public before the House Select Committee on Assassination. And that article speaks of an independent investigation by the New York

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(901) 529-1999

1359

Times and the FBI and the Select Committee, into an Alton, Illinois, bank robbery -- an investigation which never took place because it's now been established.

Is that an example of the type of disinformation that one finds in an attempt to train the public minds?

A. Oh, absolutely. Given the fact that subsequently it was shown that they were not suspects in that robbery, it -- the first thing it means is that the -- the reporter is saying some things which had to have been simply fed to him and not checked. Because if you're saying something happened, which in fact very, very basic journalism would have proven didn't happen, you are either doing it on your own to spread some disinformation, which is extremely unlikely, or you're being asked to put a spin on something that you know is going to -- to be coming out.

The -- again, I'm -- I don't know what happened in Alton, Illinois. But if, as I understand there's been testimony, it is clear that the Ray brothers were not suspects in that case, this story is clearly

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(901) 529-1999

1360

disinformation because it's designed to make it appear not only that they were suspects in

that case but that they did it, and to make it appear that two investigations confirmed that whereas, since we know it wasn't true, it's impossible that either investigation could have confirmed it.

Q. Let me ask you finally -- this has been a long road -- how you regard -- what is your explanation for the fact that there has been such little national media coverage of these -- of this trial and this evidence and this event here in this Memphis courtroom, which is the first trial ever to be able to produce evidence on this assassination -- what has happened here that Mighty Wurlitzer is not sounding but is in fact totally silent -- almost totally silent?

A. Oh, but -- as we know, silence can be deafening. Disinformation is not only getting certain things to appear in print, it's also getting certain things not to appear in print. I mean, the first -- the first thing I would say as a way of explanation is the incredibly powerful effect

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1361

of disinformation over a long period of time that I mentioned before. For 30 years the official line has been that James Earl Ray killed Martin Luther King and he did it all by himself. That's 30 years, not -- nothing like the short period when the line was that the Cubans raped the Angolan women. But for 30 years it's James Earl Ray killed Dr. King, did it all by himself.

And when that is imprinted in the minds of the general public for 30 years, if somebody stood up and confessed and said: I did it. Ray didn't do it, I did it. Here's a movie. Here's a video showing me do it. 99 percent of the people wouldn't believe him because it just -- it just wouldn't click in the mind. It would just go right to -- it couldn't be. It's just a powerful psychological effect over 30 years of disinformation that's been imprinted on the

brains of the -- the public. Something to
the country couldn't -- couldn't be.

Q. Not only -- excuse me. Not only
psychological, but weren't you also saying
neurological?

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(901) 529-1999

1362

A. Yes. I'm not a doctor. But what I
understood is that these -- the brain's
patterns of thinking are a physical aspect of
the human brain. That's how we develop
patterns of thought, how we develop
associations.

And then, of course, the Mighty
Wurlitzer we talked about is still there,
it's still playing its tune. And even though
you might think 30 years is a long time, that
almost everybody who might get in trouble is
probably dead by now, that's -- that's how it
works. People obtain influence, people make
vast sums of money through this propaganda.
Those people pass that influence on to

others, they pass the money down the line,
and all of that can be at risk for a very,
very long time.

There are documents from the
investigation of the assassination of Abraham
Lincoln that are still classified. Don't ask
me why, but they were originally sealed for
100 years. And then in 1965 President Linden
Johnson said, well, it's so close to the
Kennedy assassination, if people read the

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1363

Lincoln documents, it might make them think
funny things about Kennedy, so he classified
them for another 50 years. So now the grand
children of anybody around Lincoln was around
are long dead, and these documents are
still -- still classified. And we're talking
today about a case that's 100 years more
immediate than Lincoln. And the
establishment is still the establishment.

Q. Mr. Schaap, thank you very much for

joining us this afternoon.

A. Thank you.

MR. PEPPER: Nothing further,

Your Honor.

THE COURT: Just a moment.

Mr. Garrison?

MR. GARRISON: Your Honor, I

have no questions of this witness.

THE COURT: You have nothing.

Very well. Sir, you may stand down. Thank

you very much.

THE WITNESS: Thank you, Your

Honor.

(Witness excused.)

(Court adjourned until

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1364

December 1, 1999, at 10:00 a.m.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

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1365

THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE

THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

CORETTA SCOTT KING, MARTIN

LUTHER KING, III, BERNICE KING,

DEXTER SCOTT KING and YOLANDA KING,

Plaintiffs,

Vs. Case No. 97242-4 T.D.

LOYD JOWERS and OTHER UNKNOWN

CO-CONSPIRATORS,

Defendants.

PROCEEDINGS

December 1, 1999

VOLUME X

Before the Honorable James E. Swearengen,

Division 4, Judge presiding.

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RICHBERGER, WEATHERFORD

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1366

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DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1367

- INDEX -

WITNESS: PAGE NUMBER

MARK GLANKLER

Direct Examination

By Mr. Garrison ----- 1448

Cross-Examination

By Mr. Pepper ----- 1461

Redirect Examination

By Mr. Garrison ----- 1468

DEXTER KING

Direct Examination

By Mr. Pepper ----- 1476

Cross-Examination

By Mr. Garrison ----- 1532

Redirect Examination

By Mr. Pepper ----- 1541

Recross-Examination

By Mr. Garrison ----- 1542

TRIAL EXHIBITS

30 ----- 1385 (Collective)

31 ----- 1508

32 ----- 1511

33 ----- 1539

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1368

PROCEEDINGS

(December 1st, 1999, 9:55 a.m.)

MR. MYERS: ... work product and
certain other items involving confidential
informants and the like can be removed and
held from the public. Because records have
been released does not necessarily constitute

a waiver of work product -- the work product privilege. That doesn't mean that Judge Beasley or Judge Duire's thought processes were in there. Neither side has come forward and said, here are papers from Judge Beasley and Judge Duire. Here is their stuff on thought processes, mental impressions, beliefs, legal theories of the case.

None of that has been shown or identified as having been produced. And to somehow say something has been waived, without coming in and being specific as to what it is that has been waived, is not valid. I mean, ordinarily if one is going to show a waiver of any privilege, one has got to be fairly specific concerning what it is that's been given up. Yet neither side here has come in and identified that.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1369

There's been discussions about wanting to talk to an investigator who

apparently has been talking to people for several years. This case has been pending for a while. The way the Court systems work, a case doesn't get filed on day one and tried on day two.

And under the discovery rules, which would govern this case, the Rules of Civil Procedure, starting with Rule 26 going through Rule 37, there could have been attempts made to discover this stuff before coming to trial. If all these serious allegations were out there to be raised, why weren't depositions taken before this time? Why weren't subpoenas put out for depositions? Why weren't records inspected, people called in? In the normal course of a civil action, this is what happens.

And if these people were so important and so critical to the case, and that this is literally pay money or not, why wasn't an attempt made before this time -- before now to call these witnesses into court? One would expect that a lawyer

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1370

doesn't want to put somebody on the stand

without knowing what he's going to say.

That's playing Russian roulette with one's

malpractice policy a lot of times.

Supposedly, Judges Duire and Beasley

are supposed to have made false statements,

and this has supposedly been known a while.

Why weren't they questioned before this

time? The statute that provides the

exemption of testimony from trial does allow

depositions in certain cases. That could

have been done. It hasn't. These files have

been open to anybody. So to determine

whether Mr. Jowers had any involvement in the

murder of Dr. King, and if this is a public

report, then this public report may have

identified witnesses, may have identified

evidence. Why haven't these people been

sought out, questioned and brought in?

Under Rule 602 those would be the

people who are competent to testify in this Court rather than bringing in prosecutors who handled the case 30 years ago. There's been talk about missing items of evidence. Not conceding that's true or not. How would

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1371

Judge Beasley and Judge Duire know about that?

The case happened 30 years ago.

There's been no -- no evidence or suggestion that any of these files have been in their exclusive control or custody over this time.

And, in fact, in all likelihood, they became just records within the District Attorney General's office. And given the historical significance of the facts involved, it would not be surprising if many people haven't rummaged through those files. Certainly they would be of interest to academic historians.

They would be of interest perhaps to other authors or members of the public who wanted

to know something that happened.

What it sounds like is going on is a case that rather than calling these people and checking it out and sifting through the evidence, let's try to bring the lawyers in and get them to do -- or an investigator and get them to do our homework for us. And, again, that gets right back to work product.

Lawyers are not required to do somebody else's trial prep, are not required to do

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1372

somebody else's civil discovery.

And the law generally protects it except in those extraordinary circumstances where the exclusive control rests perhaps within the lawyer's hands, and then it goes only to factual material. For all these reasons we would ask the Court, again, to quash the subpoena.

MR. GARRISON: Your Honor, can I

just reply briefly to that?

THE COURT: Yes, sir.

MR. GARRISON: If Your Honor please, first of all, when the Attorney General says that we didn't take an initiative stand for Mr. Glankler -- take depositions, they have filed a report -- about a 50, 75-page report to indicate all the things that he did in the investigation. I have seen reports. It's a matter of public record.

So, I mean, I knew what he said.

I've talked to him personally more than once. He has told me about my client calling and he recorded a statement and so on and so forth. So, I mean, I don't know what I can

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1373

gain by a deposition. He's publicly made statements about this.

Now, as far as Judge Beasley and Judge Duire, if Your Honor please, they have been on television the last 15 months making

statements about this case. Strange that they got on television, they have given press conferences to the press here in Memphis. It's strange they get on television and tell the whole world about what they know about this case but they can't come in here and tell 12 people. And their testimony, if the Court please, I think is absolutely essential to the defense of this case. As far as Mr. Jowers is concerned, it's a very serious case, a historical matter.

And, if Your Honor please, if Your Honor's discretion will permit you to require them to come in -- I have two or three questions I want to ask them. And Mr. Myers can object to it if I ask them anything that he feels is not pertinent. But I think that in view of the public policy in this case, in view the historical nature of this case, the importance of it, that they should be

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1374

required to come in and testify, and certainly Mr. Glankler. There's no exemption under any law that I can think of.

THE COURT: In checking the statute, 24-9-101, the Court doesn't find any provision that would automatically exclude these parties. One of the most sacred rights in our judicial system is that right to subpoena witnesses on one's behalf.

Now, it's said that these parties -- it's anticipated that certain questions may be asked of these witnesses which would be improper. If that is so, the time to react to that would be at the time that the question is asked. At that point the Court would determine the relevance or the admissibility of the answer they gave.

It's also suggested that there were opportunities before the trial to discover or to take advantage of certain information.

All of you as lawyers know that during the course of a trial issues arise, and the defendant has no way to anticipate all of the

proof that is to be presented by the
plaintiff and, therefore, cannot prepare in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1375

advance always for issues that may arise and
know how to construct his defense.

As far as playing roulette by
bringing in witnesses that have not been
interviewed -- first of all, according to the
defendant, he has spoken with these
witnesses. And in addition to that, if a
party wants to play roulette and take that
chance, the Court has no control over it.

The bottom line is that the Court
does not feel that the motion is well taken,
and I'm going to deny it.

MR. MYERS: Your Honor, at this
time I would just like to ask for sufficient
time to file a Rule 9 application for
interlocutory appeal on this -- on this
point. And I would cite in 9(A)(1)
irreparable injury. There have been

privileges asserted with respect to work product and the like. And if a witness is forced to take the stand and made to testify, that privilege is, for all intents and purposes, lost.

Second, with respect to

prosecutorial immunity -- and the case is

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1376

going that way in terms of required showing before a prosecutor should be called as a witness. Those very items are of such a nature as they would be lost unless allowed to be fully litigated within the -- the appellate process.

THE COURT: I'm going to deny your request. Anything further?

MR. GARRISON: No, sir.

MR. PEPPER: No, Your Honor.

THE COURT: All right. The Court is going to take ten minutes.

(Brief break taken.)

MR. PEPPER: Your Honor, if it please the Court, the plaintiffs are nearing the end of their case. And in the absence of the defendant, Mr. Loyd Jowers, plaintiffs have decided that based on an earlier deposition of Mr. Jowers, it might be just as cost effective in terms of time to read portions of that deposition into the record and putting the entire deposition into evidence, along with the relevant exhibits.

THE COURT: All right.

MR. PEPPER: That saves us

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1377

having to go to Mr. Jowers and deposing him again. This deposition was taken on the 2nd of November, 1994, in an earlier case styled James Earl Ray, Plaintiff, versus Loyd Jowers, Raul, and other unknown co-conspirators, Case Number 641892-0.

On Page 238 of the deposition, a question to Mr. Jowers had to do with an

interview he had given to an ABC reporter,
Mr. Sam Donaldson. And leading up to the
question was: "He is saying: Did James Earl
Ray kill Martin Luther King? Do you see your
answer to that question--"

Answer -- this is the defendant,

Mr. Jowers -- "yes."

Question: "-- as it appears in the
transcript? Was that your response to that
question Mr. Donaldson asked?"

Answer: "No."

Question: "Then he said, do you
know who killed Martin Luther King?"

And the answer, Mr. Jowers:

"Mr. Pepper, I think I better take the Fifth
Amendment on that. Do you want me to read it
to you?"

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1378

Question: "Yes."

Mr. Jowers: "On the advice of my
attorney, I invoke the right to refuse to

answer on the Fifth Amendment of the
Constitution on the grounds that it might
tend to incriminate me."

Question: "That's fair enough.

That transcript that we've entered into the
record says: Do you know who killed Martin
Luther King, Jr.? The transcript has you
saying: Yes.

"You have refused to repeat that
answer here before us. Are you prepared,
though, to deny that you gave that answer at
that time?"

Mr. Jowers' answer: "Do you want me
to read this to you again?"

Question: "Yes."

Answer, Mr. Jowers: "On the advice
of my attorney, I take the privilege to plead
the Fifth Amendment according to the United
States Constitution that it might tend to
incriminate me."

Question: "Mr. Jowers, would you
take that position in respect of each of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1379

those highlighted questions in the text, or
is there any of those questions that you feel
that you could safely answer?"

Answer, Mr. Jowers: "I plead the
Fifth on all those questions."

Question: "On all of these?"

Answer: "Yes, sir. After going
back and reading, pleading the Fifth
Amendment."

Question: "I understand that. You
made that clear."

Dr. Pepper: "I'd just like to note,
Counsel, for the record with exception to the
pleading of the Fifth by Mr. Jowers on a
basis of the fact that the accuracy of the
transcript has been already agreed to and
entered into the record, and that being the
case it becomes our position --"

Attorney Garrison: "Okay.

Dr. Pepper, we will stipulate that the
questions were asked and Mr. Jowers gave

these answers."

Dr. Pepper: "Okay. We accept

that stipulation."

(End of Deposition testimony.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1380

MR. PEPPER: Now, Exhibit 1 to

that deposition was the transcript of an ABC

news PrimeTime Live program, which was

televised on December 16, 1993. And in the

course of that program, in the course of that

interview, the following exchange took

place.

(Reading from Exhibit 1.)

Donaldson: "Mr. Jowers, did James

Earl Ray kill Martin Luther King?"

Loyd Jowers: "No, sir, he did not."

Donaldson: "Do you know who killed

Dr. King?"

Mr. Jowers: "I know who was paid to

do it."

Donaldson: "Was there a conspiracy

involving more than one person?"

Mr. Jowers: "There was a
conspiracy. Yes, sir, sure was."

Donaldson: "Were you involved in
this conspiracy to kill Martin Luther King,
Jr.?"

Mr. Jowers: "I was involved in it
indirectly."

Mr. Jowers, continuing on Page 2:

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1381

"Liberto had done me a large favor. I owed
him a favor. You know, at least I thought I
did."

Donaldson: "Did there come a time
when he came and asked you to repay that
favor?"

Mr. Jowers: "Yes, sir."

Donaldson: "And was it a large
favor he wanted in return?"

Mr. Jowers: "Yes, sir."

Donaldson: "What did Frank Liberto

ask you to do?"

Mr. Jowers: "He asked me to handle some money transaction, hire someone to assassinate Dr. Martin Luther King."

Donaldson: "To kill Dr. King?"

Mr. Jowers: "Yes, sir. He asked me if I know someone. I told him I thought I knew someone who would probably do it."

Donaldson: "And he gave you some money?"

Mr. Jowers: "Yes, sir."

Donaldson: "Large amount of money?"

Mr. Jowers: "Large amount of money, yes, sir. Delivered it to the cafe."

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1382

Donaldson on a voice-over:

"PrimeTime has been told there was approximately \$100,000 delivered to Jowers in a produce box, but that's not all he received. Jowers says another man came to see him, a man whose name sounded something

like Raul."

Mr. Jowers: "And he looked like he was part Mexican, possibly part Indian, because he didn't have a heavy beard, talked with an accent."

Donaldson: "Did he bring a rifle with him?"

Mr. Jowers: "Yes, sir. He brought a rifle in a box."

Donaldson: "What did he ask you to do with this rifle?"

Mr. Jowers: "He asked me to hold the rifle until we made -- he made arrangements or we made arrangements, one or the other of us, for the killing."

Donaldson voice-over: "So now Jowers had the money, had the rifle, had been asked to hire a shooter, but he says Frank Liberto also provided a cover."

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1383

Donaldson: "Did he talk about the

police?"

Mr. Jowers: "Liberto? Yes, sir."

Donaldson: "What did he say?"

Mr. Jowers: "He said they wouldn't be there. Said they wouldn't be there that night."

Donaldson: "Did he say there would be a decoy there?"

Mr. Jowers: "Yes, sir. Said he had set it up where it looked like somebody else did the killing."

Donaldson voice-over: "Enter James Earl Ray. Was he part of the conspiracy?"

Mr. Jowers: "He was part of it, but I don't believe he knew he was part of it."

Donaldson: "Well, Mr. Jowers, did you find someone to do the killing?"

Mr. Jowers: "Yes, sir."

Donaldson: "Why would a person participate in a conspiracy to kill

Dr. King?"

Mr. Jowers: "A portion of it, naturally, was for money. Any involvement I

might have had in it was doing a friend --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1384

doing a friend a favor."

Donaldson: "Would it have been

because you hated Dr. King?"

Mr. Jowers: "No, I didn't hate

Dr. King."

Donaldson: "Or hated black people?"

Mr. Jowers: "No, sir. It was for a

friend, doing a friend a favor that I owed

him, a large favor."

Donaldson: "Well, is doing a friend

a favor called murder the kind of favor you

would do?"

Mr. Jowers: "Depends on how good a

friend it is and what you owed the friend."

(End of testimony read from

Exhibit 1.)

MR. PEPPER: Your Honor, that's

the end of the portion of the exhibit to be

inserted into the record, and move that the

entire deposition of November 2, 1994, and
all of the exhibits attached thereto be
included in this record as plaintiffs'
exhibit at this time.

THE COURT: All right, sir.

(Whereupon said documents were

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1385

marked as Collective Exhibit Number 30.)

THE COURT: Next order of

proof?

MR. GARRISON: If Your Honor

please, we may have portions of the

deposition we may want to read.

THE COURT: Oh, okay.

MR. GARRISON: If I could have

just a second here.

THE COURT: All right.

MR. GARRISON: Your Honor, my

associate, Mr. Bledsoe, is going to read from

the deposition.

THE COURT: All right, sir.

MR. GARRISON: Just read the questions and the answers that were given.

MR. BLEDSOE: The beginning of the deposition, question by Dr. Pepper: (Reading from the November 2, 1994, transcript.)

Q. Mr. Jowers, thank you very much for coming. I appreciate your cooperation particularly during this period of time when there has been a great deal of stress and difficulty. And we are very grateful to your

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1386

very able counsel, Mr. Garrison, for assisting in clearing his busy calendar to be here and help us.

We -- I would like to begin almost at the beginning in terms of who you are because I've known you for 16 years.

A. Yes, sir.

Q. But I don't know a great deal about you.

A. Yes, sir.

Q. So I would like to go back to the beginning. Could you tell us where you were born and where you were raised.

A. I was born in Lexington, Tennessee, on November 20, 1926.

Q. Where did you spend your childhood?

A. I'm sorry, I can't hear you.

Q. Where did you spend your childhood?

A. I moved from there, I was a two-year old, and my childhood was spent in Kenton, Tennessee.

Q. Where did you go to school in Kenton?

A. Kenton High School, yes, sir.

Q. Did you graduate from Kenton High School?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1387

A. No, sir, I did not.

Q. What did you do after school?

A. I went into the military.

Q. Where did you go in the military;

which branch of the service?

A. Navy.

Q. In the Navy. What did you do there?

A. I was the helmsman on the ship. I went to school for six weeks to be a helmsman on a ship.

Q. What period of time would that have been?

A. What period of time?

Q. Yeah, when was that?

A. 1944 through '46 -- through part of '46.

Q. Where were you stationed?

A. On a ship out of Norfolk, Virginia.

Q. Off the Norfolk coast?

A. Yes, sir.

Q. And what did you do after the -- after you were discharged?

A. After I was discharged in Memphis, Tennessee, or Millington, I moved to Memphis and continued living here and went to school.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1388

Q. But you mentioned Millington. Were you sent to Millington as part of your --

A. I was sent to Millington to be discharged, yes, sir, from Norfolk.

Q. Were you there just for the purpose of discharge or --

A. Yes.

Q. -- were you stationed there?

A. No, sir, I was not stationed there, just for purposes of being discharged.

Q. You were discharged out of Millington?

A. Right.

Q. What was your rank on termination?

A. Seaman II.

Q. What was the nature of your discharge?

A. Honorable discharge.

Q. And your parents, Mr. Jowers, where were they during all this period of time?

A. They lived in Kenton, Tennessee.

Q. What was your father's occupation?

A. He was a farmer.

Q. So you were a farming family?

A. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1389

Q. Did you have any brothers or sisters?

A. Yes, sir.

Q. Who were they?

A. Well, I had an oldest brother named Carl; brother named Max; younger brother named Billy; older sister named Mary; one older one named Nellie and one named Willa Mae, Elsie and Dolly.

Q. That's a large family.

A. Yes, sir.

Q. Did they all survive childhood?

A. Yes, sir, all of them.

Q. Are they all still alive?

A. No, sir, some of them are.

Q. Some of them are.

A. Oldest brother Carl is deceased; my oldest sister Mary is deceased. All the rest

of them are still living.

Q. Did any of them move into Memphis or did they stay --

A. I have two sisters living in Memphis now, yes, sir.

Q. You have two sisters. Who are the two sisters presently living in Memphis?

A. One of them's name is Willa Mae

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1390

Witherspoon and the other one's name is Elsie Whitley.

Q. Elsie Whitley, and what was the name of the Witherspoon?

A. Willa Mae.

Q. Willa Mae Witherspoon, and they presently live in --

A. Yes, sir.

Q. -- Memphis?

A. Uh-huh.

Q. So you would have then entered Memphis for purposes of living around 1946,

upon discharge?

A. Yes, sir.

Q. Where did you live when you came to Memphis in 1946?

A. I lived with my uncle at 612 St. Pauly Street.

Q. Now, was that your mother's brother?

A. My mother's brother.

Q. Your mother's brother. And where did you work when you were living there?

A. I went to school at JB Cook Company on the GI Bill of Rights. I did finish that course, almost two years.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1391

Q. Yes.

A. When I finished that, I went on to the police department. I was a city policeman. I don't know the exact date.

Some time in April or May of 1946 through all of 1948. I resigned December 2, 1948.

Q. So you were on the police force for

nearly two years was it?

A. Yes, sir, two years.

Q. Two years. And you went to join the police force after you took this training course?

A. Yes, sir.

Q. You just applied to the police force. Why did you think of becoming a policeman at that point?

A. Well, I really can't explain it except it seemed like a good job.

Q. So you applied. Did they have -- I don't suppose they had any training academies back in those days.

A. No, sir, they did not. You got all your training with the older policemen.

Q. And what were your early duties when you went on the police force?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1392

A. I went right into a squad car.

Q. You were on street patrols?

A. Yes, sir.

Q. Primarily riding or on foot?

A. No, I was riding. They didn't have foot patrols back then.

Q. What area of the city were you assigned to?

A. Over a two-year period I run, I guess, every ward in the city. They transferred you from one ward to another back then.

Q. Right.

A. You run this ward, like downtown was Ward II this month, next month you might be in east Memphis, Ward II. They just switched everyone around, switched partners, switched wards, automobiles, the whole nine yards.

Q. Who was your partner? You were in a two-man squad car, were you?

A. Yes, sir, all cars were two-man.

Q. Who was your partner, do you recall?

A. I guess probably over two years I was with about every policeman on the force.

Q. They rotated you?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1393

A. They rotated the partners also -- the partners also every month. I'll give you a couple of names. I can't remember all of them.

Q. Sure. Who were some of the people with whom you partnered?

A. Johnny Barger, I suppose that was the first one I rode with.

Mr. Garrison: You said Barker?

THE WITNESS: Barger,

B A R G E R. Andy Chitwood was another one.

I think those were the first -- those were the ones that I got my training from.

Q. (BY DR. PEPPER) Right.

A. Johnny went on to be field inspector. Chitwood retired. Well, they're both retired. They're both deceased now.

Q. Right.

Dr. Pepper: Mr. Garrison, as a matter of procedure, do you mind if

Mr. Chastain -- if he has a question from time to time, if he comes in?

Mr. Garrison: Go right ahead.

Dr. Pepper: So if there's something that you would like --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1394

Mr. Garrison: Let's go off the record.

(Off-the-record discussion.)

Q. (BY DR. PEPPER) So you were -- during this period of time you were on squad car duty and you were moving all over the city?

A. All over the city, yes, sir.

Q. Did they assign you -- was this just regular patrol? Did you get assigned particular duties such as vice squad or anti-gambling or anything like that?

A. I was a city policeman.

Q. So you were on regular detail?

A. Back then we didn't have specialized departments like they have now. If you had a

crime in your ward, we called them, I guess.

They may still be that, I don't know. The police run that ward, done their darndest to solve whatever it was.

Now, they had -- the only specialist department they had back then was homicide. The ward called work for the homicide department. If they had any other department other than homicide, I didn't know anything about it.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1395

Q. Right.

A. They may have, but I didn't know anything about it.

Q. You didn't know anything about it if they did?

A. No, sir.

Q. Who was the chief of police during these two years when you were on the force?

A. I don't remember his first name. His last name was Perry. That was just a

figurehead here. The boss was the commissioner.

Q. Right.

A. His name was Joe Boyle.

Q. Joe --

A. Boyle, B O Y L E. He done all the hiring and firing.

Q. He did all the hiring and firing.

Was he related, as far as you know, to the Boyles who had a financial interest in the Chisca Hotel -- to that Boyle family?

A. I think it was the same family.

Q. Same family.

A. I'm not positive.

Q. One of them was a -- they were fairly

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1396

prominent local people?

A. Right.

Q. So you think there was a connection?

A. I'm sure it was. Because back

then -- I'm sure you've heard of Mr. Ed

Crump.

Q. Yes.

A. No one did anything here without his approval, believe me they didn't.

Q. He pretty much ran the --

A. That includes the police department.

Q. -- city, didn't he?

A. Yes, sir.

Q. Can you remember who some of the inspectors were underneath the chief, such as the homicide inspector?

A. Field inspectors is what they were called back then. Was a name by the name of John Dwyer. No -- yeah, John Dwyer.

Q. Dwyer?

A. Buddy Dwyer? I don't think Buddy and John were the same.

Mr. Garrison: Yes, they were the same.

The Witness: They were the same,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1397

but I couldn't remember.

Q. (BY DR. PEPPER) So he was an inspector?

A. Yes, sir.

Q. Who were some other inspectors that you recall?

A. Well, now, the inspector, he had a section of the city and they transferred him also. He was my inspector the entire time that I was a policeman.

Q. Uh-huh.

A. And the lieutenants, the one that had -- I don't know how many cars, five or six cars. He would go around and meet every night to make sure we were doing what we were supposed to do. He would be transferred to a section of the city also.

Q. Right. But who were some of the names of the people who were either inspectors, captains, whom you can recall now?

A. Well, my immediate captain was Captain Lovejohn. I don't remember his first

name. If I ever knew it, I don't remember
it.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1398

Q. Lovejohn?

A. Lovejohn.

Q. Right. Okay. Any other captains you
recall, any other officers?

A. Police officers?

Q. Yes.

A. I guess if you give me enough time I
could remember half of them.

Q. Let me just throw some names and see
if they make any sense to you. One has been
mentioned earlier, "Zachary."

A. Yes, sir.

Q. What was Zachary's position back in
those days when you recall?

A. I recall him as being just a regular
patrolman like I was on a separate shift.

Q. Uh-huh.

A. The way that thing operated back

then, you can have -- he may have been my relief at one time or another. I can't remember all those other policemen.

Q. Did you know then Patrolman Zachary?

A. Yes, sir.

Q. You knew him back in '46?

A. Yes, sir, but he wasn't on the same

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1399

shift I was on.

Q. Different shift?

A. I believe he was my relief shift.

Q. Did you come to -- continue to know

him over the years?

A. After I left the police department?

Q. Yes.

A. Just in passing is all. I think he wrote me a ticket one time after I got out of the police department for speeding.

Q. I see. Do you recall when he started to move up in the force?

A. No, sir, I do not.

Q. Okay. Did you know Sam Evans, Sr.,
back then?

A. Yes, sir.

Q. What was his rank?

A. Just regular patrolman.

Q. He was street patrolman as well. He
started out that way?

A. Yes, sir.

Q. And at the time when you left the
force was he still a patrolman or had he
moved up?

A. He was on a separate shift, sir. I'm

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1400

not sure.

Q. You're not sure?

A. No.

Q. But he was a career policeman as
well?

A. Sure.

Q. Did you know Inspector Evans pretty
well when you were on the force?

A. Just in passing is all.

Q. Did you continue to know him after you left the force?

A. No.

Q. You didn't have much contact --

A. I didn't have any contact with him that I remember.

Q. -- with him after you left?

A. No, sir.

Q. How about the man who eventually became chief, McDonald, did you know him back in those days?

A. I knew him, yes, sir, but he was field inspector on -- well, I guess you would call it, if I was on the first shift, he would be on the second shift.

Q. He was an inspector even back then?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1401

A. Yes, sir.

Q. That long ago?

A. Yes, sir.

Q. How about Chief Lux?

A. Chief Lux, he was on a separate shift. He wasn't on the one I was on.

Q. Was he also an inspector back then or was he --

A. I'm not sure.

Q. That's fine. These are -- I'm taking you back a long way. If you don't remember, just say I don't remember.

A. That's fine.

Q. How about Graden Tynes?

A. Grady?

Q. Graden Tynes, T Y N E S.

A. Yes, sir, I know him.

Q. You knew him?

A. Yes, sir.

Q. How well did you know him?

A. I suppose about as well as I know you or anyone like that.

Q. Uh-huh, yeah.

A. I'm not sure if he was anything other than a just regular patrolman. I don't think

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1402

he was.

Q. Right.

A. We went to work at the police

department -- I think he went to work two or

three months after I did.

Q. He came on after you did?

A. I think so, yes, sir. Either before

or after, relatively close.

Q. Right.

A. I never run with him because he was

on a separate shift than I was on.

Q. He was. Did you know Jule Ray?

A. Jule who?

Q. Ray, R A Y. Jule Ray.

A. No.

Q. He eventually became a captain in the

same department as Mr. Tynes, but you don't

remember him?

A. No, sir, I do not.

Q. How about a man who eventually became

an inspector, Don Smith, does that mean

anything to you?

A. I knew Mr. Smith casually. I remember when he left the patrol and went into homicide.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1403

Q. Uh-huh.

A. But I'm not sure if he stayed there long. Seems to me he didn't stay there very long.

Q. Now, are we talking about the same Smith?

A. I'm not sure.

Q. I'm talking about Don Smith, not Tommy Smith. Tommy Smith was a homicide detective. Don Smith may have been in homicide at one time, I don't know.

A. I only knew one. I didn't know the other one. Don was the one that I knew.

Q. Don was the one you knew, okay.

A. He was on a separate shift than I was on. I think he was our relief in the squad

cars on occasion back when we were policemen.

Q. Right. Okay. Did you, Mr. Jowers, keep contact up with any of these names that we have been through? Now, after you left the force, did you have any kind of ongoing social or other contact with them?

A. I did with Grady Tynes, yes, sir.

Q. You did. What was the nature of your contact with Inspector Tynes?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1404

A. Well, his wife and my wife went to school together.

Q. Right.

A. In a little place out from Kenton, Tennessee, called Mason Hall. In fact, they graduated from that school.

Q. Right.

A. And we -- we were fairly close friends. We never talked about police business after I was not a policeman anymore.

Q. This was your first wife that you're

referring to?

A. Yes.

MR. GARRISON: Go to 30 to 34.

MR. BLEDSOE: Okay. Beginning
on Page 30 at the top of the page. I'm
sorry, the middle of the page.

(Resume reading from the
deposition.)

Q. Many years after the fact when you
had chance to reflect on the police
department back then, was there a fair amount
of corruption that you observed in your
course of your work as a policeman?

A. Well, not a great deal. I think that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1405

was the purpose of shifting everyone around
all the time. It could have been without me
knowing about it, but I doubt there was very
much.

Q. Right. But if there was corruption,
what form did it take?

A. Well, of course, I can tell you what I heard. I heard the ward was running crap games, allowing bootlegging on Sunday.

Q. Minor things like that?

A. Minor things like that. But as far as that ever taking place, I just don't know.

Q. Right. This is a very useful way of getting facts on the record, Mr. Jowers, by you just saying, this is what I heard, but I don't know or -- I'm perfectly happy for you to do that any time you want to. It's a useful way of getting information out without you being in the frame, if you know what I mean.

A. Uh-huh.

Q. We all hear things.

A. Sure.

Q. Why did you decide then to leave the police force?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1406

A. Well, they didn't pay enough really

for a man to make a living.

Q. Right.

A. They did not. I drew \$105 every two weeks.

Q. Not a lot of money.

A. That's not enough money. Even back then it wasn't enough money to really get by on.

Q. In the course of your work in the police department and coming toward the end of it, did you have contact with many business people in Memphis?

A. Many who?

Q. Business people, businessmen.

A. Yes, sir.

Q. Did you come into contact with some of them?

A. Yes.

Q. Who were some of the more prominent business people that you knew in Memphis, do you recall?

A. Well, I guess I better start with the top, Mr. Ed Crump. I was -- you wouldn't

call me a personal friend, but I knew him and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1407

he knew my name.

Q. You did know Mr. Crump?

A. Yes.

Q. How did you come to know Mr. Crump?

A. I think the first time I met

Mr. Crump was where I was going to school

under the GI Bill for JB Cook Company. He

and Mr. Cook were good friends. That's the

first time I met him.

Q. Right.

A. That was about -- I had only been

there a couple of months when Mr. Crump come

back.

Q. Uh-huh.

A. I guess that's the most prominent

businessman that I knew.

Q. It probably would be. Let's go down

from there. Who were some of the other

businessmen who you knew?

A. Well, Mr. Dave Jolly. He owned Jolly Can Company, a large cab company, made a lot of money. I knew Mr. Hamilton Smythe. He was -- he didn't own Yellow Cab, but he managed Yellow Cab Company.

Q. Did Mr. Hamilton Smythe eventually

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1408

come to buy Yellow Cab?

A. Yes, sir.

Q. At the time that you knew him, he was just the manager?

A. Manager of Yellow Cab.

Q. Was he --

A. Dave Jolly owned Jolly Cab Company.

Q. Was Mr. Smythe a pretty wealthy man or was he just average means?

A. His family was wealthy. His father was in -- I knew him, not real well. He was in the construction business.

Q. Right.

A. He built a number of subdivisions

over the city. One I can remember in particular out in -- well, it's probably Midtown now, but back then it was way out east. In fact, it was out of the city.

Q. I see.

MR. GARRISON: 40 through 42.

MR. BLEDSOE: Beginning at the top of Page 40.

(Resume reading from the deposition.)

Q. So you started off at Veterans Cab

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1409

Company in 1948?

A. No, I was still a policeman.

Q. You were still a policeman?

A. Yes, sir. We were organized in --

I'm trying to remember the month. It was

early '48, but I was still a

policeman, continued to be a policeman. No,

it was '47.

Q. Because you left in '48?

A. It was the last part of '47. Seems to me like September of '47.

Q. Right.

A. I was trying to make it '48, but I resigned in December '48, so it had to be '47.

Q. Right. So you were still working as a policeman and you had this Veterans Cab Company?

A. I was part of it. Actually, it was against the Memphis City ordinance to do anything like that.

Q. Right. Well, people moonlight all the time, particularly if they don't have enough money.

A. Right.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1410

Q. They have to do that sometimes. Who was your dispatcher back then, do you recall?

A. At the cab company?

Q. Yes.

A. One of them was Paul Brandon. That was his job.

Q. So he actually worked as dispatcher?

A. Yes.

Q. How long did he stay on as dispatcher for this cab company; do you recall that?

A. Oh, a number of years. He went from dispatcher to assistant manager. It seems to me like he left about 1950 and he went on to the police department.

Q. He changed. He went to the police department you --

A. Police department.

Q. -- you had come off?

A. Sold his stock. I bought his stock in the cab company. Which originally we weren't supposed to be able to sell the stock, but we changed the bylaws of the company where we could buy and sell stock.

Q. Did you become the largest stockholder at that point in time?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1411

A. No, sir. Six shares was all I ever owned for a number of years.

Q. Who was the largest single shareholder in the company, do you recall?

A. We didn't have one individual who owned the majority until a number of years.

Q. Uh-huh.

A. I think before anyone really got control of the company where I would be just one man was about, heck, I don't know, '54, '55, somewhere in there.

MR. GARRISON: 171 through 176.

MR. BLEDSOE: Question by

Dr. Pepper.

(Resume reading from the deposition.)

Q. When you came to work that morning -- that next morning that Mr. Chastain is referring to, did you come alone or did you drive anybody with you?

A. No, sir, I drove by myself.

Q. You drove in by yourself --

A. Yes, sir.

Q. -- that next morning? Were you
joined -- who was the staff person who came

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1412

on duty? Did you have any employees?

A. Bobbi.

Q. Bobbi?

A. Uh-huh.

Q. And how did she get to work that
morning, do you recall?

A. I have no idea. Rode a bus, I guess.

Q. She just came in and she met you
there?

A. She came in to work, yeah.

Q. She came in to work and met you?

A. I don't recall whether she was late
or not. She could have been, but I don't
recall.

Q. Right. Mr. Jowers, have you had a
chance to look over these statements that you
gave back at the time in 1968? During the

break did you have a chance to review them?

A. Yes, sir.

Q. Is there anything with respect to this statement that you gave to the Memphis Police Department that you discussed with Counsel that you would wish to amend or change at this time?

A. No, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1413

Q. That's as you recall it?

A. Yes, sir.

Dr. Pepper: We'll admit that.

Q. (BY DR. PEPPER) This is a statement given -- this is not a statement. This is what's known as a 302 taken by the -- it's a report of an interview done by the FBI on the 7th of April, 1968, with you. It's even possible you never saw this one before because often -- most people don't get a chance to see that. It's an interview with the FBI, but this talks about a stranger who

was in the Grill.

And I'm wondering if you recall that interview. Is that an accurate report of the interview that you gave the FBI with respect to that stranger?

A. As I remember.

Q. It is. It's an accurate report?

A. Yes, sir.

Mr. Garrison: Dr. Pepper, would you like to have this marked too?

Dr. Pepper: I would like to have this marked if that's all right.

The Witness: For the record, that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1414

statement was not given on the 7th.

Q. (BY DR. PEPPER) It was not?

A. No, sir, the next day. The next day when I talked to the FBI is the only time I talked to them.

Q. Mr. Jowers, you're right. The statement was taped on the 7th and it was

given the next day by you.

A. Right.

Q. You're quite right. I'm going to put this in and possibly come back to this.

There is a photograph waiting. This statement was given on -- the date of this statement is on February 6, 1969. I'm wondering if you would just take a look at that and see if that is accurate.

A. Yes, sir.

Dr. Pepper: If Mr. Garrison has no objection, we'll mark that and put it in.

Q. (BY DR. PEPPER) Now, this is the text of an interview done with you by the BBC and it covers a range -- covers a range of matters, Inspector Charlie Stephens and his drinking, that you recalled.

A. Uh-huh.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1415

Q. It discusses the stranger, you are returning, a whole variety of matters. Would

you just take a look at that. I think you have probably seen it during the break, but I just want to be sure that you are happy with what they reported that you said there.

A. Yes, sir.

Dr. Pepper: We'll mark that.

Q. (BY DR. PEPPER) I want to show you this photograph and ask you if you have ever seen this person before, if you recognize him.

A. No, sir, I don't recall ever seeing him.

Q. You don't recall having seen this man before around the Grill or anywhere?

A. No, sir.

Q. Okay, that's fair enough.

MR. GARRISON: 188 through 195.

MR. BLEDSOE: Okay.

(Resume reading from the deposition.)

Q. I know, but which staff or waitress, employee, came in that particular morning on April 4th?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1416

A. My cook come in, Bobbi come in her regular time. I think she come in either 7:00 or 7:30. I don't remember the exact time, but --

Q. Right. She came in at 7:00 or 7:30?

A. Yes, sir.

Q. Did anyone else come in with Bobbi that morning?

A. No, sir.

Q. Who was on duty in the course of that morning?

A. I worked the front and Bobbi was in the back cooking lunch.

Q. So Bobbi was in the back and you were in the front?

A. Yes, sir.

Q. So then you would leave at your usual time, did you?

A. Yes.

Q. Was Bobbi there alone or was there

another waitress there?

A. Bobbi was alone.

Q. Bobbi was alone?

A. Yes, sir.

Q. Are you saying that Betty Spates did

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1417

not come in that morning at all?

A. No, she was in the afternoon shift.

Q. What time would she have come in then?

A. She was scheduled to come in at 4 o'clock.

Q. Do you know or do you recall if she did in fact come at 4 o'clock that day?

A. She did not, no.

Q. She didn't come in at 4 o'clock that day?

A. When I come to work, Bobbi told me that she called in. One of her children was sick. She wasn't going to be able to work.

Q. So who did you have working that

afternoon?

A. No one. I worked myself. I worked it by myself.

Q. So you were working that afternoon by yourself?

A. Yes, sir.

Q. Wasn't Bobbi there?

A. She left at 4 o'clock.

Q. She left at 4 o'clock?

A. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1418

Q. And Alda, where was Alda?

A. Alda?

Q. Alda Washington, Alda Mae?

A. I don't think she was still working for me at that time. If she was, it was just part time, but she was not working that day.

Q. And Rosie Lee Dabney?

A. She had already been gone several months before then.

Q. She was no longer working?

A. No, sir.

Q. So really who did you have working?

Was Lena working?

A. No, sir.

Q. Where was Lena?

A. Lena had already gone too.

Q. She had left, been discharged -- she
left?

A. Right.

Q. Bobbi was the only one working?

A. I had Bobbi, Betty and myself. And

Alda Mae worked part time, but she was not
working on that day.

Q. She was not working on that day?

A. No.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1419

Q. So you went away in the morning.

Bobbi was there working.

A. Yes, sir.

Q. You returned at about what time?

A. Four o'clock.

Q. At about 4 o'clock. Did you talk to Bobbi when you came back in there?

A. Just for a few minutes. She told me that Betty wasn't coming in because one of her children was sick. She did work over that afternoon, it seems to me, about 30 minutes to help me to get ready to handle the night business by myself.

Q. So Betty didn't come. Alda stayed -- Bobbi stayed with you a little longer?

A. Uh-huh.

Q. Then she left and that left you there, effectively, all alone?

A. Right.

Q. Did she give any other reports on any other people that came in that day or that she had seen that day?

A. Not anything out of the ordinary. Of course, she didn't have to tell me about Charlie Stephens being down there drunk

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1420

because he was there drunk when I went in.

Q. Right.

A. Actually, I went right in and went to work because she was real busy.

Q. I see. So you went right in and went right to work?

A. Yes, sir.

Q. What time did you leave that morning, 9 or 10 o'clock as usual?

A. I think it was 10:00, 10:30.

Q. Ten or 10:30 you left that morning?

A. Uh-huh.

Q. To return at what time?

A. I returned at 4 o'clock.

Q. At 4 o'clock?

A. Uh-huh.

Q. Which car were you driving that day; do you recall?

A. I was driving the Cadillac.

Q. Where was the Rambler -- the brown Rambler station wagon?

A. My wife was driving that.

Q. Your wife was driving that. When you

came back at 4:00 and you parked your car,
where did you park?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1421

A. Well, when I turned the corner and
drove in there, there was a white car sitting
right in front of the building, right in my
parking spot. So I pulled right up against
him like that.

Q. Right.

A. Left my car close to the fire plug.

Q. Left your car close to the fire plug?

A. Yes, sir.

Q. What kind of car was that, do you
recall?

A. All I can recall about it, it was a
white or light colored Mustang.

Q. Did you look at the license plate?

A. It was an out-of-state license.

Q. Out-of-state. Did you know which
state?

A. Didn't pay no attention what state, I

sure didn't.

Q. Did you notice any other cars parked either behind you or in front of the Mustang?

A. Well, in front of the Mustang there was cars all the way to the corner. I didn't move my car down there because there was no place to move it in front of the Mustang or

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1422

back the other way. All that was full of automobiles too.

Q. Do you know which kinds of automobiles those were?

A. I have no idea.

Q. You don't remember which ones they were. When you arrived to work, you proceeded from which street onto South Main?

How did you come into South Main?

A. I come down -- I would come down the expressway and get off -- sometimes I get off on Vance, sometimes I get off on Crump and come around. I think that afternoon I come

around because I was going in the right direction where I wouldn't have to turn around.

MR. GARRISON: Continue on to 213.

MR. BLEDSOE: From there?

MR. GARRISON: To 213.

MR. BLEDSOE: To 213?

MR. GARRISON: Mm-hum.

(Resume reading from the deposition.)

Q. Which way did you -- which side of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1423

the street did you come out, did you proceed west on? Which one led you up to South Main Street?

A. Huling, Talbot, the one that went right down by the fire station. I'm not really sure which street that is.

Q. Well, that's Butler. By the fire station is Butler.

A. Butler, yes.

Q. So you came up Butler?

A. Come up Butler where I would be on the right side of the street.

Q. Proceeded north on South Main, pulled right in there and then went right inside?

A. Right.

Q. Then you began to work. How many people were in there at the time?

A. There were several people in there.

A lot of them was from M.E. Carter.

Q. Do you remember some of the names of some of the people? If you could close your eyes for a moment, could you recall who were actually in there on the 4th of April around 4 o'clock?

A. I really can't. I know Charlie

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1424

Stephens was in there.

Q. How long did he stay?

A. He didn't stay but a few minutes

after I got there.

Q. But you don't remember any other ones?

A. Absolutely, no, sir.

Q. But you have previously -- when your memory was fresher back at the time, you did give some names and you've reviewed that.

A. At that time I could have told you everyone in there.

Q. Sure. But we didn't expect you to recall all of those things. You didn't leave the Grill at any time once you arrived there?

A. No, sir, I did not.

Q. What did you proceed to do at that point in time when you got in? What did you do? Did you go in the back? Did you work on the counter?

A. Right up front working the counter. Like I said, the cook stayed over long enough to get the food out on the steam table for the supper crowd.

Q. Then she left?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1425

A. Then she left, yes.

Q. Was Harold Parker in there? I'm going to just jog your memory a bit.

A. Harold never did come in until -- normally around 5:00, 5:30.

Q. Did he come in, as you recall, around 5:00, 5:30 that day?

A. I think he come in a little earlier than normal for some reason or other, 4:30.

Q. Right.

A. Because I had only been there a short while when he come in.

Q. Right. Now, when Bobbi left, did you -- what did you do? Did you take over all of her duties yourself?

A. Yeah. Sure. If they wanted a sandwich, I prepared it for them. I waited on them just like a waitress would.

Q. There were quite a number of people there at the time?

A. Yes, sir, sure was.

Q. Around the time we know the shooting took place, as you may recall, was slightly after 6 o'clock.

A. Uh-huh.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1426

Q. Where were you at the time?

A. I was behind the counter working.

Q. The counter being -- we've seen it down along on the side?

A. Uh-huh.

Q. What were you doing?

A. When the actual noise went off, I was drawing a beer, a pitcher of beer. It took a few minutes to draw. I had it about half drawn when the noise went off and I quit.

Q. Right. What did you do? What did you do when you heard the noise?

A. I went back in the kitchen door. It sounded like a noise in the kitchen so I went and checked. Walked by Parker and asked, did you hear that noise? And he said, yes, he

did. He didn't know what it was. I looked inside the kitchen and wasn't nothing there. So I went on back to finish drawing my pitcher of beer.

Q. What was the next thing that you knew that something was wrong?

A. When the police come to the door, they told me to lock the door and don't -- there had been a shooting upstairs and told

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1427

me to lock the door and don't let anyone in or out. So that's what I done.

Q. So you locked the door?

A. Yes, sir.

Q. Everyone that was in stayed in?

A. Yes, sir.

Q. You let no one else into the place?

A. Not until the policeman brought a black guy there and told me to put him in there, that he was out in the street and it was too dangerous out there.

Q. Who was that black guy, do you know?

A. Frank Holt.

Q. Are you sure that the man brought to the door and put inside was Frank Holt and not Robert Wheeler?

A. I'm sure it was Frank Holt, sure.

Q. You're sure of that?

A. Yes, sir.

Q. Because there is an FBI statement that says that Robert Wheeler was put inside there. You don't recall a second person being put in?

A. I'm sure I'd remember if it was, but I don't think so.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1428

Q. Right. At about what time was

Mr. Holt put in there?

A. Quite a while after that. Could have been as late as 7 o'clock.

Q. That late?

A. Yes, sir. It was already beginning

to get dark and 6 o'clock -- it was still
real daylight.

Q. Do you remember, Mr. Jowers, a
particular customer who ordered eggs and
sausage in the restaurant that afternoon or
at some point in the course of that day, a
man who had eggs and sausage and then
returned the next morning and also had eggs
and sausage?

A. Sure, I recall that.

Q. You recall that man?

A. Yes, sir.

Q. In fact, you took some action with
respect to that man, didn't you? What do you
recall that you did?

A. I told the police about him going in
there. What made me remember him being there
was ordering breakfast up in the day, almost
time for lunch.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1429

Q. Right.

A. He ordered a breakfast special. I went on working on lunch and I fixed his breakfast for him. The next morning -- and they told me if he came back in, be sure to call them. So the next morning around 9:00, 9:30, he come in again, ordered the same thing.

Q. Same thing?

A. Sitting at the counter, same place.

Q. About what time -- you're sitting at the counter on the side?

A. Sure.

Q. About what time did he order this breakfast, this eggs and sausage meal?

A. The first time?

Q. Yes.

A. I think that's the last thing I done before I went home, so it had to be close to 11 o'clock. We already had most of the steam table out.

Q. So you were going to leave -- you were leaving around 10:30, elevenish; is that what you're saying?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1430

Q. Did you actually prepare that eggs
and sausage for him?

A. Yes, sir, I sure did.

Q. So you served him yourself?

A. I sure did. I did also the next
morning.

Q. Also the next morning?

A. Yes, sir. I also went and called the
police for him.

Q. This is a report of that actually
written by, when he was a reporter,
Mr. Chastain here. I just wonder if you
could, if you would take a quick look at
that. And this is -- one and two are the
relevant portions that deal with this
instant.

I'll strike out all the rest, but I
want to make sure that that seems to be
accurate. If anything doesn't gibe with your

memory -- I'm trying to get the historical record correct here, or we will change it.

A. I don't see anything wrong with it.

Q. Is that basically accurate? Is that sort of what happened?

A. (Witness nodding head affirmatively.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1431

Dr. Pepper: What I would like you to do is strike all that that doesn't relate to this. I'm boxing in what I think is.

Mr. Garrison: Okay.

Dr. Pepper: Just stuff that relates to this.

Q. (BY DR. PEPPER) Who was that police captain that told you about this fellow having some real connections here? Do you recall who that captain was?

A. No, sir, I do not.

Q. Or remember his name at all?

A. No, sir.

Q. It wasn't Captain Jack Wallace, or it

couldn't have been Evans, he was an inspector
back then.

A. No, sir.

Q. You don't remember --

A. It could have been, but I don't
really know.

Q. Or Mulner?

A. No, sir.

Q. But you do remember this man who
appeared and had eggs and sausage in your
place on the 4th of April in the late-ish

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1432

morning and then early again the next
morning, and you called the police and they
came and took him away?

A. Yes, sir.

Q. Could you tell us now whether this
looks like the man or whether you can say
whether that was the man. And this is a
copy.

A. No, sir, I don't believe that's him.

No, sir, I sure don't.

Q. You don't remember that this is the man?

A. No, sir, I do not.

Q. How would you describe this fellow?

How tall was he? And do you recall, did he have dark hair?

A. It would be hard to describe him now because that's been a long time ago.

Q. Yes, it has. Do you recall at various times you have identified this man as the man who was there? Do you recall that having been shown these photographs previously, years ago, that you did identify the man?

A. It seems now to me I recall seeing

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1433

the picture that I said it looked like him.

I didn't say it was him.

Q. Okay. Photographs are tricky anyway. This is a mug shot which gives you a

slightly different perspective. Does that ring any bell with you?

A. No, sir, it does not.

Q. That doesn't either. Okay. That's fine. Now, during all of this period of time in the aftermath of the shooting of Dr. King, you continued business, did you, as usual in the restaurant?

A. Yes, sir.

Q. Did you follow the events of the case that were going on?

A. The events of what?

Q. The events of the case when they apprehended Mr. Ray, brought him back, were you aware of basically what was happening in 1968?

A. Just the account of it on the news or the newspaper, yes.

Q. Did you ever yourself go up to the courthouse at any time when there were hearings going on with Mr. Ray?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1434

A. No, I did not.

Q. You don't recall ever going up there?

A. No, sir.

Q. Have you ever discussed the case with anyone?

A. Not that I recall other than investigators asking me questions. Or they had one investigator there that worked for them, I guess asked me every question in the world I suppose.

Q. Which agency was he with?

A. What was his name, Lewis?

Mr. Garrison: Mr. Hamby.

Q. (BY DR. PEPPER) Did the Memphis Police Department call him?

A. No, he was a private investigator.

Mr. Garrison: Oh, that was Renfroe

Hayes.

Q. (BY DR. PEPPER) Oh, Renfroe Hayes.

A. Mr. Chastain remembers him, I'm sure.

Q. We all remember Renfroe Hayes.

A. I just couldn't remember his name.

Q. He asked you lots of questions, did he?

A. Every day.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1435

Q. He just came by and probably asked the same ones over and over again.

A. Over and over, yes, sir.

Q. He might even have forgotten that he asked them. So, anyway, you were subject obviously to an awful lot of questions.

A. Yes, sir.

Q. Did you during this period of time ever have any contact with Mr. Frank Liberto?

A. No, sir.

Q. You never saw him or talked to him or had any contact at all with him?

A. No, sir.

Q. Nor anyone representing him or --

A. No, sir.

Q. -- being close to him. What happened to Mr. Charlie Stephens during this period of

time?

A. I don't know if it was that same night or whether it was the next day, but they put a 24-hour a day guard on Charlie Stephens -- the police department did.

Q. Right.

A. I saw him every day.

Q. Was he brought into your place to eat

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1436

and drink?

A. Sure.

Q. Who paid his bills?

A. Well, what little pay I got was from the policeman on a portion that was paid, something like 50 some dollars for one time. That was a very small portion of it.

Q. That was supposedly from the police department?

A. Police Department.

Q. That they were going to --

A. Yes, sir.

Q. -- make sure that Charlie was taken care of?

A. Right.

Q. Did you discuss any of these events with Mr. Knipes who was next door to you?

A. No, sir.

Q. You never had any conversation?

A. I very rarely saw Mr. Knipes.

Q. You didn't see him at all after this?

A. No, sir.

Q. So you had no opportunity to discuss these issues with him or with Mr. Bailey at the Lorraine?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1437

A. No, sir.

Q. Not at all?

A. No, sir.

Q. Then you eventually closed down Jim's Grill.

A. Yes, sir.

Q. That would have been in '71?

A. I think it was July '71.

Q. Right.

A. I'm almost sure it was.

Q. Which of the staff continued to work with you right up until the time when you closed?

A. The only person that I had working for me right until I closed was Bobbi.

Q. Bobbi continued to work with you?

A. Yes, sir.

Q. Right until you closed?

A. Yes, sir.

Q. What happened to Betty?

A. She left my employment and went to work for the restaurant on the corner of Main and Calhoun.

Q. The Arcade?

A. Yeah, Arcade.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1438

Q. She went to work down there?

A. Yes.

Q. Alda Mae, she was where?

A. She just worked for me part time.

Q. Still part time. Rosie Lee?

A. I think she had already gone before I took over.

Q. Rosie Lee Dabney?

A. She was already gone.

Q. So Bobbi was the only one who was there?

A. Yes, sir.

Q. Lena had gone?

A. Yes, sir.

Q. When did -- did Bobbi stay right up to the end?

A. Stayed right to the day I closed, yes, sir.

Q. All right. After the killing, when was the next time that you went out into that back area?

A. I believe it was two or three days later. They had already cleaned it up when I went back there.

Q. You went back there and saw it

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1439

cleaned up much the same way that we've shown
in the photographs earlier?

A. Yes.

Q. It was all cleaned up?

A. Yeah.

Q. Did you know how it got cleaned up?

A. I have no idea.

Q. Do you know who cleaned it up?

A. I did not know at the time, but I
heard later that the city cleaned it up, a
city crew cleaned it up.

Q. Did you hear when that city crew
cleaned it up?

A. No, sir, I did not.

Q. When that cleaning up was going on,
you did not hear it or see it at all?

A. No, sir.

Q. Is it possible that they could have
done such a big clean up as that without you
seeing it?

A. The only way I would have known they were out there is if I went out the back door, which I didn't do.

Q. So it's possible all this work could have been going on and you wouldn't have

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1440

known anything about it?

A. Yes, sir.

Q. So you remember seeing it cleaned up a few days afterwards?

A. It was several days afterwards.

Q. That was the first time you saw it?

A. First time I went out in the back.

Q. First time you went out in the back?

A. Yes, sir.

Q. You saw it all cleaned up?

A. Yes, sir.

Q. Did you go down to the basement that time?

A. Yeah. That's the reason I went out to the back, to go to the basement. I don't

remember what for.

Q. You went down there. Did you see anything different or strange in the basement?

A. No.

Q. It was basically the same it had been before?

A. Yes.

(End of deposition testimony.)

MR. GARRISON: That's it. Your

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1441

Honor, that's all from the deposition.

THE COURT: All right. You might wonder why we didn't swear him in. He wasn't testifying for himself, he was reading the testimony of someone else. All right.

MR. PEPPER: Your Honor, plaintiffs are going to forgo any additional attempts to examine Mr. Jowers believing, on the basis of the record that's created here, that to all of the questions he will likely

continue to plead the Fifth Amendment.

Therefore, plaintiffs have one -- one final witness, and that witness is Mr. Dexter Scott King.

Now, we thought we might be deposing Mr. Jowers, so Mr. King is just arriving in the city about this time, so we would -- we would propose to call him first thing this afternoon prior to closing our case. But Mr. Garrison has informed me that one of his witnesses under subpoena has arrived and is waiting in the hallway. And the plaintiffs have no objection to Mr. Garrison calling his first witness out of turn and -- that would be prior to plaintiffs closing their case

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1442

if Your Honor wishes to do that at this hour.

THE COURT: All right. That's permissible. We'll allow that. And let me explain to you Ladies and Gentlemen of the Jury, the defendant is going to put on one of

his witnesses, but the plaintiff has not yet completed his proof. All right.

MR. MYERS: Your Honor, may we approach before this witness? I want to bring one matter to the Court's attention at side bar.

THE COURT: All right.

(A bench conference was held at sidebar outside the hearing of the jury.)

MR. MYERS: Your Honor, the only request that the State has with respect to Mr. Glankler, he is the chief investigator for the task force. He runs undercover operatives. And I note that there are cameras in this courtroom. What we ask is if the Court would order that his face not be shown for purposes so that --

THE COURT: Mr. Glankler?

MR. MYERS: Mr. Glankler.

THE COURT: The attorney?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1443

MR. MYERS: He's not an attorney. It's his son.

THE COURT: Oh, I see.

MR. MYERS: Yes, sir, he is the chief investigator in the drug task force unit.

THE COURT: Okay.

MR. PEPPER: No problem with that, Your Honor.

THE COURT: All right. You can just go whenever you want -- do you want them to bring him in?

MR. MYERS: I don't know if they have an electronic ability to scramble his face.

THE COURT: Well, the cameras -- we can't control those other cameras.

MR. MYERS: The other question I have of the Court is on this morning's ruling as to objections being made.

THE COURT: Okay.

MR. MYERS: Would the State be permitted to interpose objections for the

purpose of protecting privileges, work
product and any prosecutorial process?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1444

THE COURT: I'll rule on all
those objections as they emerge.

MR. MYERS: And the Court will
permit me to make those objections?

THE COURT: Sure.

MR. PEPPER: Are you going to be
able to get him with his face covered, or you
may need time to do that? If he's going to
take time to do that, we're running into the
afternoon now, I suggest we stay with the
regular order of things and we'll call our
last witness, and then they can put him on.

How long --

MR. GARRISON: It's going to be
rather short I think.

MR. PEPPER: I might take a
little time with him.

MR. GARRISON: He's here and

ready.

THE COURT: Do you have

something to --

MR. MYERS: I do not. I

thought -- I assumed there would be the

electronic ability to scramble.

THE COURT: He probably can

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1445

handle it. But you have these other cameras

that can't do that -- the still ones.

MR. MYERS: I believe it's in

the Court's discretion to ask that pictures

not be taken of him, and I would ask the

Court to exercise discretion in that regard.

THE COURT: I'll do that. I'll

do that. I still don't know whose present in

the courtroom.

MR. MYERS: Yes, sir, I

understand. Someone may see him who

recognizes him, but our concern is

broadcasting his picture at large.

THE COURT: I'll tell the still cameras. And let me -- let's find out whether or not those cameras can do it. Have that camera man come over here, the TV man.

THE BAILIFF: Yes, sir.

THE COURT: They are concerned about the identity of this witness over here and want to know if there's some way that you can obscure his face so that it won't be recognizable.

UNIDENTIFIED SPEAKER: Excuse me, Your Honor. I'm with Court TV.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1446

UNIDENTIFIED SPEAKER: She's the producer.

THE COURT: They're concerned about the safety of this next witness, if his identity is known, and want to know if you can obscure his face so that he won't be recognizable.

UNIDENTIFIED SPEAKER: What we

can do is shoot the lawyers and -- maybe
shoot him from here down, not shoot his face,
as opposed to obscuring his face. Does that
satisfy you?

MR. MYERS: That's fine as long
as his face does not show.

UNIDENTIFIED SPEAKER: And we
can report his name and everything?

MR. MYERS: I believe so. Let
me just check.

THE COURT: We'll just wait.

MR. CARTER: Good afternoon,
Your Honor. My name is Robert Carter. I'm
assistant district attorney over there, and
I'm the director of the West Tennessee Drug
Task Force. Mr. Glankler is currently
assigned to our task force, and I'd like to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1447

strenuously request that his visual image not
be made public in this.

THE COURT: We've agreed to

that.

MR. CARTER: Well, if I heard it correctly, we thought about maybe trying to shoot from his head down. Well, I happen to be here, and I see a number of people with hand-held cameras. I mean, we're talking about his life is at stake.

THE COURT: I'm going to tell those hand-held cameras not to take pictures.

UNIDENTIFIED SPEAKER: And we can shoot just the attorneys.

MR. CARTER: That's fine.

UNIDENTIFIED SPEAKER: And not shoot him at all.

MR. CARTER: It's not a matter of us trying keep an operation going. This is personal security for this individual.

THE COURT: We can accommodate him.

UNIDENTIFIED SPEAKER: We do this all the time. We have yet to have that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1448

problem.

MR. MYERS: I understand. And
this has been a unique situation, as you
know.

UNIDENTIFIED SPEAKER: We'll
watch the camera.

MR. MYERS: Thank you.

THE COURT: All right.

(The bench conference was
concluded and the following proceedings were
held in the hearing and presence of the
jury.)

MARK GLANKLER,

Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. GARRISON:

Q. Hi, Mr. Glankler. How are you today?

A. Good morning -- or good afternoon.

Q. Good afternoon. Let me ask you --

I'm not going into any great detail of your

background because I understand for security reasons. But let me ask you, among other things, have you investigated or conducted an investigation over the last 24, 36 months --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1449

the investigation concerning the assassination of Dr. Martin Luther King?

A. Yes.

Q. All right. And would you tell His Honor and Ladies and Gentlemen of the Jury --

A. I'm sorry. I can't hear.

Q. And would you tell His Honor and Ladies and Gentlemen of the Jury about when that started roughly?

A. I was appointed to begin the investigation in December of '93.

Q. All right. Who -- was it the District Attorney -- who appointed you to do that?

A. The District Attorney General.

Q. All right. And tell us, how did you

go about conducting that investigation. Did you talk to witnesses or how did you -- what all did you do?

A. There were numbers of things to do.

And we did what was our instruction to do.

They had a plan and -- what they wanted us -- or who they wanted us to talk to or attempt to talk to.

Q. All right, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1450

A. The beginning thing started with trying to locate some of the original witnesses.

Q. All right, sir. Would it be a fair statement to say you talked to many witness?

A. Yes, sir.

Q. Took affidavits or statements from many witnesses?

A. Yes, sir.

Q. All right. And did you take the affidavits and reports back to the District

Attorney General after you obtained those?

A. Yes, sir.

Q. All right. And after the investigation was concluded, was there a report then written partially by you or by the District Attorney General as to what the findings were based upon your investigation?

A. With all due respect, which District Attorney? I mean, any of those --

Q. Well, I believe that -- Rodney started after you; am I correct?

A. Yes.

Q. The present District Attorney is Mr. Gibbons; am I correct sir?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1451

A. Yes, sir.

Q. All right. There was a report written last year in 1998; am I correct, sir?

A. Yes, sir.

Q. How many pages does that report contain?

A. I do not know.

Q. Did you ever see it?

A. Yes, sir.

Q. Did you ever read it?

A. A portion of it. It's on the internet.

Q. Did you author any of the report?

A. Beg your pardon?

Q. Were you the author of any part of that report?

A. No, sir, I did not write the report.

Q. Was that report based upon -- I know you had someone else that worked with you.

But was it based upon some of the affidavits that you had taken and some of the investigation that you uncovered in determining what took place here?

A. Yes, sir.

Q. All right. Well, would it be fair to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1452

say that the report was as much as 40 pages?

A. Sir, I don't know. I wouldn't know.

Q. How long has it been since you read it?

A. Quite -- quite some time.

Q. All right. You did read the report?

A. I want to say that -- yes, sir. I mean, I've read it, but it's just been so long, and my current reassignment to other duties.

Q. The conclusion of the report was, as I understand it, that --

MR. MYERS: I'm going to object on hearsay. I mean, that's -- the report -- it's getting into out-of-court statements for the purposes of offering them for the truth of the matter asserted.

MR. GARRISON: I'll withdraw the question.

Q. (BY MR. GARRISON) Let me ask you this: Did you find anyone else that was involved in the assassination, based upon all the statements that you took and the affidavits, other than James Earl Ray?

MR. MYERS: Your Honor, again,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1453

these reports are in the document. The document speaks for itself. At this point I'm going to renew my objection as to competency to testify. This witness has no personal knowledge of those facts. So that the State doesn't waive -- and to preserve that objection, I will raise it again at this time.

MR. GARRISON: Your Honor, based on his personal knowledge and the investigation that he did, I think he can certainly answer my question if he knows or doesn't know.

MR. MYERS: Your Honor, if you're getting into his opinion as to whether somebody acted alone, whether somebody had help, this gets into work product.

MR. GARRISON: Well, we had been through that already, Your Honor. The report

has been circulated around the King family and others, and it's generally been seen, so it's no private thing. I think he can answer a question as to whether or not he found anyone else that was involved from his investigation other than James Earl Ray.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1454

MR. MYERS: Your Honor, that's necessarily opinion. Whether in his opinion there was somebody involved, whether in his opinion there wasn't somebody involved.

MR. GARRISON: I'm not asking for his opinion. Your Honor, I'm asking what he knows from his personal investigation. I think he can answer yes or no.

THE COURT: You're asking him if he has any personal knowledge of the involvement of someone else?

Q. (BY MR. GARRISON) Based upon your personal investigation, Mr. Glankler, did you find anyone that told you or gave an

affidavit saying anyone was involved in the
assassination other than James Earl Ray?

MR. MYERS: I'm going to object
to the form of the question. It's asking
based on the investigation as opposed to
personal knowledge.

MR. GARRISON: Your Honor, I
presume if he investigated it, he has some
personal knowledge. I don't know how he can
investigate and not have knowledge of it
unless he didn't know what he was doing each

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1455

day.

THE COURT: Well, you can
rephrase the question and ask him of his
personal knowledge.

MR. GARRISON: All right.

Q. (BY MR. GARRISON) Mr. Glankler, you
had personal knowledge -- you knew what you
were doing when you took these affidavits;
did you not, sir?

A. Yes, sir.

Q. Did you know what you were doing then?

A. Yes, sir.

Q. Did you know what you were seeking?

A. Yes, sir.

Q. All right. Based upon what you have conducted in the investigation and talking to the people you've talked to and affidavits you've taken, did you find anyone else that told you -- any affidavit or any information from any source that anyone had anything to do with the assassination except James Earl Ray?

MR. MYERS: Again, objection.

There's hearsay called for in this and,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1456

again, it's going to opinion as opposed to fact.

THE COURT: I'm going to allow

him to answer that one.

Q. (BY MR. GARRISON) All right. What is your answer, Mr. Glankler?

A. No, sir.

Q. All right. Now, how many witnesses would you say you interviewed? As much as 20, 30, 40, 50? How many?

A. Probably closer to the 40, 50 range.

Q. I'm sorry, how many?

A. I said probably closer to the 40 or 50 range. And I could be even off from that.

Q. All right.

A. This spanned five years.

Q. All right. This was over a five-year period that you interviewed witnesses; am I correct, sir?

A. Yes, sir.

Q. All right. Now, Mr. Glankler, did you ever have any conversation with a Mr. Loyd Jowers?

A. On one occasion, yes, sir, that I recall.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1457

Q. What was the occasion for that?

A. He called me.

Q. All right. Did you record it?

A. Yes, sir, I believe I did.

Q. All right. In fact, you've shown that to Mr. Gerald Posner and let him listen to it, who wrote a book about it, didn't you?

A. No, sir, I did not.

Q. How did he get it in his book? He said he listened to it. How did he get it?

A. I don't know how he got it, Counselor. I didn't give it to him.

Q. Okay. What was the extent of the conversation with Mr. Jowers?

A. Well, I think the crux of it was he was --

MR. MYERS: Your Honor, I'm going to object on hearsay as to what Mr. Jowers may have said to this investigator out of court. And under Rule 803 it's classic hearsay.

MR. GARRISON: I think it

certainly goes to the heart of this case. My client is a defendant, and I have a right to know what statement he's taken from him and

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(901) 529-1999

1458

what was said.

MR. MYERS: Of course, evidence has to be admissible even if it does go to the heart of the case. And it falls under hearsay and therefore, under the Rules of Evidence, is inadmissible.

THE COURT: Are you suggesting that it was a statement against his interest?

MR. GARRISON: Your Honor, I don't know what it was. He claims to have a statement from Mr. Jowers. He's been claiming that for years. And I've never had the privilege of it, and I think I'm entitled to know what the conversation consisted of, what was said.

THE COURT: Do I understand the

statement itself was not a part of the file
that you --

MR. GARRISON: No, it was never
delivered to us, and I've never had it or any
way to review it.

THE COURT: I'll allow him to
answer.

Q. (BY MR. GARRISON) Can you tell us,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1459

Mr. Glankler, the extent of the conversation
you had with Mr. Jowers? And it was about
this assassination, wasn't it?

A. First of all, it was a conversation,
not a statement.

Q. Okay.

A. He called me.

Q. And it was about the assassination,
wasn't it?

A. Well, he called me to complain, as I
tried to answer a moment ago.

Q. All right. Tell us about that.

A. It was an unexpected call. He calls, and he's upset that we had interviewed a number of his siblings and relatives.

Q. His relatives, all right. Go ahead.

A. And said that they had no knowledge about any of the reports in the paper and on television and whatnot. And he was upset with the fact that we had gone to talk with them.

Q. All right.

A. And I simply explained to him that that was part of the investigative process.

I'm trying to remember what else he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1460

mentioned. He did mention to me that he didn't -- he didn't want me to call any more of his relatives. Well, you know, okay. And one of the other things he was adamant about was about the rifle. And that he told me that was the correct rifle.

Q. And we're talking about the one

that's over and held by the Criminal Court
Clerk right now?

A. Mr. Garrison, I asked him. If I
remember correctly, I said, are you talking
about the one that was in the bundle that was
dropped and that kind of story, and he said
yes.

Q. He said that was the rifle?

A. That's what he told me.

Q. Okay.

A. And he just wanted to reiterate that
his family members didn't have any knowledge
one way or the other. In fact, commented
that he probably would be getting in trouble
for calling. And I said, you know, your
attorney didn't want, you know, us to talk to
you. So he called me on his own is all I can
tell you. And that's really all I remember

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1461

about it.

Q. That's about the extent of the

conversation?

A. Yes, it wasn't very long.

MR. GARRISON: Okay. That's all

I have.

THE COURT: Okay, Mr. Pepper.

MR. PEPPER: Thank you, Your

Honor.

CROSS-EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Glankler.

A. Good afternoon, sir.

Q. Mr. Glankler, this Court and Jury have heard evidence about various aspects of plaintiffs' case related to the assassination of Martin Luther King and the involvement of Mr. Jowers. Let me ask you, in the course of your investigation, did you consider whether the brush area behind the rooming house was cut down?

MR. MYERS: Your Honor, I'm going to object in terms of deliberative process, mental impression and everything else as we discussed -- I'm renewing my

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1462

objections that were raised in the hearing
this morning.

MR. PEPPER: Your Honor,

Mr. Glankler conducted an investigation.

This is a critical area of the case. We're
dealing with a fact as to whether or not
something took place. His investigation
should have related to that -- that
incident. Plaintiffs simply want to know if
he investigated it and what was the result.

THE COURT: If he investigated
it?

MR. PEPPER: If in the course of
his investigation he considered that -- that
event.

THE COURT: Well, I'll sustain
the objection then.

Q. (BY MR. PEPPER) Mr. Glankler, did you
ever interview Mr. Maynard Stiles whose
testifying --

A. I know the name, Counselor, but I don't think I took a statement from Maynard Stiles or interviewed him. I don't think I did.

Q. Did you ever interview Mr. Floyd

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1463

Newsom?

A. Can you help me with what he does?

Q. Yes. He was a black fireman who was assigned to Station Number 2.

A. I don't recall the name, Counsel.

Q. All right. Ever interview

Mr. Norville Wallace?

A. I don't recall that name either offhand.

Q. Ever interview Captain Jerry

Williams?

A. Fireman also?

Q. Jerry Williams was a policeman. He was a homicide detective.

A. No, sir, I don't -- I really don't

recall that name.

Q. Fair enough. Did you ever interview

Mr. Charles Hurley, a private citizen?

A. Does he have a wife named Peggy?

Q. Yes.

A. I think we did talk with a Peggy

Hurley or attempted to.

Q. Did you ever interview a Mr. Leon

Cohen?

A. Again, I just don't recall without --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1464

Q. Did you ever interview Mr. James

McCraw?

A. I believe we did. He talks with a

device?

Q. Yes, the voice box.

A. Yes, okay. I believe we did talk to

him, yes, sir.

Q. How about Mrs. Olivia Catling who has

testified --

A. I'm sorry, the last name again.

Q. Catling, C A T L I N G.

A. No, sir, that name doesn't --

Q. Did you ever interview Ambassador
Andrew Young?

A. No, sir.

Q. You didn't?

A. No, sir, not that I recall.

Q. Did you ever interview Judge Arthur
Haynes?

A. No, sir.

Q. Did you ever interview Mrs. Bobbi
Balfour?

A. Yes, sir.

Q. Did you interview Attorney James
Lassar?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1465

A. Lassar?

Q. Lassar.

A. I don't recall.

Q. Did you ever interview Mr. Royce
Wilburn?

A. I don't recall that name either.

Q. Ever interview Mr. J.B. Hodges? He's
a former MPD patrolman.

A. I don't recall.

Q. Ever interview Reverend James Orange?

A. I know that name came up in the
investigation. I've heard it. I don't
recall having the opportunity to speak with
him. I don't think we did -- or I did
anyway.

Q. Ever interview a Portuguese
journalist who interviewed Raul's wife --
the alleged Raul's wife -- a woman named
Barbara Reis?

A. A Portuguese journalist?

Q. Yes, who was covering this case.

A. I don't recall that name.

Q. Did you ever interview Mr. Jack
Saltman?

A. Well, Mr. -- if you say

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1466

"interviewed" -- I don't know if that would be the proper term. But he had been to our office a number of times to give information.

Q. Did you ever take a statement from him?

A. A direct statement?

Q. Right.

A. No, sir, if you're talking in terms of formal -- I don't recall taking one from him, no, sir. I know that he came to talk to us and was wanting to offer information about things and --

Q. All right. Did you ever interview a Mr. Bill Hamblin?

A. Hamblin?

Q. H A M B L I N, close friend of Mr. McCraw's for 15 years.

A. Again, Counselor --

Q. Okay.

A. -- I really don't recall. There's so many names. I'm trying to remember the ones I can.

Q. I appreciate that. I appreciate

that. It's been a long investigation for you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1467

as well. Mr. J.J. Isabell?

A. Again, it's a name it seems like I've

heard. I don't believe I did.

Q. How about Mr. Carthel Weeden, did you

ever interview him?

A. Say that last name again for me.

Q. Carthel Weeden.

A. No, sir.

Q. Do you know who he is?

A. To be honest with you, I can't pull

it up right this second.

Q. He's the captain of Fire Station

Number 2. He ran the fire house --

A. Okay.

Q. -- in the approximate locality of the

killing. He was in charge of everything that

happened in that fire house.

A. Okay.

Q. Did you ever interview Reverend
Walter Fountroy?

A. No, sir.

Q. Mr. Louis Ward -- you ever interview
Mr. Louis Ward?

A. I don't recall. It's a common name,
but I don't recall his name.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1468

Q. Did you ever interview Mr. Steve
Tomkins who was a Commercial Appeal reporter?

A. I don't -- I don't know if we
interviewed him, but I recall there was an
article in the paper. I remember his
involvement. That's about the best I can do
for you on that -- or alleged involvement.

Q. All right. You ever interview a cab
driver named Jimmy Adams?

A. I don't recall that name, no, sir.

Q. Did you ever interview a former New
York Times journalist, a New York Daily News
correspondent named Earl Caldwell?

A. Earl Caldwell? Not that I recall.

Q. You never interviewed him in the course of your investigation?

A. Beg your pardon?

Q. You never interviewed him in the course of your investigation?

A. I just don't recall that name.

MR. PEPPER: I have no further comments about this investigation -- no further questions for this investigator.

REDIRECT EXAMINATION

BY MR. GARRISON:

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1469

Q. Mr. Glankler, you worked on documenting this investigation on behalf of the State of Tennessee, weren't you?

A. Yes, sir, at the instruction of the District Attorney General.

Q. That's Mr. Barrout (phonetic) that you started out with?

A. Yes, sir.

Q. And did you ever find any witness at all that you ever talked to that indicated that Mr. Jowers had anything to do with the assassination?

MR. MYERS: Again, this is hearsay, Your Honor, and witness statements, part of the record and speak for themselves.

MR. GARRISON: Your Honor, I think I have a right to ask him if he -- of his own personal knowledge of the investigation what he found. It's certainly a pertinent question.

MR. MYERS: The question of necessity is asking him to draw conclusions if there's -- if there's something in that statement that would lead him to conclude that somebody acted alone or there were

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1470

other --

MR. GARRISON: Let me ask it another way.

Q. (BY MR. GARRISON) Mr. Glankler, of all the people you talked to, did anyone ever state to you that Mr. Jowers had anything to do with the assassination?

A. Counsel --

MR. MYERS: That's hearsay, and I'm going to object on those grounds.

THE COURT: It also is -- asks the question of whether or not there was any kind of selective prosecution. I'm going to allow him to answer.

Q. (BY MR. GARRISON) Can you answer the question, Mr. Glankler?

A. I'll try. We talked to a number of people as you know.

Q. Yes.

A. Some people tried to support claims of Mr. Jowers' involvement. But in the interview process, you know, like -- especially --

MR. MYERS: Your Honor, may we approach a minute?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1471

THE COURT: Yes.

(A bench conference was held at sidebar outside the hearing of the jury.)

MR. MYERS: Your Honor, this is the first time I've heard the words "selective prosecution." I would draw the Court's attention to United States v. Armstrong cited in the State's memorandum from this morning. In U.S. v. Armstrong, before any inquiries into selective prosecution may be made, the person alleging -- making such allegations, number one, make a specific allegation of it. Number two, has come forward with credible proof that there was indeed a selective prosecution by showing someone else was deserving of it. My understanding of this was that from the way this is cast, it was not a matter of -- a question of selective prosecution, it was a question of somebody

was involved or not involved. And --

THE COURT: I believe you're right. And I believe we have ridden this horse as much as we can anyway.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1472

MR. GARRISON: Okay.

THE COURT: I'll reverse my ruling and sustain his objection.

MR. GARRISON: All right.

(The bench conference was concluded and the following proceedings were held in the hearing and presence of the jury.)

Q. (BY MR. GARRISON) Mr. Glankler, the report that was written had a conclusion to it, didn't it? It had a concluding point to the report, didn't it?

A. That being the one from the Attorney General?

Q. At the end of the report.

A. The Attorney General did.

Q. It gave a number of witnesses that had been interviewed and what each said.

MR. MYERS: Your Honor, that document speaks for itself. And if it's a document that's evidenced, I'm going to object on those grounds.

MR. GARRISON: Well, Your Honor, if he will produce a document, that will be great. We'll let the jury look at it if he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1473

will produce a document. Otherwise I think I've got a right to ask him about a report that he authored and investigated.

MR. MYERS: Well, Your Honor, counsel seems to have a lot of knowledge about a report he's never seen.

MR. GARRISON: I have seen it.

MR. MYERS: And if it has been seen, presumably counsel ought to have a copy, and that could be entered into evidence. That's the best evidence as to

what this report says.

MR. GARRISON: Your Honor, unfortunately, I don't have a copy. The King family let me read it. And he knows about it, he helped author it, and I think I've got a right to ask him about it.

MR. MYERS: He didn't testify that he helped author it, Your Honor. He said that he investigated it and others authored it. So he's being asked to testify as to a document he's really not competent to testify to.

MR. GARRISON: Your Honor, if counsel will agree to produce the copy of the DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD (901) 529-1999 1474

report for us, well, that will be super, and we'll end this right now.

THE COURT: What's the question again?

MR. GARRISON: If he will agree to produce a copy of the report, then that

will be fine.

THE COURT: What was the

original question?

MR. GARRISON: The original

question was: Was there an ending point to

the report?

MR. MYERS: I believe he was

asking what did the report say.

MR. GARRISON: No, I didn't. I

asked him if there was an ending part to the

report.

Q. (BY MR. GARRISON) Isn't that what I

asked you, Mr. Glankler?

A. You asked me if -- I thought you said

ending part or a conclusion or something

along that line.

THE COURT: Did the report have

a conclusion?

MR. GARRISON: Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1475

THE COURT: Oh, he can answer

that.

Q. (BY MR. GARRISON) All right. Did it have a conclusion?

A. Best I recall, I believe it does, yes, sir.

Q. And did it conclude the fact that Mr. Ray acted alone in this case?

MR. MYERS: Your Honor, I'm going to object. That's hearsay. That report is an out-of-court declarant, and second --

THE COURT: I'll sustain the objection.

MR. GARRISON: All right.

That's all I have.

THE COURT: Anything further?

MR. PEPPER: Nothing further.

THE COURT: Do you have anything? Do you want to be heard?

MR. MYERS: No, Your Honor.

THE COURT: All right. You're free to leave.

THE WITNESS: Thank you, Judge.

(Witness excused.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1476

THE COURT: I think we ought to
take our lunch break now. We'll do that and
we'll resume at 2 o'clock.

(Lunch Recess.)

THE COURT: All right.

Mr. Pepper, are you prepared to go forward?

MR. PEPPER: Yes, we are, Your
Honor.

THE COURT: All right.

MR. PEPPER: At this time
plaintiffs call their last anticipated
witness, Mr. Dexter Scott King.

DEXTER SCOTT KING

Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. King.

A. Good afternoon.

Q. Thank you for being with us this afternoon.

Would you state, please, your full name and address for the record.

A. Dexter Scott King, 449 Auburn Avenue, Atlanta, Georgia, 30312, which is my business

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1477
address.

Q. And what do you presently do?

A. Well, I currently serve as chairman, president and chief executive officer of the Martin Luther King, Jr., Center for Nonviolent Social Change.

Q. In Atlanta, Georgia?

A. That's correct.

Q. And how long have you been in that position?

A. Almost five years. Exactly five years at the end of this month.

Q. Tell the Court and the jury what you have done previously, what other activities

you have been in?

A. Well, I've worked at the King Center for a number of years in different capacities heading up the various programs, serving as a special assistant to the founder, my mother, Coretta Scott King.

Q. How old were you, Mr. King, when your father was taken?

A. I was seven years of age.

Q. Do you recall any feelings, any emotions or thoughts that occurred around

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1478

that time?

A. The thing I remember most is that we were all trying to move on with our lives.

My mother was very strong and very stoic and what I felt was a strong example. So in retrospect, I feel like we really didn't have an opportunity to mourn because we transformed that experience into a triumph over tragedy, or so we thought at that time.

Q. How long did that kind of stoicism
continue?

A. I would say literally up until the
past couple years when we first got involved
with new information and evidence regarding
my father's death.

Q. And could you describe for this Court
and jury how it was that you and the family
eventually did decide to become involved with
this issue?

A. Well, it was actually a New York
Times reporter that had reached out to my
family when James Earl Ray first went in the
hospital, when it was first reported that he
was in a coma and having liver trouble, which
I believe must have been December of 1996.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1479

I'm not -- my dates are not
necessarily accurate, but I remember it was
December. Then January, I remember vividly
because I was away on vacation after the King

holiday the latter part of January, and I was out of the country, so I called to check my answering service, and there was a message from a reporter, which I didn't know at the time, because it was just a paging service, and the only thing there was a number, but I called the number and essentially was told by the reporter that they were working on a story, that they were sorry to bother me, they felt it might be a little awkward, but they had gotten word from the Ray family that they wanted to reach out to us, the King family.

While it was awkward, they felt that their loved one was innocent. They never wanted to bother us in the past, but because he was near death or having a terminal illness, it was kind of a now-or-never proposition. All they were really asking is would we come and testify, would we make a plea for a trial, not dealing with any sense

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1480

of guilt.

At that time we had not seen the evidence. Of course, we knew of your work, but we had not seen anything. We basically caucused with the family, and all of us were traveling in different places, but by phone on a conference call we took a consensus to find out how we should respond, and the general feeling is that whether he is innocent or guilty, the man deserves a trial, a real trial, which he never received, to hear the evidence and get information out.

I think at that point we were resolute about that, that we were going to make this statement. And that's what happened. Late February, mid-February, we held a press conference where all of the family members were present and we essentially said why we were making a stand, taking a stand, in support of the trial.

From that point forward we, of course, reached out to you, which at that

time we were presented with certain evidence
and we began to see the picture and it became
more evident that this had to come out, there

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1481

had to be a forum for information at least to
be heard.

As you know, my mother and I came to
Memphis, came here and testified in Judge
Brown's courtroom, in regards to testing the
rifle. From that point forward things
evolved. For want of a better term, there
was a snowball effect where people started
coming forward independently, just reaching
out to myself, to my family, and all kinds of
information started coming forward.

Q. It sort of opened up the gate?

A. Yes. It was really literally a flood
gate of information and people who -- I
recall one letter I read from a gentleman who
said, you know, I've been in silent sympathy
with your family for the past almost thirty

years, and it discussed their background, the fact that they served in various capacities in the federal government, the Central Intelligence Agency, Federal Bureau of Investigation, and the fact that we are on the right track, that Ray did not do it, you are right, stand your ground, we support you, the fact that these things happened, it is

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1482

happening today, the way in which he was set up, that's common protocol.

So all of these types of letters came in. The interesting thing is we didn't know what to believe, because we are not investigators. We have no experience in deciphering what is fact from fiction. But in this instance so much information came to the forefront that we were looking for a forum where the, quote, experts could really separate truth from -- you know, fact from fiction.

Q. And what is the best forum? What did you come to believe was the best forum for that to take place?

A. We felt a court of law, where we would have twelve independent jurors who could hear information and determine for themselves. I just felt if twelve people -- whatever decision they came up with after hearing the information, we could live with that. That would help to bring about closure and resolution.

Q. Mr. King, how do you answer the criticism that has been leveled at the family

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1483

that the family's involvement in this case at this point in time is driven by profit or by a concern for generating a project, a movie project, or something of that sort to generate money?

A. I've heard that before, and it is appalling to me. Not to be dramatic about

it, but for anyone to insinuate or to think that we or anyone, frankly, would try to profit off of someone's tragedy, off the tragedy of a loved one -- you know, the question that would often be asked is why now, why thirty years later? Well, I was seven years old. What am I going to do, ask, well, I want to know who killed my father at seven years old?

Sure, I wanted to know, but the thing that was so interesting is all my life, the main question that has been asked over and over by reporters or common folk is do you believe James Earl Ray killed your father?

Now, I'm thinking to myself -- almost I guess thirty years now people continue to have asked that question,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1484

including the media, and it is ironic that the only reason we got involved with this was

because the press beat our door down until finally we made a statement. Our typical posture was no comment. We just didn't deal with it. Maybe we were in denial. Who knows. I believe we really were trying to move on with our lives.

So there is a bit of resentment, because the very forces that drew us into this are now saying, why are you doing it? Yet you can't close Pandora's box once you open it. It evolves. So it is the most hurtful thing, frankly, to have to endure, someone questioning it.

Q. How do you answer the criticism, though, of the family has been manipulated from the beginning of its involvement up to the present time and even into these proceedings here, that these proceedings are all part of a manipulation of the family?

A. Well, that, again, is hard to hear.

I would have to say, coming from not only one generation or let's say two parents who were in their own right very strong individuals

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1485

who carried a mantle of leadership, to think that somehow we could be manipulated is really insulting, because what that is saying is that, you know, this family was able to make sacrifices and to contribute to ultimately what I believe has been one of the most important social movements in this country and endure so much, along with others, endure so much trauma and tragedy, and yet somehow we all of a sudden have lost our minds.

I mean, that doesn't -- it is not logical. So no, we have not been manipulated. I think we have done what most people do when they see something in front of them that doesn't add up. You ask the question. Then one question leads to another.

Certainly, as I said, this was not something that we sought out, it ought sought

us out. I think that makes all the difference in the world.

Q. Historically have you become aware of what happened to your father and his organization after he came out against the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1486

war in Vietnam on April 4, 1967?

A. Yes. He made the statement at the Riverside Church in New York "why I oppose the war in Vietnam." Interestingly enough, as we've been going through this period, it is so amazing for me that as soon as this issue of potential involvement of the federal government came up, all of a sudden the media just went totally negative against the family. I couldn't understand that.

I kept asking my mother, what is going on? She reminded me, she said, Dexter, your dad and I have lived through this once already. You have to understand that when you take a stand against the establishment,

first you will be attacked, there is an attempt to discredit, second, to try and character assassinate, and, third, ultimately physical termination or assassination, in that order.

Now, the truth of the matter is if my father had not -- if he had stopped and not spoken out, if he had just somehow compromised, he would probably still be here with us today.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1487

Q. If he remained a civil rights leader?

A. Exactly. If he had just talked about riding in the front of the bus, being able to sit down at lunch counters, that was not threatening. In fact, that expanded the economic base when there was integration.

But the minute you start talking about redistribution of wealth and stopping a major conflict, which also has economic ramifications, and he understood the

injustice and the disparity of African-American men fighting on the front lines in a disproportionate number losing their lives with their white comrades but yet could not even come home and eat at the same lunch counter with their white comrades they just fought with in Vietnam or could not live in the same neighborhood or any number of things, he saw this was a major injustice and what it was doing to the black family, the way it was destroying families, all these young black men being sent away and dying in disproportionate numbers.

So to make a stand, the fact that a lot of people, soldiers who were on leave

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1488

were hearing his message, and there was this fear of, you know, desertion, black soldiers saying I'm not going to fight this unjust war, why am I here, so he was certainly seen as a threat. Unfortunately he was not. It

was a real tragedy. As he said, there cannot be any great disappointment where there is no great love, I'm forcing my country to live up to its truth. And the rest is history.

Q. Has the family suffered economically and the King Center, the work of the perpetuation of the legacy of Martin King, have they suffered economically similarly to what occurred to SCLC and your father back in 1967?

A. I would have to say yes. While it is very hard to quantify losses in terms of dollars and cents, I can certainly tell you that I have seen a difference in the way we have been dealt with by corporate supporters, contributors, when, quote, controversy strikes.

As you know, most businesses don't like controversy, right, wrong or indifferent, no one wants to be seen as

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1489

embracing something that is controversial.

And yet that is the way -- I remember doing an interview and the reporter asked me, aren't you concerned, it sounds so controversial? I said, no, have you forgotten that the man which we honor -- this was around the King holiday celebration -- was one of the most controversial individuals of his time.

In fact, tell me how he went from being public enemy number one in the 1960's to a national hero with a holiday in the 1980's. Explain that to me. Well, the point I'm making is that he can be relegated to I-have-a-dream land because he is not here. Certainly in death he can be martyred and put on a pedestal, but does America really want to deal with what he was fighting for, what he ultimately died for, in terms of solving the triple evils of poverty, racism, violence and war.

Q. Do you think the atmosphere created by the media, which has in effect established

an icon figure, do you think that kind of atmosphere contributes to portraying him in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1490

terms of his last years of struggle?

A. Yes. I have to believe from everyone

I spoke to who knew him intimately from

outside the family that those were some of

his most depressive years in terms of really

facing up to the fact -- as he talked about

here in Memphis, I've been to the mountain

top, I've seen the promised land -- that he

had to know that things had really gotten

bad.

He was on his way to Washington for

the Poor People's Campaign and March, which

would bring together all of these forces from

different walks of life, that this could no

longer be relegated to minority status

but Appalacian Whites, Chicano

Mexican-Americans, Native Americans,

African-Americans, all coming to the steps of

the nation's capitol to say we will not leave
here until poverty is solved.

That has not been addressed today.

And because it was not addressed then, his
voice had to be silenced. That's why we're
here, to get the truth out. My hope is that
in this process, in a court of law, we I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1491

think still have the last vestige of hope in
a democracy to have a jury, to have a forum
to get the truth out, because it is sad what
I've witnessed with the media, it is just sad
in a republic that is supposed to be
independent when there is not an independent
media on certain issues, particularly when it
comes to issues of national security where
there is this fear that the people cannot
handle it, we cannot allow this out, this
truth out.

That is so disheartening. But yet a
court of law still I believe, the judicial

process, is the last hope of allowing the truth to come forward.

Q. In terms of the impact of the media, have you personally experienced among close friends of yours a reaction that has been the result of media coverage of this case over the last few years?

A. Yes. I mean, the past three years in specific, since we've been actively seeking the truth, has been probably the most traumatic period of my life for whatever reason. I've had to really reassess so many

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1492

things, because I was not aware of the impact that it was having on me personally and my family.

But I would have to say in one incident I recall a very close friend who grew up in Tennessee, happens to come from a prominent family in Tennessee -- we went to school together -- and I remember her saying

when I first got involved that James Earl Ray is guilty, why are you all involved with this? I kept listening to her. I just heard it go on and on. Finally I stopped her and I said, why do you think that? What are you basing your facts on? She said, well, that's what they said on the TV, that's the basis, the news.

I stopped and I said, let me explain something to you. I took her through this whole scenario of how disinformation works and how more importantly mental and psychological warfare and brainwashing works, that if you hear something over and over and over again, right, wrong or indifferent or true or false, it will become habitual and it will automatically program you in a sense.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1493

The sad thing is that she stopped and acknowledged it, you are right. I said, now let me show some of the things or explain

some of the things that have been explained
to me and you make your own choice.

The thing I appreciated about your
approach to all of this, because it was very
awkward, you were representing the accused,
if you will, and as you know for many years
we were not really comfortable with even
addressing this issue, because we didn't know
anything, however, when you told me, the
thing that impressed me when we first sat
down, was you said, listen, you are the
family of the victim and you have every right
to see every shred of everything, everything,
talk to witnesses, anybody that I've had the
opportunity in my ten-year trek of work and
investigation, and you had an open-book
policy. You said, you tell me who you want
to talk to, who do you want to see, and you
judge for yourself. You didn't put any words
in my mouth. You didn't try to lead us down
any path. You just said, here, put it on the
table, look at it and make your own

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1494

judgment.

But I think there are so many people who were so -- this is not really an issue of logic or intellect, this is an issue of emotion. So many people are emotionally predisposed because of thirty years of programing, including ourselves. We always felt James Earl Ray may have been involved, but we also believed there was probably extensive involvement, but then after seeing the evidence, it was just clear that that was not the case.

Q. This Court and jury have heard extensive testimony yesterday on exactly the issue that you've just been addressing, the power of the media, particularly the visual media.

Let's move on. Did there come a time after you got involved with the case and seeking a trial that there was an opportunity for you to meet with the defendant in this

case?

A. Yes.

Q. And in fact did you not have two meetings with this defendant?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1495

A. Yes, I did.

Q. And was the first meeting not attended by you and me together with defendant's counsel and the defendant?

A. That's correct.

Q. And then you had a second meeting with Ambassador Young and the defendant and his counsel?

A. That's correct.

Q. The Court and jury have heard Ambassador Young's testimony and also a recording of that meeting that I believe you made, was made in your presence. Would you tell the Court and jury what you recall from the two meetings that you had as to the defendant as to admissions against his own

interest -- which makes it possible for you to tell them in the courtroom -- what do you recall defendant admitting in those meetings?

A. Well, he admitted first and foremost that he had been contacted by Frank Liberto, who he described the relationship with Frank Liberto as someone who helped him out in the past and was essentially calling in a chip or favor and that Mr. Liberto said that he would

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1496

send over to his place, over to Jim's Grill, a package, and in that package would be some money. It was in a produce box, the normal delivery that he would receive.

Subsequently, after that box was delivered, a gentleman, he was told, would be by to pick it up. Well, that gentleman was described as Raul. That he would come by and pick up the money, and then from there he would be delivering another package, which would be a rifle.

Now, that package was delivered I believe the morning of April the 4th. At that time the rifle -- he said he was told to be at the back door at six o'clock. Well, the rifle was going to be picked up prior to that. I may have my details a little sketchy in terms of timing. But the gist of it was that he would meet or did meet a gentleman at the back door to pick up the smoking rifle. He described that gentleman as Earl Clark.

The next day --

Q. Just for the record, Earl Clark, a Memphis Police Department officer?

A. Lieutenant, I believe. He said he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1497

was clear about that because they were hunting buddies. He knew Earl Clark very well.

After I guess the incident, he said he threw the slug down the commode and tried to flush it down the commode, and essentially

that clogged up the commode, you know. I remember that very well because he couldn't get it to, you know, to flush basically. And the next morning the rifle was retrieved, and that was pretty much his recollection.

Well, actually, no, he also said that there were people who met there, officers he knew, from the Memphis Police as well as what he said were government types, which he assumed to be FBI and other government agents, meeting in his establishment with these officers that he knew, that he did know from the Memphis Police, and he interpreted those meetings as planning meetings. So in effect his place was being used as a staging area.

Q. Did you ask Mr. Jowers questions throughout the course of that meeting?

A. I did. I continuously asked him was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1498

he -- you know, was there anybody else or

anything else that he was not telling me.

And my sense was that -- maybe I shouldn't speculate here. I know I shouldn't speculate. But my sense is that he did not want to -- he felt uncomfortable a little bit and a little bit embarrassed in front of me in saying or admitting that he had involvement in the killing of my father. I could certainly understand that.

What I said to him is, you know, my family is not in this for retributive justice. We're a forgiving family. My father was stabbed by a woman who took -- almost took his life before I was even born, and he forgave her. So we're not in this to put people in jail. We want the truth to come out.

His fear, obviously, was admitting something against his own -- you know, that would be used against him, and yet I felt like he wanted to get something off his chest. I felt like he wanted to make something right before he left this earth.

It was a little bit awkward, but I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1499

have to say that I'm glad that, you know, I feel a sense of liberation in knowing more about what happened, what has happened in this tragedy. It has certainly helped to better deal with it.

Q. Did you form the impression that he was being truthful to you?

A. I did. I really felt that. So did Ambassador Young. We talked about it afterwards a few times, actually, and compared notes.

I think that in spite of the fact -- keep in mind that this was the second meeting with myself and Ambassador Young. The first meeting was, of course, myself along with you. The story was consistent. So there was not a change between the time you and I met with him and then subsequently when Ambassador Young and myself met.

Q. Did you have the impression from those two meetings that he was knowingly or unknowingly involved in what he was doing at the time of the assassination?

A. I felt like he was knowingly involved but didn't fully want to admit it, or, as I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1500

said, felt uncomfortable because of the awkwardness of who I was. But it was obvious that he knew what was going on to me.

Q. Now, he mentioned this figure, Raul, having picked up the money at one point in time and delivered a weapon. Did he identify a photo spread -- of a photo spread did he identify a photograph of him for you?

A. Yes, he did.

Q. If we can put this up.

(Photographs displayed on an overhead projector.)

Q. We can see the photo spread that has been in evidence here in the Court. I don't

know if you can see it. Which of these six individuals did he identify as Raul to you?

A. The second one down on the right in the middle.

Q. Here?

A. Yes.

Q. This picture here?

A. That's the one.

Q. He said this was the man who delivered the money and subsequently -- I'm sorry, picked up --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1501

A. Picked up.

Q. He picked up the money and then delivered the rifle?

A. Correct.

Q. Did he know anything else about this person or say anything else that you recall?

A. Well, he said something about, you know, he thought Mexican or wet-back or

something, but he didn't want to -- you know, he didn't know which nationality he was. But he was definitely, you know, of Spanish -- he thought of Spanish descent.

Q. Did you come away with the belief that the fatal shot that killed your father was fired from the bushes, the brush area, behind the defendant's grill?

A. Yes, I did.

Q. Did he say what he did with the murder weapon, the actual murder weapon, not the throw-down gun, the actual murder weapon?

A. I believe he said he threw it in the -- I'm sorry. That was another piece of that. That someone picked it up, and I believe he said he heard they threw it in the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1502

river. But I -- I don't remember who, the details of who picked it up and how it got, you know, supposedly thrown in the river.

Q. Now, Dexter, at one point in time

when the family had come out and started asking questions, being involved in this case, were you and the family contacted by a former FBI man?

A. Yes, we were.

Q. Who this was officer?

A. Donald Wilson.

Q. What did Mr. Wilson tell you, discuss with you, again, very contrary to his own professional and personal interests?

A. Well, he told me that he had received some evidence, actually obtained evidence from a crime scene dealing with the white Mustang which was alleged to have been James Earl Ray's vehicle and said that he had traveled to the crime scene along with a senior agent. He was essentially kind of a new rookie agent, if you will, and the veteran agent had him tag along to the crime scene.

And when he opened the door, these

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1503

pieces of paper fell out, these items that he instinctively just picked up, retrieved and put them in his pocket. And ultimately he had held on to these items for quite some time.

He said the thing that made him come forward was he saw my mother and I on CNN, which in this case is good to have the media putting it out there, but he saw us testifying in I guess Judge Brown's courtroom and asking -- making a plea for the truth to come out. And at that time he felt that really moved him to resolve this after so much time.

Q. Where did these articles, these items that he showed you, where did he get them, where did they actually fall from?

A. The inside of the car, the door.

When he opened the door, they just hit the ground.

Q. This car, which car was this again?

A. This was the white Mustang that James

Earl Ray had ditched in I believe Capital
Homes, which is a housing project in Atlanta.

Q. And these pieces of paper were in an

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(901) 529-1999

1504

envelope or loose and fell out of the car?

A. Correct.

Q. And he picked them up and kept them?

A. Yes, he did.

Q. Why did he hold on to them all these
years?

A. Well, he tried to give me some
history, which I thought was fairly
interesting, because it speaks to his motive,
but he talked about when he joined the Bureau
fresh out of law school here in Tennessee, I
think, where he went to school, and he saw
working for the Federal Bureau as being a way
to help with civil rights.

He really seemed to be committed to
making a difference in the cause of justice
in this country at that time. And he said

the most incredible thing happened to him
literally on his first day on the job, or
let's say his first day in training, when he
was going -- or assigned to go to the
academy.

He was assigned to a black rookie
agent, I guess they were rookie agents when
they were going through training, and they

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1505

were in Virginia, I believe it was, at a
rooming facility where they all stayed, and
when they went to check in, his black
roommate was denied admission.

He said he was just so sure that the
brass, top brass, were going to really come
down on these people, this resident manager,
if you will. And he watched the way the
situation was handled, and he said, you know,
from that day forward, I knew I made the
biggest mistake of my life.

What he was saying is that the black

agent could not room with him, that Director

Hoover and all the top brass didn't do

anything about rectifying the situation.

So -- and he said when it just

really hit him is a few years later the

agent, the black agent, was killed in the

line of duty, and at his funeral I believe in

Chicago he was talking about how the director

and everyone was there talking about how

great this guy was, and all he could remember

is when the guy really needed support, they

were nowhere to be found.

He said once he started learning

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1506

about the climate and the culture of the

Bureau and how this type of thing would

happen, he instinctively felt that if he had

turned in that evidence, his superiors would

have -- it would have ended up missing.

And I don't remember, there was

another incident, and I can't remember

whether this happened before or after the Mustang was discovered, but he and his agent -- I mean he and his partner happened to see a gentleman that fit the description of James Earl Ray somewhere in their travels, and they radioed into headquarters to ask what to do, whether to apprehend or to let him go, whatever, and they were told basically to come back immediately to headquarters and basically sign off.

He said again from that incident he knew that he was making the right decision, because he really believed this could have been the man, but they were told to not proceed.

Q. To your personal knowledge, what has happened to Agent Wilson since that time?

A. He has been character assassinated.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1507

He has also said that his wife has been somewhat terrorized. Just different types of

harassment tactics have been used to silence him, to intimidate him.

I witnessed for myself the way this whole thing was handled in the media, and the first knee-jerk response that came out was that this guy was not even an FBI agent. I watched literally the news cycle of how within minutes first he is not an agent, second, well, he wasn't on the crime scene detail -- which is true technically, because the car was impounded and taken to the garage where it was taken a part by special agents to go over it with a fine-tooth comb, which he was not officially a part of that detachment, but he was definitely on the scene -- and ultimately there were quotes from former FBI agents saying, well, whatever he has is fabricated.

Now, how can you make an unilateral statement when you haven't even seen what he has? So it amazed me to watch how this man was attacked for coming forward with something. And he really believed -- the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1508

saddest thing about this whole episode is when I met this gentleman, I could see the sincerity. He was a man who was to me the epitome of a do-gooder government bureaucrat who really joined the service to do the right thing, who wanted to serve his country, who believed in the constitution.

And he was so shocked, I think almost naive, because he kept saying, I want to make sure that the Attorney General Janet Reno gets this information personally. And I remember thinking how, you know, maybe naive that he was, but he believed that if he forged ahead, that the right thing would be done. You know, I really feel sorry for him, to be honest with you, because I don't think he had a clue.

Q. There were a series of articles written by one local reporter who tried to get this story out and they were published

and plaintiffs would like to move their admission into evidence at this time.

(The above-mentioned documents were marked Collective Exhibit 31.)

Q. (BY MR. PEPPER) I'll put up on the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1509

screen now a document or a piece of paper.

It is not very clear, but what it is is a telephone directory page. Have you seen that before?

A. Yes, I have.

Q. Do you see this writing up here?

A. Yes.

Q. Can you make that out from that distance?

A. Yes, I can.

Q. What does it say?

A. Raul.

Q. The name Raul?

A. Yes.

Q. Do you recognize this as one of

the -- poor copy though it is, and we're only doing with a copy here, but do you recognize this as a copy of one of the pieces of paper that he found in the -- that fell out of the Mustang?

A. Yes, I do.

Q. Okay. I'll put up a second photocopy of another document he gave you, another piece of paper. Do you recognize this piece of paper as one that you were shown by Agent

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1510

Wilson?

A. Yes, I do.

Q. What did you make of this? What did you think this was?

A. Payment, like a payment schedule or list of payments made.

Q. It looked like a schedule of some monies that were to be paid?

A. Yes.

Q. Does this appear to be some sort of

list of payments or a payment sheet?

A. Yes, correct.

Q. You said he said this also came from the Mustang?

A. Yes, it did.

Q. This list of payments, at the bottom of it, do you see this writing here?

A. Yes, I do.

Q. Can you make that name out?

A. I cannot. From here I cannot make it out. It is very --

Q. It is very fuzzy, isn't it?

A. It is very fuzzy.

MR. PEPPER: Let me do this,

Your Honor. Let me make take the copy up and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1511

ask the witness to take a look at it closer.

Q. (BY MR. PEPPER) Is that helpful at all?

A. I am still having a hard time.

Q. Then you should not identify it if

you can't. That's fine.

MR. PEPPER: We will move the admission of both of these collectively as the next exhibit.

THE COURT: Did you identify that as one of the documents that was shown you to by the agent?

THE WITNESS: Yes, I did.

(Whereupon, the above-mentioned document was marked as Exhibit 32.)

Q. (BY MR. PEPPER) At the time you met with Agent Wilson, did you also discuss another document that was in the car at the time that fell out and that he retrieved at the time?

A. Well, he talked about other information he had obtained, but he didn't go into detail at the time. I subsequently found out about the other information.

Q. How did you personally come to learn

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1512

of this other piece of information?

A. I believe it was from a reporter with the Atlanta Journal Constitution and an article that actually he subsequently wrote about it, about the evidence, and the fact that the Justice Department I believe had subpoenaed that separate -- that additional piece of evidence.

Q. What was that additional piece of evidence that the subpoena was issued for?

A. It was a piece of paper or a card, I don't remember the exact instrument, but it was paper or a card with the phone number to the Atlanta office of the FBI.

Q. The phone number of the Atlanta office of the FBI in James Earl Ray's Mustang?

A. That's correct.

Q. Did there come a time, Mr. King, as a result of all of this activity that you decided to meet with James Earl Ray?

A. Yes.

Q. Why did you decide to take that step

and meet with the man who had been accused of
killing your father?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1513

A. Well, first and foremost I didn't
believe that he had actually pulled the
trigger at the time. My feeling was even if
he had, based on the upbringing that I have,
that I've had and my family, that it would
have been the right thing to do.

Being raised in a Judeo-Christian
home or faith to practice what you preach in
terms of forgiveness, if he didn't do it,
then I felt, which I did feel, I was there on
the grounds of this man has also suffered an
injustice, but regardless of either scenario,
somehow we both, victim/victimizer, both
victims, however you look at it, had some
type of commonality.

So for me spiritually meeting with
the accused, if you will, was important for
me to personally eye to eye meet this man and

ask him did he do it while in my heart I did not believe that he did, but I needed to do that for the record, if you will.

I thought about the fact that --

again, some people were really outraged.

They were upset with me, why did you meet with him? As I said earlier, this has been

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1514

an emotional issue and not an intellectual or logical issue, issue of logic. People just react to what they've been conditioned to.

Again, I've had to draw on my

earliest experiences of dealing with an

assassin when my grandmother was killed in

1973 -- I'm sorry, in 1974. I was there with

my grandfather when he forgave his wife's

killer, my grandmother. And yet -- of

course, I knew about my father forgiving the

woman who stabbed him and almost took his life.

So there was a precedent set growing

up. In our home we were always taught don't hate white people, don't hate the person who did this. So I didn't see it as being out of character to meet with him.

Q. It was really a part of the family's practice and process, wasn't it? Did you go with your grandfather to visit your grandmother's killer in prison?

A. Well, no. Actually, while she was on the operating table we walked over to where he was being kept, because there was an altercation to apprehend him. He had to have

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1515

treatment as well. We went over to meet with him.

My grandfather asked him why he did it. Essentially he said, I came to get you, and when I get out, I'm going to get you. My grandfather simply said, son, God bless you, and I'm going to pray for you and I'm going to forgive you for your sins.

Of course, standing there witnessing this at a very young age helped me to understand what forgiveness was all about, and having that strong spiritual foundation and base is really what has sustained us for all this time.

Q. So it is not just your father's example in life and times but your grandparents as well?

A. Yes, that's correct. When my father was killed, I remember a lot of things that happened, but I wasn't old enough to really understand, you know, the whole forgiveness concept. I do remember it was an ominous period.

I remember us really feeling very awkward about him coming back to Memphis that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1516

last time. For whatever reason, we felt something was going to happen. I know I felt that. It was very ominous. That was the

extent of it. I didn't know why.

Q. Now, did there come a time when you progressed in your consideration of this case and the family's quest for answers and truth that you decided to ask the Justice Department or the President of the United States in the first instance to open an investigation?

A. Yes.

Q. What has happened with respect to that request and would you describe how it has proceeded?

A. Yes. Well, initially we had a meeting with President Clinton asking him to open an investigation. At that time we were requesting what we saw as a similar model to South Africa's Truth & Reconciliation Commission. We really felt if this truth was going to come out, it had to be done in the context of amnesty or immunity and a healing, a cleansing, that when there are crimes against the people, if you will, by the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1517

State, there has to be some type of process so that people can come forward without fear of reprisals.

So that was our first request. And that was not granted. What he said he would do is he would speak with the Attorney General, Janet Reno, and ultimately she made the decision that she would do what was called a limited investigation, which would focus on, quote, new evidence.

What we tried to explain to her is that we believe that while you can refer to the, quote, new evidence ala Donald Wilson, ala Loyd Jowers, the old evidence, quote, was flawed. In fact, it has not thoroughly been reviewed.

So to pigeonhole it into this, quote, new investigation or only focusing on new evidence, is probably not going to serve us because you are only going to be in effect drawing conclusions that don't deal with the

a holistic picture.

In order to do this, and the last time I checked, there is no statute of limitations on murder, but the reality is

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1518

that, you know, you have to deal with everything, and yet that request was not granted. So we were very disappointed. But we wanted to at least in the spirit of, you know, reconciliation, give the powers that be the benefit of the doubt to try and come up with something that made sense.

We still to this day don't know where that stands. But I can say that I'm not optimistic, because I just -- the signs or the things that typically would point towards optimism have not been evident. This is totally a gut feeling.

I noted it is customary to be silent during an investigation until all facts are in, but the thing that has always been ironic

to me is that if we're the victims of the family, then everyone from the DA locally to the Justice Department is supposed to represent our interest, at least that's what I thought growing up watching Perry Mason and everything and the like, but in this instance it seems like we have been put on the opposite side of State, and we've, rather than being embraced and our cause being

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1519

supported and us getting equal justice and fighting for our rights, we've been almost summarily dismissed.

So I don't know. I mean, I always try to remain optimistic. I do believe there are things bigger than all of us that can intervene and ultimately in the end, as my father would say, the arc of the moral universe is long, but it bends towards justice. To me I interpreted that as meaning it may not come out in your lifetime, but in

time all things are revealed.

Q. But what about those who finally say that this is important for the family and it is important for you from a personal standpoint that the truth be developed and it emerge, but is it necessary for the nation, for this Republic, to go through this siege, this anguish, this torment again?

A. Oh, certainly. Anyone who says just let it go, I mean, let's face it, nothing is going to bring him back, the thing that will certainly resolve and allow for healing, closure and healing, is resolving it so it is not still in this land of uncertainty.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1520

Anyone who has had a tragedy -- certainly my family is high profile, but we're no different than any person who has lost a loved one and just simply want to know what happened, whether it is a car accident or anything. I mean, you want to know how

your loved one left, if you will.

Certainly in this instance where there was so many questions that were not answered and this thing was put to bed so quickly, it is always inevitably going to come back up.

So what has been happening is that for whatever reason there are those who have tried to suppress it, don't want to deal with it, because it is a can of worms, but I have to say, like anything that has not been resolved, it will haunt you until it is resolved. And that's not just the victim.

It is the victimizer. It is those who represent the victims and the victimizers, because we are all, as my father used to say, inextricably tied together by a garment of destiny.

You cannot separate and say, well,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1521

that happened then, so we shouldn't deal with

it, because to me it is just like it was yesterday. I mean, I remember what I was doing when he was killed. I remember details of everything. And because that has not been resolved, I know for me personally it has affected me in so many ways didn't even realize until recently of thinking I had dealt with and I really had not.

So this in a real sense from a personal side but then from a holistic side, in terms of the people, in terms of the masses, yes, it has to be dealt with because it is not about who killed Martin Luther King, Jr., my father, it is not about necessarily all of those details, it is about why was he killed. Because if you answer the why, you will understand the same things are still happening. Until we address that, we're all in trouble, because if it could happen to him, certainly it can happen to -- if it can happen to this family, it can happen to anybody.

Q. In his honor's courtroom here -- this

may be a court of last resort, Mr. King.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1522

A. That's correct.

Q. -- why should the nation, this

Republic, be concerned about the why, about

the why and the how of what happened to

Martin Luther King, Jr., aside from the

family interest, the nation, this Republic,

why is it important to know?

A. Well, it is important to know so it

will not be repeated. That's the injustice.

It should not be repeated. That if we say

we're true to our calling, as he talked about

in the "I Have a Dream" speech, about the bad

check, he talked about the importance of all

Americans coming together, black, white, it

didn't matter, but people of goodwill being

given an opportunity to have life, liberty

and the pursuit of happiness, that's what

we're all here for, and how can you have that

in a so-called democracy if the democracy, if

the State, the Republic, do not like what you are saying and you are told from childhood that you have freedom of speech, freedom of press, freedom of all this, but the fact of the matter is if what you are saying goes against what certain people believe you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1523

should be saying, you will be dealt with, maybe not the way you are dealt with in China, which is over, but you will be dealt with covertly and in some way the same result. The result is the same.

Personally I would rather someone tell me you have no rights, you can't speak, than to think I have the rights and yet I'm in mental bondage because I'm thinking I'm free all along but there is a long leash that the minute I say something that doesn't fit with the elite or with the special interests, I'm in trouble.

That is what Martin Luther King,

Jr., represented, someone who spoke for all of us, who spoke for the least of these who were not heard. That's why this is important, because this really opens the issue up of why he was taken from us in the first place.

Q. I'd like you to address two final issues, if you would. There has been evidence in these proceedings that photographs were in fact taken of the assassination by military personnel.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1524

A. Uh-huh.

Q. They were on the roof of a fire station, no less. In all likelihood, those films, those photographs, of the entire event of the assassination of your father exist today in some archive, deeply buried, perhaps, but in some archive of the Pentagon.

What would you say to the Department

of Defense, to the military intelligence structure of the United States, to the government of the United States that controls perhaps that photographic visual evidence of the truth in this case, what would you ask them to do with that information, those photographs?

A. I think the information should obviously, all of it, should come forth, should be brought out. I understand why it hasn't been.

There is fear, obviously, that if the truth were to come out, who would -- what would that say? I mean, really, we are talking about, quote, a political assassination in modern-day times, a domestic

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1525

political assassination.

Of course, it is ironic, but I was watching a special on the CIA, and they say, yes, we've participated in assassinations

abroad but, no, we could never do anything like that domestically. Well, I don't know, but what's to say, you know, whether you call it CIA or some other innocuous acronym or agency, killing is killing.

The issue becomes what do we do about this? Do we endorse a policy in this country, in this life, that says if we don't agree with someone, the only means to deal with it is through elimination and termination? I think my father taught us the opposite, that you can overcome without violence, that there are ways, because when you use violence, you leave residue that the next generation will come back, and it is a vicious cycle. You never solve the problem.

So I would say that all information, evidence, should be -- there should be full disclosure. To be honest, I mean, if the family of the victim -- if you want to look at it in terms of first right, if there is a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1526

protocol, if we're saying we can forgive and let people off the hook, then why can't anybody else?

I mean, if you can measure suffrage, and technically we say, well, we suffered the greatest loss, if you can measure it that way -- I'm not saying you can -- but if we're saying we're willing to forgive and embark upon a process that allows for reconciliation, why can't others? That's all.

Q. This action -- finally, this action is against Loyd Jowers as a defendant and other unknown conspirators. If evidence emerges at this trial in this civil courtroom that could or should result in the prosecution, the criminal prosecution of other individuals, is the family interested in pursuing criminal prosecution of others known and unknown involved in this assassination?

A. No. We have never been interested in

criminal prosecution. As I stated before,
this was not about and is not for us about
retributive justice. We're not in this to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1527

make heads roll.

We're in this to use the teachings
that my father taught us in terms of
nonviolent reconciliation. It works. I
mean, we're living together in the South
today because of that great movement, black
and white together, different types of
advances that have occurred as a matter of a
peaceful, nonviolent movement. We know that
it works.

So, therefore, we have to be true to
our cause. We have to practice what we
preach. So what we're saying is that we're
not looking to -- we're not looking to put
people in prison. What we're looking to do
is get the truth out so that this nation can
learn and know officially.

I frankly feel I already know the truth. And, I mean, if the world never finds out officially, it is never broadcast across the world, that's a tragedy. But I can move on with my life knowing that I now know what happened. I believe that in my heart.

So this proceeding is almost really technically our final legal remedy, and I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1528

think -- I know it has been long and drawn out and the jury has had to do such a tedious task at deciphering all of this body of evidence, and I think -- and testimony, and I think that that certainly has to be considered, that there was no other way to do it, this was a last resort, we tried everything, we did everything humanly possible.

We've not gained anything. We've lost financially. We've -- I could spend days giving you countless examples of the

agony and the defeat. And when people ask that question, are you in it for money, what money? People back away. Everybody I know who has been associated with this has been -- has paid a price. You know, I don't -- it is not a benefit.

The only benefit is that the truth has to ultimately come out, because that's what we all believe in. I believe we all stand for justice and want the right thing to happen. So ultimately as a last resort in this proceeding, to say that we're not looking for great remuneration, it is the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1529

total opposite, we're looking for nominal damages, but we're looking for the truth.

And you can't put a price on the truth.

So that hopefully answers your question.

Q. It goes a long way to it, but in terms of Mr. Jowers, and the final issue is

an issue of damages, Mr. King, because this is a civil action, a wrongful death action against the defendant, and damages inevitably raises its head, and whilst you have said we're only interested in nominal damages, that needs in a plea to the jury to be spelled out with a degree of more specificity.

What would be in your mind an appropriate sort or type, quantity, number of damages and for what purpose would those damages be used if you were to ask this jury to award damages with a number figure, what would make sense to you and the family at this point in time?

A. Well, the number I'm a little bit fuzzy on because, you know, numbers are so subjective. But let's just say for the sake

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1530

of this proceeding, let's say we were granted a hundred dollar --

Q. Suppose the request were to be framed in terms of a hundred dollars which would go toward the funeral expenses of your father. What would you do -- if that were the case and you were given that award, what do you think you might appropriately do with that money?

A. I think it would only be fitting that any sum of money, no matter how small or large, go to benefit some cause that he would have wanted or been associated with. Because this is Memphis, because of what it represents, he was here supporting the sanitation workers for their plight, and I would certainly support and want to see some benefit, whether it be their welfare, the Sanitation Workers Union Welfare Fund or something along those lines that the family could contribute that sum to and even, you know, contribute more out of our pockets. I just think that we need to bring closure to this. It something as minimal as the fact that even to this day I have awkward

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1531

feelings when I come here. I'm still -- it is not any reflection of the people, because the people are wonderful. Everybody rolls out the red carpet, bends over backwards to be hospitable.

But until this injustice is settled, then all we can really do is try to deal with what he would have done, and he was here to support a campaign that dealt with man's inhumanity to man, and now that we're rounding out and coming to the end of this journey, my hope is that this will be not an ending but a beginning, a launching pad, so that an example can be set here in this courthouse in this city and in this state to show people, to send a message that it does not always have to be the way that people think or what they assume, that impressions and opinions, no matter what anybody writes in a column or an editorial, that hopefully

people's hearts have been moved and their heads have been dealt with and there will be a verdict that is one of fairness and justice.

MR. PEPPER: Mr. King. Thank

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1532

you very much.

THE COURT: Let's take a break

before cross-examination.

(Jury out.)

(Short recess.)

THE COURT: Mr. Garrison, do you

want to cross-examine the witness?

MR. GARRISON: Do you want to

bring the jury?

THE COURT: Yes. That might be

a good idea.

(Jury in.)

THE COURT: All right. They

wanted to start without you all, but I told

them we can't do that.

You may proceed.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Good afternoon, Mr. King. How you are today?

A. Fine. How about yourself?

Q. Fine. Thank you. Mr. King, you and I have talked about this matter quite a few times, haven't we?

A. Yes, we.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1533

Q. As a matter of fact, I've been to Atlanta and I've talked to your family and you about this, haven't we?

A. Yes, we have.

Q. When Mr. Jowers met with you in Jackson, Tennessee, and again Little Rock, Arkansas, with you and Ambassador Young, he freely and voluntarily told you what he knew about this case. He answered your questions the best he could. Am I correct, sir?

A. Yes, he did.

Q. Mr. King, when you met the first time with Mr. Jowers, he apologized to you for any part he may have played in this, didn't he?

A. Yes, he did.

Q. And he also told you that he did not know at the time that the main target was Dr. King, he told you that, didn't he?

A. He did say that.

Q. That he had no idea that Dr. King would be assassinated or knew anything that was going on?

A. That's true. He did say that.

Q. I believe he also told you that he was -- he had an agreement or had been asked

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1534

by Mr. Liberto to handle some money and he had handled money before on other occasions before this. Do you recall that?

A. Yes, I do.

Q. Let me ask you, Mr. King, you had

talked to Mr. Jowers and Ambassador Young,
too, about immunity for him, did you not,
sir?

A. Yes, we did.

Q. In fact, Reverend Lowery, what was
his position?

A. He was President of the Southern
Christian Leadership Conference.

Q. And he came here and spent the better
part of a day and met with Mr. Gibbons in an
effort to try to obtain immunity for Mr.
Jowers. You are aware of that, aren't you?

A. Yes, I am.

Q. And Mr. Gibbons refused?

A. That's correct.

Q. Can you tell us this: Did you ever
have any meeting with either Mr. Campbell or
Mr. Gibbons from the District Attorney's
Office?

A. Yes, I did.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1535

Q. Okay. Did they ever explain to you as to why they were so against having this rifle tested?

A. Yes. They basically said, and I don't recall the exact outcome of the conversation, but essentially they felt it would be a waste of time, that the rifle had been tested previously and it was inconclusive. So why is it going to change now?

Q. Dr. Pepper asked you a moment ago about there had been some discussion or some -- something in the news media about the fact that you and your family had been manipulated. You investigated this quite a bit before you started this action, did you not, sir?

A. Yes. I guess the total of information that has come forth has just been overwhelming.

Q. And let me ask you this, Mr. King: Based upon all the information that has come to you within recent years and the witnesses

that have come forth, isn't it true that you
have made the statement that you thought that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1536

from the President, who was Lyndon B.

Johnson, on down were part of this or knew

that this was going to happen?

A. Well, no, actually that statement was

taken out of context. I was asked by a

journalist or interviewer, Forrest Sawyer, to

be exact, from ABC -- I guess it was Turning

Point was the program -- whether I felt

President Johnson was involved or knew about

it, and I simply made the comment, which, of

course, got edited out, prefacing by saying

if what Bill Pepper says is true or has

written in his book is true, then I would

find it very difficult for something of this

magnitude to occur without the Commander in

Chief, in other words, if the military were

involved just based on my knowledge of

protocol and structure, the way the military

operates, then the Commander in Chief would have to give certain orders in order to mobilize certain forces.

Q. All right, sir.

A. But, of course, the way it was edited, it said that I said, yes, President Johnson was involved and knew about it. I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1537

however, did also say that the FBI -- it was a known fact that Director Hoover had a major beef, if you will, and certainly a hatred towards my father and had stated publicly and it is in fact public record that they actually harassed him, surveilled him and did other things to try and discredit him. That is public record.

Q. Dr. Pepper asked you about

Mr. Wilson. Are you familiar with what has happened to the notes that Mr. Wilson had?

A. Yes.

Q. What has happened to those notes?

A. The Justice Department has confiscated them to try and authenticate them. To my knowledge, I assume they are still in the custody of the Justice Department.

Q. As far as you know, there has been nothing -- no test or anything that would tend to say that these were fabricated or a forgery. Am I correct, sir?

A. That's correct. I was actually told by a reporter who had been in touch with the Justice Department that they could not rule

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1538

them out, and they are trying to figure out how to, for want of a better word, how to classify them in order I guess to make them either -- what I'm told inconclusive is sometimes a way of saying not conclusive, and, you know, it is like "inconclusive" leaves you still in the balance, but I believe if you can't rule it out, certainly

you can't say that it is a phony.

Q. Were you aware of the investigation by the local District Attorney that started back in 1993 and that they concluded in 1998, were you aware of all of that?

A. That they started -- I'm sorry?

Q. I believe in 1993.

A. That who? Could you repeat who?

Q. The local District Attorney started an investigation into some new allegations and things. Are you aware of that?

A. I've been generally aware, not specifically, in terms of the details of that.

Q. Let me hand you a report, Mr. King, and ask you if you have seen this before, which was provided to the District Attorney's

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1539

Office?

A. Yes. This is the more recent report. When you said 1993 --

Q. I think it says it started in 1993.

I think the report itself says that. A copy was delivered to your family I believe in Atlanta the last year in March.

A. Yes, I have seen a copy.

Q. That was provided to you.

MR. GARRISON: Your Honor, I'd like to have that marked as an exhibit to his testimony.

(The above-mentioned document was marked Exhibit 33.)

Q. (BY MR. GARRISON) You've seen the report and read it, haven't you, Mr. King?

A. Yes, I have. It has been quite some time, a couple of years, since I have.

Q. Let me ask you, did you learn that the government had sealed the records of the investigation of your father's assassination?

A. Yes.

Q. Did you ever question any one as to why those records were sealed?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1540

Q. What answers did you get?

A. Well, I was told that there was information that might be incriminating, that could possibly incriminate government involvement or corroborate government involvement, and I was also told that there may have been information fabricated, that there was definitely information that the FBI fabricated to try and discredit my father, and that that information could possibly also be included in that -- in the sealed records as well.

Q. Mr. King, based upon what information you have obtained over the last few years and information that has come to you, Mr. Jowers really played a very small part in this, didn't he?

A. Well, it depends on what you call "small part." I mean, certainly I would see him as a specific conduit, if you will.

Whether he was the person -- if you are

asking me whether he was the person who
orchestrated and planned and put all the,
quote, conspiracy together, I would have to
say, no, I do not believe he was, quote, the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1541

brains behind this conspiracy.

Q. According to his discussion with you,
he was simply doing things he had done
previously for this person that he named as
Frank Liberto?

A. That's correct.

Q. And he was doing the normal things he
thought were normal in carrying out the
instructions of Frank Liberto. Am I correct,
sir?

A. Yes, you are.

Q. That's pretty much what he said?

A. That's correct.

MR. GARRISON: I believe that's
all. Thank you, Mr. King.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Mr. King, you made your position, the family's position, clear with respect to the feelings about Mr. Jowers and how you would regard him at this point and what you feel should take place. Mr. Jowers' counsel just asked you if Mr. Jowers advised you in the meetings that he did not know about the details or about the assassination and about

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1542

who the person was that to be assassinated.

And you answered yes, he did state this.

Let me ask you once again, finally, did you believe then, do you believe now, that Mr. Jowers was telling you the truth with respect to that point, that he did not know who was being assassinated?

A. No, I do not believe he was telling me the truth at that time. I believe that -- he definitely said that he did not know, but I don't believe that part. I think he was

telling the truth up until that point.

I just sensed -- and Ambassador

Young and I talked about that fact -- that he
seemed very uncomfortable admitting that much
knowledge to, you know, to me basically.

Q. Going that far?

A. Exactly, being the victim's family.

And I could understand why.

MR. PEPPER: Thank you,

Mr. King. Nothing further.

RE-CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. King, let me ask you this: He
met with you voluntarily at his own expense

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1543

and fully cooperated with you, didn't he?

A. Yes, he did. As you know, it was --

there was hesitation initially until we
finally were able to work everything out.

The fear of prosecution was always an issue.

I believe that -- I just felt that he was

getting this off his chest.

Q. All right. But the first thing he did was apologize to you for anything that he may have done that would have caused the death of your father, didn't he?

A. He did.

MR. GARRISON: Thank you, sir.

THE COURT: All right. You may stand down, sir. Thank you.

(Witness excused.)

THE COURT: Does that complete the plaintiffs' proof?

MR. PEPPER: Being our last witness, your Honor, the plaintiffs rest.

THE COURT: All right.

Mr. Garrison, do you want to go forward?

MR. GARRISON: Your Honor, I have some witnesses that were here earlier.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1544

I let them go until ten in the morning. I

didn't know how far we were going to
get.

THE COURT: We were prepared to
go on to midnight if necessary.

MR. GARRISON: I hope you are
joking, Your Honor.

THE COURT: All right. We'll
adjourn until ten o'clock tomorrow morning.

(Jury out.)

(The proceedings were
adjourned at 4:20 p.m.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1545

THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE

THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

CORETTA SCOTT KING, MARTIN

LUTHER KING, III, BERNICE KING,

DEXTER SCOTT KING and YOLANDA KING,

Plaintiffs,

Vs. Case No. 97242-4 T.D.

LOYD JOWERS and OTHER UNKNOWN

CO-CONSPIRATORS,

Defendants.

PROCEEDINGS

December 2, 1999

VOLUME XI

Before the Honorable James E. Swearingen,

Division 4, Judge presiding.

DANIEL, DILLINGER, DOMINSKI,

RICHBERGER & WEATHERFORD

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1546

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DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1547

- INDEX -

WITNESS: PAGE NUMBER

REV. SMAUEL B. KYLES

Direct Examination

By Mr. Garrison ----- 1551

Cross-Examination

By Mr. Pepper ----- 1577

Redirect Examination

By Mr. Garrison ----- 1598

FRANK W. YOUNG

Direct Examination

By Mr. Garrison ----- 1599

Cross-Examination

By Mr. Pepper ----- 1613

ELI ARKIN

Direct Examination

By Mr. Garrison ----- 1621

Cross-Examination

By Mr. Pepper ----- 1635

REBECCA A. CLARK

Direct Examination

By Mr. Garrison ----- 1641

Cross-Examination

By Mr. Pepper ----- 1649

JOHN DOE (By Video)

Direct Examination

By Mr. Garrison ----- 1676

EXHIBITS

34 ----- 1596

35 ----- 1601

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1548

P R O C E E D I N G S

THE COURT: Mr. Garrison and

Mr. Pepper, I'd like to see you.

MR. GARRISON: Sir?

THE COURT: Come up here.

(A bench conference was held at

sidebar outside the hearing of the jury.)

THE COURT: Bring the jury out.

THE SHERIFF: Yes, sir.

(Jury In 10:25 a.m.)

THE COURT: Good morning, Ladies and Gentlemen. Before we get started, the Court has another matter that it has to deal with. Mr. Campbell, would you come around, please, sir.

THE COURT: Mr. Campbell, my deputy had these pictures processed, and it appears that you did take pictures of the jurors in violation of the Court's order.

MR. CAMPBELL: I did not realize that. It wasn't on purpose, Judge. I tried to get Mr. King, and I guess I got everybody from the angle I had.

THE COURT: Well, I'm hoping it was inadvertance rather than deliberate.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1549

And, of course, I'm going to reflect that in my judgment. But I do find that you're

violating of the order was an act of contempt, and I'm going to impose on you a fine in the amount of \$25 which would cover the cost of the rapid development of this film and the cost that my deputy had to incur in gas and time for having them developed.

MR. CAMPBELL: I understand.

I'm surprised they came out very good -- good at all.

THE COURT: All right. You can settle up with the deputy.

MR. CAMPBELL: Okay. I'll have to do it later. I ran down here with no money at all. So I'll catch you --

THE COURT: Well, we sure would hate to have to put some handcuffs on you.

MR. CAMPBELL: Don't do that.

Don't do that. I can get it. I just got to get to the bank. When we have a break, I'll go out and bring it back.

THE COURT: All right. You will do it before 12 o'clock.

MR. CAMPBELL: Yes, sir. I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1550

would like to stay for this and --

THE COURT: Well, if you

consider that more important than taking care

of this --

MR. CAMPBELL: Dr. King is more

important to me.

THE COURT: You can do it like

you want to. But at 12 o'clock it's either

paid or I'll send you --

MR. CAMPBELL: I'm going to sit

here for a while, and then I'll go out.

THE COURT: I'm not going to

advise you on it.

MR. CAMPBELL: I got you,

Judge. Thank you.

THE COURT: Mr. Garrison, are

you ready to proceed?

MR. GARRISON: Yes, Your Honor.

THE COURT: All right, you may.

MR. GARRISON: Call Reverend

Kyles.

REV. SAMUEL B. KYLES,

Having been first duly sworn, was examined
and testified as follows:

THE WITNESS: Your Honor, may I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1551

just have -- reflect for the record that I
was subpoenaed to come, not of my own free
will.

THE COURT: All right, sir. Let
the record reflect that Reverend Kyles is
here under subpoena.

DIRECT EXAMINATION

BY MR. GARRISON:

Q. Good morning, Reverend Kyles.

A. Good morning.

Q. Let me ask you, sir, if you will tell
us your full name.

A. Samuel Billy Kyles.

Q. All right. And, Reverend Kyles,
you've been around Memphis a long time,

haven't you?

A. 40 years.

Q. And what presently do -- what do you do presently?

A. Pastor, Monumental Baptist Church.

Q. All right, sir. And how long have you been a pastor of that church?

A. 40 years.

Q. All right. You were here, Reverend Kyles, during the Sanitation Strike; were

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1552

you, sir?

A. I was.

Q. All right. And did you have the occasion during the Sanitation Strike back in 1968 to have some conversation or association with Dr. Martin Luther King, Jr.?

A. I did.

Q. Tell us, Reverend Kyles, during that time when you first recall having any conversation with Dr. Martin Luther King.

A. The garbage workers had been on strike, I think in February. And I was in Miami, Florida, with a group of ministers from around the nation. Dr. King had called a group of us down there. And I got the word that the garbage workers had gone on strike. And I said, just rather offhandedly, you may have to come to Memphis to help us out on the strike. I had no idea it would go that long.

And, of course, when the strike picked up momentum, we called and -- "we" being a group called Community On The Move For Equality -- called Dr. King about coming to Memphis to make a speech for us. This was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1553

in March.

Q. Of 1968?

A. Of 1968, yes, sir. And the staff says, well, he doesn't have time to come.

We're behind schedule on the Poor People's

Campaign. But he overruled the staff and came because he thought that the garbage strike was so important and was very akin to what he was doing with the Poor People's campaign. So that was our beginning conversation about the strike.

Q. Let me ask you something. Back before -- before March of 1968 had you -- had you had some association with Dr. King? Had the two of you been together in revivals or preaching or anything like that?

A. We were pastors together, and we were in the same convention. He was president of the Congress -- or one of the vice presidents of the Congress. But the meeting I mentioned in Miami was a meeting that SCLC had called of ministers of urban communities to see what we could do about the violence and other things happening in the community.

Q. All right, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1554

A. So we had a relationship before his coming to Memphis.

Q. All right, sir. Now, when Dr. King first came to Memphis -- that was in March of '68; am I correct, sir? The first time -- during the first march that they had.

A. Yes, for a speech.

Q. And were you in his presence some during the time when he first came here?

A. I'm sorry.

Q. Were you in his presence some of the time --

A. Yes.

Q. -- when he first came here?

A. Yes. Each time he came I was involved.

Q. Let me ask you, Reverend Kyles, did you have any conversation or any meeting with Dr. King before the first march that was held here in Memphis?

A. Yes. That's -- he came to make the speech -- not the Mountain Top Speech, but he made another speech when he finally came.

That -- don't hold me to dates, I just can't remember.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1555

Q. That's fine.

A. But I'm fairly certain it was March.

Q. All right, sir. Let me ask you, when the march was held, there was some, I guess, violence you call it. Were you present at that time with Dr. King?

A. Yes, sir, I was.

Q. You were in the march?

A. I was, yes.

Q. All right. Now, when he left Memphis to go back to Atlanta -- at that point did you have any conversation with him about coming back to Memphis?

A. Yes. During the march break-up, the police had been just so vicious and so violent. There were a number of young guys who really started breaking out windows during the march. And rather than isolate

them, the police just waded into the crowd
and started beating anybody just randomly. I
was not at the front of the march because I
was trying to give some direction in the
back.

And I could hear on the police radio
the officers -- I heard this -- this sound.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1556

I didn't even make it to Beale Street. I was
still on the street leading up to the
church. And I heard this noise. And I could
hear a sound, and I could hear the police
saying: Permission to break up the
march. Permission to break up the march.
The Negroes are rioting. The Negroes are
rioting.

And finally the permission was
granted. And he said, permission granted.

I'm listening to this on a police radio. And
then this wave of people started coming back
to the church. They started spraying tear

gas and just beating people randomly. My six-year old daughter was sprayed in the eyes with mace by some big burly policeman.

But they were quite vicious. And we were concerned for Dr. King's safety. So we flagged a car down. I wasn't an eye witness to this, but this is how I'm told it happened. They flagged a car down and went to -- took him to the nearest motel -- hotel, which was the Rivermont Hotel. After things had calmed down, I finally went by the hotel. He was lying on the bed fully dressed

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1557

and was very depressed.

Q. Is that the Rivermont Hotel?

A. Yes, the Rivermont Hotel.

Q. Yes, sir, go ahead.

A. He was very depressed. And he said, Billy, what happened? I said, I don't know. I don't know. He said, well, we have got to have a peaceful march in Memphis. If we

don't have a peaceful march in Memphis, we can't go to Washington. The Washington march was not going to be a march. It was really a campaign for poor people. He had -- he had gathered poor people from the African-American community, from Native Americans, Appalachian, whites.

And it was not a case of going to Washington making speeches and leaving, but we were going to build tents and live in Washington until this nation did something about its poor. So he said, if we don't have a peaceful march in Memphis, we can't go to Washington. And so we determined that -- he determined that he would come back.

That's how all the staff happened to have been in Memphis at the time of the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1558

assassination because he sent the staff in to workshop Memphis so we could have a peaceful march.

Q. All right, sir. Now, when he came back to Memphis, which was what, April the 3rd --

A. Yes.

Q. -- '68? Did -- were you present when he arrived in Memphis?

A. No. I did not go -- I was -- I was not at the airport. I was at the church. He came from the airport to the church and had a press conference there at Centenary United Methodist Church where Jim Lawson was pastor.

Q. And I believe that plans were made at some point that he and Reverend Abernathy and some others would dine in your home that afternoon; am I correct, sir?

A. No, that was -- not -- not that day.

The 3rd they had dinner at another place -- at another home. Usually when you're on the road like that and you -- you're eating hotel food all the time, it's kind of expected that somebody locally would have a home-cooked meal. And so someone else had it the 3rd.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1559

Q. On the 3rd. It was your home on the 4th.

A. The 4th, yes.

Q. All right. I've got my dates wrong.

So you were on the 4th. During the date now of the 4th of April, 1968, would you tell us what happened that day as best you recall, what transpired between you and what you saw

Dr. King --

A. Yes. Dinner was to be served at my home at six o'clock.

Q. 6 p.m.?

A. Yes.

Q. And what time did you first talk to him that day or see him that day?

A. It was earlier that day. I think we had a minister's meeting at one of the churches, and then he went back to the hotel -- to the motel -- the Lorraine Motel.

He went back there to conduct some meetings.

One of the things that he was really

concerned about -- and I think the last staff meeting that he had, he got a recommitment to non-violence from his staff.

He said, this is a non-violent

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1560

movement. And even if you don't embrace non-violence as a philosophy, you have to embrace it as a tactic because we're non-violent. Now, anybody that really can't embrace non-violence cannot be in this movement. He was very, very clear on that.

And he was meeting during the day with several groups including his own staff.

I went over to the motel about 4 o'clock. I told he and Ralph that dinner was at 5 because we were already running so late.

When I got to the room, knocked on the door, and they let me in. And I said, okay, it's almost 5 o'clock. And they said, oh, no, we called the house, dinner is not until 6, and we're not in a hurry. And that gave me that

wonderful privilege of spending the last hour, he and Abernathy and myself, in Room 306 waiting for the 5 o'clock hour -- or the 6 o'clock hour.

Q. Now, I know I've seen you talk about this. You said you talked preacher talk while you were there, is that --

A. Well, the night before -- the

Mountain Top Speech was so unusual, so

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1561

different than what we had heard. The reporters were very curious as to what mood he was in the next day and how -- had he come off that. The Mountain Top Speech almost didn't take place because there were thunder storm warnings that night, and it was thundering and lightning and raining.

And he thought there would not be many people at the temple. So he told Abernathy, Jesse Jackson and myself and others to go over and have the meeting. He

would stay at the hotel and work on the Poor
People's campaign.

Well, when we got there, there
were -- the place was nearly full -- more
than half filled. And even though it was
raining and thundering and lightning, people
came. And so when Abernathy walked in and I
walked in and Jesse Jackson walked in, the
people started clapping. And Abernathy's
preacher sense told him -- he said, these
people are not clapping for us, they think
Martin is behind us. Show me a phone, let me
go call Martin. So he went and called him.

He said, man, you need to get over

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1562

here. These people have come to hear you.

And we're not -- I'm not making a speech
tonight. And so he said, if you think I need
to come, I'll come. We almost missed his

Mountain Top Speech. But he did come and --

and that night he dwelt on death more than I

had ever heard him.

He talked about the time that he was
stabbed in New York City. A woman came up to
him and said, are you Dr. King? He said
yes. And she stabbed him in the chest with a
letter opener. And he said of all the --
he's telling this at the meeting.

He said of all the greetings I got,
the most telling came from a young girl who
wrote: Dear Dr. King, I read about your
misfortune. And the paper said that the
blade was so close to your aorta that if you
had sneezed, you would have drowned in your
own blood. And she put at the bottom: I'm
glad you didn't sneeze.

And he picked up on that and did a
whole litany on I'm glad I didn't sneeze. If
I had sneezed I would have missed the march,

I would have -- he just listed all of the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1563

things he would have missed. And by that

time we were on our feet, we were crying, and there was such passion and pathos in his voice. I mean, we just -- we didn't know what to do.

And he just said, I'm not fearing any man. I may not get to the Promise Land with you, but you -- we as a people will get to the Promise Land. And I thought about that. And I'm so certain that he knew he wouldn't get there, but we couldn't stand to hear him say, I won't get there. So he said, I may not. He softened it for us. I may not get there with you. And it was such a powerful presentation.

And so the press was very curious as to what mood he was in after that. But after that, the next day, he was all right. I mean, he was back doing what he needed to do.

Q. Let me ask you this. At that point had you been aware of threats against Dr. King? Had you heard about it or had any first-hand knowledge?

A. That was always the case. There were

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1564

always threats. There were always threats.

Q. How were these threats communicated, through telephone calls, or how did they come about?

A. I'm sure many of them were phone calls. Some of them were written. But he --

he would say that he's not going to -- he's

not going to live in that fear. He just

wouldn't let that -- and I think part of what

that speech was about at Mason Temple was

preaching through the fear of death. He

preached it out of him. He just got it out

of him. He said, I'm just not fearing any

man. I'm not worried about anything.

And I'm not sure he knew that it was

as imminent as it was. But he -- he just

preached through it. And then -- and lived

with -- with that fear.

Q. Now tell us, Reverend Kyles, on the

day of the assassination what happened there. Walk us through that if you can.

A. When I went to -- to get them at the motel and told them it was time to go and they said, no, no, no, we got another hour.

So in the room, Abernathy had washed one of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1565

those drip-dry shirts, and he couldn't button it. So he took it off. And he said, Ralph, you mean you're not going to wear that -- that shirt, and I washed it? He said, I can't button it.

So he took it off. And he was

speaking very kindly about his father and mother. Three preachers in the room really talking. Ralph needed an Evangelist to preach a revival in Atlanta. And Martin said, why don't you get Kyles? And when I was told -- I said, what date is it? And they gave me the date. I said, well, I will be in Columbus, Georgia, preaching for Fred

Lofton, who is now pastor here of
Metropolitan. He was in Columbus.
Martin said, wait a minute. Anybody
with good sense would rather spend a week
preaching in Atlanta than Columbus, Georgia.
So I said, does that mean I don't have good
sense? He said, I didn't say that. Hear
what I said. Anybody with good sense would
rather spend a week preaching in Atlanta.
And it was very light. And I'm so glad it
was. It was light conversation.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1566

He talked about what we were having
for dinner. And we had recently purchased a
new home. And he said, now, if we go there
and you bought a home and can't buy furniture
and -- like a friend in Atlanta. A preacher
bought a house, I won't call his name, but we
had to eat on a card table, and the kool-aid
was hot and the ham was cold. He said, if
that happens at your house, I'm going to

spread it on you. So he was in a very light mood.

And we did that until about quarter to six and we walked on the balcony. He stepped on the balcony. And he was greeting people he had not seen. And he saw Jesse and he told Jesse -- Jesse Jackson -- you're not dressed for dinner. He didn't have a suit on or something. Jesse said, I didn't know a shirt and tie was a prerequisite, I thought an appetite was and I have that.

And he spoke to Chauncy Eskridge and his -- his lawyer from Chicago, and we stood together on the balcony. And someone said, it's going to be cold tonight. Abernathy was still in the room putting on shaving lotion.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1567

And Martin went back to the door. He didn't go in the room. He said, Ralph, get my coat. And he came back to the balcony and was greeting people again.

Jesse said, this is Ben Branch who is a musician from Chicago who grew up in Memphis. And Jesse Jackson was having a conversation with Martin and Ben Branch. Martin and I stood together greeting. I said, come on, guys, let's go. I got about five steps and the shot rang out. I looked back, and I saw him lying on the balcony. One of his feet was hanging through the railing. There was a tremendous hole in his face. There was a bigger wound under his shirt that we couldn't see, and there was blood everywhere.

And I ran in the room, picked up the phone to call an ambulance. The phone is operator assisted. The operator had left the switch board. She was out in the courtyard.

And when she saw that Dr. King had been shot, she had a heart attack. And she died the next day. She was the motel owner's wife.

And then I ran back out. The police

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1568

were coming with their guns drawn. And I hollered to them: Call an ambulance on your police radio. Dr. King has been shot. And they said: Where did the shot come from? And the picture you see of people pointing is in response to them saying "where did the shot come from?"

Q. Where were you at this point? Were you up on the balcony?

A. I was still up on the balcony running between the room and the balcony. When the police got there, they secured the balcony. Some people had come up, but they wouldn't let others come up. And then we finally got someone on the switchboard. They did call the ambulance. I took the spread from one of the beds in the room and covered him from his neck down. Someone put a towel to his face. And there was just -- just -- blood was just everywhere.

Q. Reverend Kyles, did you know a young gentleman named Marrell McCullough at that

point?

A. I heard his name, but I didn't know

who he was until -- I guess when this trial

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1569

started I knew who he was.

Q. That's the first time you ever heard

his name called?

A. No. I heard his name before, but I

really didn't know who he was.

Q. Well, was he up there that day when

Dr. King --

A. I'm told that he's on the

photograph. I don't know. I don't know him.

I didn't know him, so I don't know.

Q. Now, when Dr. King -- when the shot

was fired, are you still on the balcony or

were you going down the steps at that time?

A. No, I was still on the balcony.

Q. How many feet would you say you were

away from him roughly?

A. Five.

Q. Do you remember at that time which direction you were facing?

A. The -- I was going down the right side, so that would be north.

Q. All right. So you would have been facing north looking toward the back, I guess --

A. The back of the buildings on Main

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1570

Street.

Q. All right. And when you heard the shot, did it sound like a shot? Did it sound like a shot to you from a gun?

A. It's -- yes, it sounded like a shot.

But I really kind of thought it was a car back-firing until I saw people ducking.

Everybody on the ground took for cover. And then I realized it was -- it was the shot.

Q. All right, sir. And did you look back in the direction of the bush area of the rooming house and all -- did you look back in

that direction?

A. Yes. I did, yes.

Q. Did you see any movement of anyone in that area at all?

A. I did not.

Q. All right. And you had a clear view where you could see. Wasn't anything obstructing your view since you were up on the balcony; is that right?

A. Yes, I would have had a clear view.

I'm sure I looked in that direction, but I guess I was in such shock I can't -- I can't say that.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1571

Q. Reverend Kyles, you've talked to, I know, many, many people and read many things and had many conferences about this. Can I ask you this, sir. Is it your opinion or has it been your opinion that James Earl Ray acted alone in this case?

A. Never has. The first interview I

gave after that I said I was certain that there was a conspiracy -- that others were involved. I thought there was enough physical evidence to point to James Earl Ray. But all day that day of April the 4th, I heard on the radio and all the news casts: Martin Luther King, Jr., is back in town to lead a march. He's at the Lorraine Motel in Room 306.

And I finally mentioned that to Andy Young. I said, Andy, they're putting Martin's room number on the radio. And he said, yes, we need to check it. But I don't think he ever did because he was in court down here trying to get the injunction lifted against the march.

And I just knew that any news person who came into the -- into the news room and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1572

took that off the teletype would read that copy. But somebody had to put it in there.

And that -- that was just too many details to give in a regular news cast. So all the interviews that I've given over the -- over the years, I've mentioned from day 1 that I thought more people were involved than Mr. Ray.

Q. But you have no first-hand knowledge of anyone else.

A. I do not.

Q. Of course you didn't see anything else that day. Could you tell us which direction or which -- where did the shot seem to come from to you when you heard it? Which direction was it from the position you were standing in?

A. As I said, I thought it was a car back-firing. So I looked over the -- I looked over the railing when I saw people ducking. That's when I realized it was a shot. I don't know at what point -- I don't -- I really don't know if I'm one of the people pointing. I don't think I am. I mean, it's just -- I was in shock. I just

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1573

really don't know.

Q. Let me ask you, Reverend Kyles --

now, you had talked to Dr. King about the

Poor People's March which was, what, planned

for later in that year?

A. Yes.

Q. And had you planned to be a part of

that campaign?

A. Yes.

Q. Okay. And had Dr. King had any

feedback from anyone in the Capitol about

this march that you're aware of?

A. They did not want it to happen. It

was -- it was so dramatic. It was something

that had not been done before. If we had

gone to make speeches and come back, that

would have been okay. But when you talk

about building tents -- a tent city, which we

eventually did, and living on the mall, that

was different. That had not -- nothing like

that had been done with regard to the Civil Rights movement. And it was a very bold step.

And it had come to us that Martin was not to reach Washington with the Poor

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1574

People's campaign. There was no long-range plan for him even to come to Memphis because the staff really didn't want him to come.

They didn't have time. But I think the order was that he was not to reach Washington, so it happened --

Q. Are you aware of the speech with Senator Byrd a few days before that he made where he was very critical of Dr. King and indicated what would happen if the march took place, how he would tear up the Capitol, and how it would evolve around the world?

A. I know about that speech. I heard that. And also there was a concern that with as many soldiers being away at Vietnam that

if something broke out in Washington, it would just -- it would exacerbate the whole thing.

Q. Do you know of any security that was around Dr. King when the assassination occurred?

A. No, there was not. There was -- the police were there so quickly because they were stationed -- after the march broke up, every fire station in the black community had

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1575

a TAC squad comprised of local police, sheriffs, national guard and the like. And they had tanks and that whole thing. They had all of it. And they were just -- right across from the motel is a fire station, and they were there at that fire station.

Plus, we also found out that we were under surveillance. There were policemen in the fire house spying on us. I don't have the facts to this, but -- I mean, the

first-hand knowledge, but I was told that the young fellow who was assigned to do the surveillance that day had such guilt that he became an alcoholic, that he couldn't live with the fact that he had spied on Dr. King.

And I don't know -- subsequently I think he died. I don't know if he took his life or what.

Q. Did he have the same security on this visit that he had on previous visits from the police department?

A. No, because the police had been so -- they had been so vicious at that march that the committee -- the Committee On the Move -- the umbrella group that all of us worked

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(901) 529-1999

1576

under called COME, Committee On the Move for Equality, said we don't want the police around. We just don't want them around, and we'll deal with them later.

The security that they would have

had would have been at least two African-American policemen that they assigned to us at our discretion. And so it wasn't like a large contingent or something pulled off. It simply meant the guys who would be with him as bodyguards. But that had happened -- that had happened after that terrible march break-up by the police.

Q. Let me ask you, Reverend Kyles, do you know -- or had word reached Dr. King that Washington didn't want him to come up to the Capitol and have this --

A. Oh, I'm sure it had.

Q. Did you ever have a conversation with him about it?

A. No, I didn't.

Q. After the shot was fired, the only policemen that you saw were ones who came running up with their guns drawn; is that correct, sir?

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(901) 529-1999

1577

A. Yes, two of them -- two policemen.

Could have been three, but I think it was two.

Q. Did you see any movement of police cars in and around the area just down below the balcony there?

A. No, I did not.

MR. GARRISON: That's all I

have. Thank you.

THE COURT: Mr. Pepper?

CROSS-EXAMINATION

BY MS. AKINS:

Q. Good morning, Reverend Kyles.

A. Good morning.

Q. You testified that it sounded like a car back-firing. So I'm assuming that -- and tell me if I'm wrong. I'm assuming that the sound came more from a downward location than an upward location; is that correct?

A. I couldn't say. That could be true.

I mean, I just thought it was -- I didn't think it was a shot.

Q. But cars are usually on the streets

somewhere; is that correct?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1578

Q. That's true, okay. You mentioned that you were aware that there was some surveillance on Dr. King's activities; is that correct?

A. That's true.

Q. And -- now, would it surprise you if this surveillance consisted of video or audio surveillances? Would that surprise you any?

A. Oh, no, it would not.

Q. Okay. Would it surprise you that every move that was made by Dr. King was somehow being recorded?

A. No. We knew that.

Q. You knew that?

A. Yes.

Q. Okay. You testified that you knew that there was a young fellow who had -- was part of surveillance team. Was that the

first --

A. I was told this, yes. I don't know

him for sure. I don't know him.

Q. You don't know him. But you

testified that this person had so much guilt

that he later committed suicide.

A. No. I said he later became an

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1579

alcoholic and he died. I don't know if he

committed suicide or not.

Q. Okay. I'm sorry. Now, would it

surprise you that that young fellow's name

was Richmond -- would it be Richmond? Were

you aware of his name?

A. No, I didn't know him. I mean, we

were under surveillance too. I mean, it

wasn't just the surveillance of Dr. King.

The local -- local leadership was under

constant surveillance by the local police.

As I said, they were just -- they were quite

vicious toward us.

Q. Now, the person that did that surveillance, he was actually here in court. He's not dead, okay?

A. Oh, okay.

Q. He was here. He came to court and he testified. I want to give you a copy of his report. It's Exhibit Number 22. If you would turn to the fourth page, I believe.

Well, actually, third page, I'm sorry.

A. I'm sorry.

Q. Third page.

A. Front page?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1580

Q. Third page.

A. Third, okay.

Q. At the bottom, approximately the sixth paragraph, it starts at -- let's go to "at 2:05." Do you see that?

A. Mm-hum, I see it.

Q. "At 2:05 p.m. Reverend Samuel Kyles arrived and went to Room 307, departed at

2:23 p.m. Do you -- who was in Room 307?

A. I think that room was already occupied, I think. That's where -- I think that's the room with the big bed where Martin ordinarily would have stayed but I think was occupied.

Q. What were you doing in Room 307?

A. I'm sorry.

Q. What were you doing in Room 307?

What was going on in Room 307?

A. I don't know that that's the room I went to. It's been a good while ago. I had a room there at the motel that we always kept for people who -- who would come in -- VIP's who would come in. I was one of the few people who had an American Express card. And I had secured a room. As it turned out, his

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1581

brother did come unannounced.

Now, whether that room was 307, I'm not sure. It might have been a -- I think

307 was occupied by someone else, and that was the room that -- if you go to the motel now at the museum, you will see in 307 a large king-size bed where Dr. King would have ordinarily stayed, but I think somebody was in that room. So he and Dr. Abernathy both stayed in 306 with two beds.

Q. Okay. Now, Dorothy Cotton -- Dorothy Cotton, do you know who she was?

A. Yes, I do.

Q. Now, that was her room, okay?

A. I don't know. I mean, I don't know who was in that room.

Q. I'm just telling you that that was her room --

A. Oh.

Q. -- maybe to refresh your memory as to what you were doing --

A. Okay.

Q. -- in Room 307 at that time.

A. I don't remember going -- I don't know if -- I didn't go to that room. I don't

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1582

know -- I don't recall going to that room.

Q. Okay. I understand. It was a long time ago. That's fine. It says you arrived at 2:05 and you left at 2:23. Do you remember -- whatever room you went to whether it -- do you remember what -- where did you go at 2:23?

A. I don't recall at all really. I really don't. I don't know if he got the room numbers mixed up. I know there was some conversation about my not having gone in 306 at all.

Q. And that's not what I'm talking about now. I'm talking about earlier in the -- before the shooting, we're talking at 2 o'clock.

A. Quite frankly, I don't remember going to that room.

Q. Okay. Can you turn to the next page. Let's start from "at approximately 5:50." It's at the very top of that. Do you

see that?

A. Yes.

Q. Would you read that?

A. "At approximately 5:50, John B.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1583

Smith, Milton Black, Charles Cabbage and one female colored and approximately six or seven more of the Invaders opened the door of their room, and I could see them gathering their belongings. They then brought them downstairs and placed them in the trunk of a light blue Mustang, license BF3-750. And they left the motel area going to meet -- going west on Butler to Main.

"Immediately after the Invaders left, the Reverend Samuel Kyles came out of Room 312 and went to the room where Martin Luther King was living. He knocked on the door and Martin came to the door. They said a few words between each other, and the Reverend Martin Luther King went back into

the room closing the door behind him, and the Reverend Kyles remained on the porch."

Q. Now, this is the written statement that was recorded on -- on that day saying that you arrived -- you went to Dr. King's room at 5 -- some time after 5:50, okay. Yet you testified that you had been there one hour earlier.

A. That's true.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1584

Q. Okay. So you're saying that this report is not correct?

A. I am.

Q. Okay. You also have testified that James -- at the James Earl Ray hearing; is that not correct?

A. I have.

Q. And on that day you said that you had been there for an hour.

A. Yes.

Q. Isn't it true that you've gotten much

notoriety out of wearing that title as being
one of the people -- one of the few people
who were with King the last hour of his death
(sic)?

A. No, I have not.

Q. Isn't it true that people have
wanted -- old women have wanted to just come
and shake your hand just because you were
there? Yes? No? Yes? No?

A. When I said to my audiences that it
was a wonderful privilege for me to have
spent the last hour of Martin's life on
earth, I did that because there is such
interest in his life. And I had to wonder

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1585

for a very long time: Why was I there?

Q. But it was interest in his life; is
that not correct?

A. Why -- that's right, in his life.

Why was I there?

Q. You --

A. And I didn't quite finish.

THE COURT: You may finish.

Q. (BY MS. AKINS) Go ahead.

A. It took some time for the revelation to come. I had some feelings I couldn't even express. It took a good while. I said, if he hadn't been going to my home, would he have been killed? If he hadn't have been coming to Memphis, would he have been killed? And then God revealed to me why I was there. I was there to be a witness. And my witness is that his life was so wonderful and so full. That he didn't die in some foolish way. He didn't die overdosing or a jealous lover's gun, but he died helping garbage workers.

And so as I share that story with people, they will come up and shake my hand.

They will say, may I shake your hand because

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1586

you knew Dr. King. I've sought no notoriety

out of this. And I just -- I think I know
where that came from. I'm sorry.

Q. Okay. That's -- since you were so
adamant about finishing your statement, let's
go back to my question. What is the answer
to the question?

A. Have I received notoriety from --

Q. Well, actually --

A. -- from Dr. King's death?

Q. No, that's the one you answered. The
one you didn't answer was: Wasn't it true
that women -- old women have just wanted to
come and just shake your hand because of the
fact that you were present?

A. Yes.

Q. Okay. That's all I asked. You were
one of the organizers or the planners of the
30th anniversary celebration of Dr. King; is
that not correct?

A. Yes.

Q. Okay. And that was a big event here
in Memphis?

A. Yes.

Q. Okay. And was that event

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1587

city-funded? Did you get private donations?

How did that come about?

A. Private donations.

Q. I want to -- it's going to take him

some time to get that warmed up. When you

testified earlier, you testified about how

Dr. King -- I think you said that the night

before his speech dealt -- kind of dealt with

death -- was on the topic of death. Is that

correct?

A. I said he dealt with the whole

question of the fear of death.

Q. And is it your opinion that you think

he might have had some type of premonition or

that he --

A. Oh, yes, he did.

Q. That he knew that something -- didn't

know when, but just knew --

A. He always said he would never live to

be forty. Not that he didn't want to, he just thought he never would.

Q. Okay. I'm going to show you a video.

(Whereupon said video was played for the Court and Jury.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1588

Reverend Kyles: "And so we will be gathering in Memphis April 3rd through 5th. And we planned a number of activities. Some of the activities are geared especially for the young who did not have a chance to -- to get the feel to know what the Civil Rights Movement actually was about. Even as they marched, now they could have stopped in a hotel. But when you think about marching from Memphis to Jackson or Jackson to Memphis, there weren't hotels.

"You stayed in churches. You stayed in people's homes. And -- and that's how we got over. That's how we got through.

The struggle was a very -- was a spiritual struggle. You couldn't pay people to do what we had to do. You couldn't pay people to stand before mad dogs and fire hoses and billy clubs and cattle prods. It was strictly a spiritual and moral movement.

"So we wanted that dimension to be in the pilgrimage to Memphis. We will revisit the Mountain Top Speech site. That's the Mason's Temple where Dr. King made his last address. Which he almost didn't make

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1589

because the night that we were having that rally, there were tornado warnings, that he was behind on the Poor People's campaign.

"And he said, you guys go on over and have the rally. I'm going to stay at the motel and work on the Poor People's campaign. When we got there and Dr. Abernathy walked in and Jesse Jackson walked in and I walked in and others, people

started clapping because they thought Martin was behind us. And so Ralph's preacher sense said to him, this is not our crowd. And he went to the phone and called Dr. King.

"And any of the marches that -- that -- that we had in those days, you had the opportunity to bring the children and bring the family and march with us. And when I finished sharing with them the last hour of Dr. King's life ... but that gave me the wonderful privilege of spending the last hour on earth. Three preachers in a room -- Abernathy, King and Kyles. And we spent that last hour together in Room 306 at the Lorraine Motel.

"The press is always curious and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1590

writers -- what went on? What did you talk about? I say, we just talked preacher talk.

What preachers talk about when they get together, revivals and all the like. About a

quarter of six we walked on the balcony, and he was talking to people in the courtyard. He stood here, and I stood there. Only as I moved away so he could have a clear shot, the shot rang out.

"I turned around and it had knocked him back on the balcony. This tremendous hole was in his face, and all of this was torn out under his shirt. We couldn't see that. The bullet mushroomed and tore all of his insides out. He was bleeding profusely. I ran in the room, picked up the phone and tried to get the operator. The phone was operator-assisted.

"I said, answer the phone, answer the phone. And no one answered the phone because the operator left the phone -- switchboard and came out in the courtyard. When she saw what happened, she had a heart attack on the spot. So there was no one on the phone. I came back out and hollered to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1591

the police: Call an ambulance on your police radio. They were coming with their guns drawn saying, where did the shot come from? The picture you see pointing is in answer to the police saying, "Where did the shot come from?" And the point is in the direction of the rooming house.

"And, of course, he finally came -- the ambulance finally came. I kept shaking my head trying to wake up because I thought I was having a nightmare. But I was -- I was not having a nightmare. It was real. I took the spread from bed and covered him from his neck down. Somebody put a towel to his face. And I had to wonder, Reverend Campbell, a long time, of all the places I could have been, all the places that Martin could have been, why was I there, why was it at that moment?

"And I had to find out, through living, God revealed to me that I was there to be a witness -- a witness that Martin

Luther King, Jr., didn't die in some foolish way. He didn't O.D. He wasn't robbing somebody, wasn't running from the scene of a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1592

crime. But he came to Memphis to help garbage workers -- the least of these. And so we commemorate the life and times.

"I started telling you about the

Louisville trip. 80-year old lady came up on the stage. I said, no, ma'am, I'll come down there. She says, no, I want to come up. 30 years later she came up. And she was shaking with her program in her hand. And she said, I have never in my life -- I'm 87 years old.

I have never asked the mayor for an autograph. But because you had your hand in Dr. King's hand, I want your autograph. 30 years later.

"And so we commemorate this great

American. Join us in Memphis, April 3rd through 5th. The first SCLC meeting after

Dr. King's death was in Room 306. Reverend

Jim Orange was right there in that meeting.

Thank you again, Mr. Mayor, we appreciate

what you're doing" --

The Mayor: "Thank you, sir."

Rev. Kyles: -- "in support of all

these people who are here."

(End of videotape portion.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1593

Q. (BY MS. AKINS) Now, that was you at

the 30th anniversary of -- well, discussing

the 30th anniversary.

A. That's correct.

Q. And in that you again stated that you

were -- had been with King the last hour of

his death (sic); is that correct?

A. Yes.

Q. Now, can you tell us any reason why

Lieutenant Richmond would want to lie about

the whereabouts -- what you was doing at that

time?

A. I just think he made a mistake. I think the whole idea of him spying was just -- he just -- it was too much for him. If that's the young man you're talking about. I don't know him. I never met him. But I was -- I was -- the information just came to me. I just think he was in error. I think he was newly on the force too at that time.

Q. So you think he was in error when he said that you arrived at 2:05, left at 2:30, then subsequently arrived and went to Room 312, then left Room 312 at 10 after 5 -- all

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1594

of the activities involving you he made a mistake on?

A. He could have made it on others too, I don't know. I'm not -- I'm really not following what we're trying to do here. I mean, I don't know. I came as a witness for this man because I was subpoenaed. Now it

sounds like I'm on trial or something. I don't understand this.

Q. Reverend Kyles, I represent the plaintiff, and this is cross-examination time. That's what I'm doing, okay. Just bear with me. I only have just really one more question to ask you. And -- concerning -- well, actually, I guess two more. You've heard the tape and your account of the events. What is your feeling about that?

A. I'm sorry.

Q. You've heard the tape and your recount -- or your account of the events that occurred.

A. The amazing thing to me again is that people are so interested in his life 30 years after his death. If that gives me notoriety

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1595

because I share that -- they want to hear it. I mean, I don't -- I don't know what --

I don't know what to say.

Q. No. I mean, what is your opinion concerning the tape? That was you.

A. Yes, I was in Jackson, Mississippi.

The mayor gave me a proclamation to bring back to Memphis because he couldn't come to the -- to the -- to the affair. It was the 30th celebration -- 30-year celebration of the assassination of Dr. King.

And I shared that information at a press conference on the steps of the mayor's -- of City Hall in Jackson, Mississippi.

Q. And that was the recording of -- that occurred in Jackson?

A. Yes.

MS. AKINS: Okay. Your Honor, I would like to move this as -- into evidence, the video tape.

THE COURT: Any objection?

MS. AKINS: Now, one more question.

MR. GARRISON: The report of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1596

Officer Richmond?

THE COURT: No, the tape.

MR. GARRISON: I don't have any
objection.

THE COURT: All right.

(Whereupon said videotape was
marked as Exhibit Number 34.)

Q. (BY MS. AKINS) When you gave an
account of what occurred, you mentioned
"he." And I want to know who "he" was. Can
you replay that section, please.

(Whereupon a portion of the
videotape was replayed for the Court and
Jury.)

Rev. Kyles: "What preachers
talk about when they get together, revivals
and all the like. About a quarter of 6 we
walked on the balcony, and he was talking to
people in the courtyard. He stood here and I
stood there. Only as I moved away so he

could have a clear shot, the shot rang out."

(End of videotape portion.)

Q. (BY MS. AKINS) Who was "he"? You said, "only as I moved away, so he could have a clear shot." And I want to know who "he"

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1597

was. Who was the person that you moved away to give him a clear shot?

A. In the conversation I was talking about James Earl Ray.

Q. Okay. One second. Just to make sure there's no confusion, you moved away so James Earl Ray could get a clear shot?

A. Only as I moved away. I don't think he wanted to risk shooting the wrong person, whoever shot him.

Q. Okay.

A. And since we both were standing there, we're both African-American men, he wanted to be sure that he hit the right -- the problem we had, we thought if he had kept

shooting he could wipe out the whole staff
because they were all exposed -- all of us
were exposed.

Q. So you're moving away so that he
could --

A. My moving away had to do with going
to get in the car to go to my house for
dinner. That's what my moving away had to do
with.

MS. AKINS: Okay. I have no

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1598

further questions.

REDIRECT EXAMINATION

BY MR. GARRISON:

Q. Reverend Kyles, let me ask you this,
sir. In referring to this statement that was
just seen, you said, "so he could get a
shot." You're referring to James Earl Ray,
that was your --

A. Yes.

Q. -- thinking, wasn't it?

A. That's who I was referring to, yes.

MR. GARRISON: That's all.

Thank you, sir.

THE COURT: Anything further?

All right. Reverend Kyles, you may stand
down, and you can remain in the courtroom or
you're free to leave.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: Let's take a short
break.

(Brief break taken.)

THE COURT: Mr. Garrison, are
you ready?

MR. GARRISON: Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1599

THE COURT: Bring the jury.

THE SHERIFF: Yes, sir.

(Jury in 11:48 a.m.)

THE COURT: Mr. Campbell.

MR. CAMPBELL: Yes, sir.

THE COURT: Did you give him
those other pictures?

THE SHERIFF: I'm going to do
it.

THE COURT: All right. We're
ready to proceed.

MR. GARRISON: Call Mr. Warren
Young.

FRANK WARREN YOUNG,
Having been first duly sworn, was examined
and testified as follows:

DIRECT EXAMINATION

BY MR. GARRISON:

Q. Tell us your full name, please, sir.

A. It's Frank Warren Young.

Q. And, Mr. Young, where are you
employed, sir?

A. Shelby County Criminal Clerks's
Office.

Q. Mr. William Key, who was here

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1600

earlier, is a criminal court clerk?

A. Yes, sir, he is.

Q. And you work in that office?

A. I do, yes, sir.

Q. Pursuant to a subpoena did you bring certain records to the court today?

A. Yes, sir, I did.

Q. And would you explain to the Court and the Jury what those records consist of.

A. It's a transcript of Mr. Ray's guilty plea that was entered in Judge Battle's court on March the 10th, 1969.

Q. All right, sir. And I provided with you a copy. And would you tell His Honor and Ladies and Gentlemen of the Jury if the copy I provided you -- is it a replica, a direct copy, of the one that what you have in the Court.

A. I've looked at it and, yes, sir, it is.

MR. GARRISON: I'd like to have that marked as an exhibit to his testimony at this time.

THE COURT: Any objection?

MR. PEPPER: No objection.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1601

(Whereupon said document was

marked as Trial Exhibit Number 35.)

Q. (BY MR. GARRISON) Mr. Young -- just

hand it back to him. Do you have a copy --

it says "Petition For Waiver Of Trial And

Request For Acceptance Of Plea Of Guilty."

Do you have that copy, sir?

A. Yes, sir.

Q. And that's signed by you. It has the

signature of the defendant, James Earl Ray.

All right, sir. Now, let me ask you if you

will turn over then to the part that says

"Voir Dire Of Defendant On Waiver And Order."

Do you see that?

A. Yes, sir.

Q. Would you read what you see there and

down there through the next page and the end

of the first three pages?

A. I will. Yes, sir. This is Judge

Battle: "James Earl Ray, stand. Have your lawyers explained all your rights to you and do you understand that?"

The defendant answered: "Yes."

Judge Battle: "Do you know that you have a right to a trial by jury on the charge

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1602

of Murder in the First Degree against you, the punishment for Murder in the First Degree ranging from death by electrocution to any time over 20 years? The burden of proof is on the State of Tennessee to prove you guilty beyond a reasonable doubt and to a moral certainty, and the decision of the Jury must be unanimous both as to guilt and punishment.

"In the event of a jury's verdict against you, you would have the right to file a Motion for a New Trial addressed to the trial judge. In the event of an adverse

ruling against you on your Motion for a New Trial, you would have the right to successive appeals to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee and to file a petition for review by the Supreme Court of the United States. Do you understand that you have all these rights?"

The defendant answered: "Yes."

Judge Battle: "You are entering a plea of Guilty to Murder in the First Degree as charged in the Indictment and are compromising and settling your case on agreed

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1603

punishment of ninety-nine years in the State Penitentiary. Is this what you want to do?"

Defendant answered: "Yes."

Judge Battle: "Do you understand that you are waiving, which means 'giving up,' a formal trial by your Plea of Guilty although the laws of this State require the prosecution to present certain evidence to a

jury in all cases of Pleas of Guilty to

Murder in the First Degree?

"By your plea of guilty, you're

also waiving your rights to (1) Motion for a

New Trial; (2) Successive Appeals to the

Supreme Court of Criminal Appeals and the

Supreme Court of Tennessee; (3) Petition for

Review by the Supreme Court of the United

States.

"By your plea of guilty, you are

also abandoning and waiving your objections

and exceptions to all the Motions and

Petitions in which the Court has heretofore

ruled against you in whole or in part, among

them being:

"1. Motion to withdraw a plea and

quash indictment.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1604

2. Motion to inspect evidence

3. Motion to remove lights and

cameras from jail

4. Motion for private consultation

with attorney

5. Petition to authorize defendant

to take depositions

6. Motion to permit conference with

Huie

7. Motion to permit photographs

8. Motion to designate court

reporters

9. Motion to stipulate testimony.

10. Suggestion of proper name."

The defendant answered: "Yes."

Judge Battle: "Has anything besides

this sentence of ninety-nine years in the

penitentiary been promised to you to get you

to plead guilty? Has anything else been

promised to you by anyone?"

The defendant answered: "No."

Judge Battle: "Has any pressure of

any kind by anyone in any way been used on

you to get you to plead guilty?"

Defendant answered: "No."

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1605

Judge Battle: "Are you pleading guilty to Murder in the First Degree in this case because you killed Dr. Martin Luther King under such circumstances that would make you legally guilty of Murder in the First Degree under the law as explained to you by your lawyers?"

The defendant answered: "Yes."

Judge Battle: "Is this the Plea of Guilty to Murder in the First Degree with agreed punishment of ninety-nine years in the State Penitentiary, freely, voluntarily and understandingly made and entered by you?"

The defendant answered: "Yes."

Judge Battle: "Is this plea of guilty on your part the free act of your free will, made with your full knowledge and understanding of its meaning and consequences?"

The defendant answered: "Yes."

Judge Battle said: "You may be

seated."

Q. (BY MR. GARRISON) Then would you turn

over to Page 1 of the transcript and down

where it says "this is a compromise and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1606

settlement," would you start reading there.

A. Where I had previously read?

Q. On Page 1 of the transcript.

A. Oh, yes, sir. "James Earl Ray,

Guilty Plea," it's entitled, Monday, March

10, 1969.

The Court: "The calendar has been

transferred to Division 1. All right. I

believe the only matter we have pending

before us is the matter of James Earl Ray."

Mr. Foreman: "Would Your Honor give

me just a minute?"

The Court: "Yes, sir."

Mr. Foreman: "May it please the

Court, in this cause we have prepared the

defendant, and I have" --

Q. Signed.

A. -- "signed and Mr. Hugh Stanton, Sr. and Jr. will now sign a Petition for Waiver of Trial and Request for Acceptance of Plea of Guilty. We have an order. I believe the Clerk has this."

The Court: "This is a compromise and settlement on a plea of guilty to murder in the first degree and an agreed settlement

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1607

of 99 years in the penitentiary; is that true?"

Mr. Foreman: "That's the agreement, Your Honor."

The Court: "Is that the agreement?"

All right. I'll have to voir dire Mr. Ray.

James Earl Ray, stand. Have you" --

Q. That's "a lawyer."

A. "Have you a lawyer to explain all your rights to you and do you understand them?"

Answer: "Yes, sir."

The Court: "Do you know that you have a right to a trial by jury on a charge of Murder in the First Degree against you, the punishment for Murder in the First Degree ranging from death by electrocution to any time over 20 years? The burden of proof is on the State of Tennessee to prove you guilty beyond a reasonable doubt and to a moral certainty. And the decision of the jury must be unanimous, both as to guilt and punishment. In the event of a jury verdict against you, you would have the right to file a Motion for a New Trial addressed to the DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD (901) 529-1999

1608

Trial Judge.

"In the event of an adverse ruling against you on your Motion for a New Trial, you would have the right to successive appeals to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee

and to file a Petition for Review by the Supreme Court of the United States. Do you understand that you have all these rights?"

Answer: "Yes, sir."

The Court: "You're entering a Plea of Guilty to Murder in the First Degree as charged in the indictment and are compromising and settling your case on an agreed punishment of 99 years in the State Penitentiary. Is this what you want to do?"

Answer: "Yes, I do."

The Court: "Is this what you want to do?"

Answer: "Yes, sir."

The Court: "Do you understand you are waiving, which means giving up, a formal trial by your Plea of Guilty although the laws of this State require the prosecution to present certain evidence to a jury in all

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1609

cases on pleas of guilty to Murder in the

First Degree? By your plea of guilty, you are also waiving your right to: (1) Your Motion for a New Trial; (2) Successive appeals to the Supreme Court, to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee; and (3) Petition to Review by the Supreme Court of the United States. By your plea of guilty, you are also abandoning and waiving your objections and exceptions to all the motions and petitions in which the Court has heretofore ruled against you in whole or in part.

"Among them being: (1) Motion to Withdraw Plea and Quash Indictment; (2) Motion to Inspect the Evidence; (3) Motion to Remove Lights and Cameras from the Jail; (4) Motion for Private Consultation with Attorney; (5) Petition to Authorize Defendant to take Depositions; (6) Motion to Permit Conference with Huie; (7) Motion to Permit Photographs; (8) Motion to Designate Court Reporter; (9) Motion to Stipulate Testimony; (10) Suggestion of Proper Name.

"You are waiving or giving up all

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1610

these rights. Has anything besides this

sentence of 99 years in the State

penitentiary been promised to you to get you

to plead guilty? Has anything else been

promised to you by anyone?"

Answer: "No, it has not."

The Court: "Has any pressure of any

kind by anyone in any way been used on you to

get you to plead guilty?"

Answer: "Now, what did you say?"

The Court: "Are you pleading guilty

to Murder in the First Degree in this case

because you killed Dr. Martin Luther King

under such circumstances that it would make

you legally guilty of Murder in the First

Degree under the law as explained to you by

your lawyers?"

Answer: "Yes. Legally, yes."

The Court: "Is this Plea of Guilty

to Murder in the First Degree with an agreed
punishment of 99 years in the State
Penitentiary freely, voluntarily and
understandingly made and entered by you?"

Answer: "Yes, sir."

The Court: "Is this plea of guilty

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1611

on your part the free act of your free will
made with your full knowledge and
understanding of its meaning and
consequences?"

Answer: "Yes, sir."

The Court: "You may be seated. All
right. Are you ready for a jury?"

Q. (BY MR. GARRISON) Would you turn now
to Page 9 and read beginning with the
first -- second -- "I just want to make one
more statement."

A. Yes, sir. "I just want to make one
more statement to you gentlemen" --

Q. Let me ask you first of all, who is

it doing -- doing the --

A. This is General Philip Canale, Jr.

Q. All right.

A. Who was the District Attorney General at the time. "I just want to make one more statement to you gentlemen before we proceed in this matter. There have -- actually, in any case, there have been rumors going all around, perhaps some of you have heard them, that Mr. James Earl Ray was a dupe in this thing or a fall guy or a member of a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1612

conspiracy to kill Dr. Martin Luther King, Jr.

"I want to state to you as your Attorney General that we have no proof other than that Dr. Martin Luther King, Jr., was killed by James Earl Ray and James Earl Ray alone, not in concert with anyone else.

"Our office has examined over 5,000 printed pages of investigation work done by

local police, by national police organizations and by international law enforcement agencies. We have examined over 300 physical bits of evidence, physical exhibits. Three men in my office, Mr. Duire, Mr. Beasley and Mr. John Carlisle, the Chief Investigator of the Attorney General's Office -- you can't see him over here -- have traveled thousands of miles all over this country and the many cities and foreign countries on this investigation, our own independent investigation.

"And I just state to you frankly that we have no evidence that there was any conspiracy involved in this. I will state this to you further. If at any time there is

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1613

evidence presented -- competent evidence presented which we can investigate and bear out that there was a conspiracy involving this, I assure you as your Attorney General

that we will take prompt and vigorous action
in searching it out and in asking that an
Indictment be returned if there are other
people or if it ever should develop that
other people were involved.

"And you have my assurance on
that. Not only me but the local law
enforcement officers and your national law
enforcement officers. I just wanted to give
you that thought. Thank you very much."

Q. Thank you. If you will just leave
the exhibit here.

A. Yes, sir.

MR. GARRISON: Thank you.

CROSS-EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Young.

A. How are you, sir.

Q. Mr. Young, if you will just turn
again to the first page of the "Voir Dire of
Defendant and Waiver and Order."

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1614

A. Yes, sir.

Q. Where the judge orders Mr. Ray to stand.

A. Yes, sir.

Q. Do you see -- and the judge then begins to address Mr. Ray.

A. Right. Yes, sir.

Q. Do you see any instance there where the judge has put Mr. Ray under oath?

A. No, sir, I do not.

Q. Would you turn, Mr. Young, please, to Page 16?

A. All right, sir.

Q. At this point in the proceedings, the defendant, Mr. Ray, has -- has interrupted the proceedings. And would you read what he has said starting --

A. Is that the lower portion of the page?

Q. Yes, the last full paragraph starting at "James Earl Ray."

A. Yes. It states: "Your Honor, I

would like to say something. I don't want to change anything that I have said, but I just want to enter one other thing. The only

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1615

thing that I have to say is that I can't agree with Mr. Clark."

Q. Please continue.

A. Mr. Foreman: "Ramsey Clark?"

And the Court said: "Mr. who?"

Would you like for me to continue?

James Earl Ray stated: "Mr. J.

Edgar Hoover, I agree with all these stipulations, and I'm not trying to change anything."

The Court: "You don't agree with whose theories?"

James Earl Ray: "Mr. Canale's,

Mr. Clark's and Mr. J. Edgar Hoover's about the conspiracy. I don't want to add something on that I haven't agreed to in the past."

Q. That's fine to that point. Now,
would you please turn to Page 48.

A. All right, sir.

Q. This Court and Jury have heard
testimony about a white Mustang with Arkansas
plates parked in this -- in the same position
as this -- this statement here. I'd like you
to read, please, from "Gentlemen, coming back

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1616

to the overall mock-up, the State's proof" --
do you see that? It's the fifth line down --
the end of the fifth line.

A. Yes, sir. "Gentlemen, coming back to
the overall mock-up, the State's proof would
show that between 4:30 and 4:45 p.m.
Mrs. Elizabeth Copeland, who worked across
the street from this area designated as
Canipe Amusement Company, observed a small
white automobile pull up and park in this
general area, as designated by the smaller
car here on the mock-up, to the north of this

light pole and to the south here of Canipe Amusement Company.

"Mrs. Copeland told a Mrs. Peggy

Hurley: 'Peggy, your husband is here for you.' Mrs. Hurley came to the window and

looked out. She said: 'No, that's not my

husband. My car is a Falcon, a white Falcon, and this is a white Mustang."

Q. Continue.

A. "She did note a man sitting in the car. Shortly thereafter, Mrs. Hurley's husband arrived. She got in the car and left."

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1617

Q. That's fine. Thank you. Would you please turn over to the next page, Page 49.

This Court and Jury have heard testimony about the condition of Mr. Stephens at the time -- a rooming house resident. Would you, on the fourth line from the bottom, starting "at approximately 6 p.m.," would you read

from there, please.

A. "At approximately 6 p.m.,

Mr. Stephens heard a shot coming apparently through this wall in the bathroom. He then got up and went through this room, out into the corridor in time to see the left profile of the defendant as he turned down this passageway which leads to an opening with a stairway going down to Main Street."

Q. Now, that's one aspect of proof that was put the forth. The second aspect of proof continues right after that. This Court and Jury have heard evidence with respect to the dropping of the bundle in front of Canipe's. That's the second area of proof that is being referred to. Would you read from there, please?

A. "Now, gentlemen, you can see here

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1618

this mock-up. This offset area here is in front of Canipe Amusement Company. It is

reflected here on this mock-up at this point. Mr. Guy Warren Canipe along with two customers, Bernell Finley and Julius Graham, were in Canpie's Amusement Company when they heard a thud in the area immediately here and up in this little offset and, looking out, saw the back of a white man going away from that area in a general southern direction on down Main Street observing momentarily thereafter a white Mustang pull from the curb heading north on Main Street, one occupant.

"This packet was subsequently guarded and found to be the rifle, the box, the suitcase wrapped in a green spread and so forth that has heretofore been introduced to you gentlemen through some of the witnesses."

Q. That's -- that's fine. Would you please turn next to Page 53. This Court and Jury has heard evidence with respect to the window sill of the bathroom and the dent in the window sill. The State's -- would you comment on the State's proof, please, reading exactly what was said from "the sill of this

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1619

window."

A. "The sill of this window in the bathroom was observed by Inspector Zachary to have what appeared to be a fresh indentation in it. This sill was ordered removed, was cut away, and was subsequently sent to the FBI for comparison. And the proof will show through expert testimony that the markings on this sill were consistent with the machine markings as reflected on the barrel of the 30 aught 6 rifle which has heretofore been introduced to you."

Q. Would you one more time, please, read from the line on Page 53 starting with "the markings on this sill."

A. "The markings on this sill were consistent with the machine markings as reflected on the barrel of the 30 aught 6 rifle which has heretofore been introduced to you."

Q. That's fine. Thank you. Would you turn to Page 56, please.

A. Yes, sir.

Q. The Court and Jury have heard evidence with respect to the 30 aught 6 rifle

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1620

in evidence and the fact that the scope was not sighted in. If you would back up to Page 55, last full sentence, "he changed the scope" -- State's proof there.

A. "He changed the scope from the .243 to the .30 aught 6. And at 3 o'clock that afternoon, he delivered the 30 aught 6, which is the same rifle that has been identified here in the courtroom to the defendant along -- he didn't have a box with a scope on it."

MR. PEPPER: That's -- that's fine. Mr. Young, thank you very much for laboring through this with us. No further questions.

MR. GARRISON: We have no
further questions.

THE COURT: Go ahead, call your
next witness.

MR. GARRISON: Eli Arkin.

ELI H. ARKIN, Jr.,

Having been first duly sworn, was examined
and testified as follows:

THE COURT: You may proceed.

DIRECT EXAMINATION

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1621

BY MR. GARRISON:

Q. Mr. Arkin, tell us your full name
please, sir.

A. Eli H. Arkin, Jr.

Q. And you live here in Memphis,
Tennessee?

A. Yes, I do.

Q. Where do you presently work? Where
are you employed presently?

A. The Cottonwood Company.

THE COURT: Is that A R K I N?

THE WITNESS: Yes, sir.

Q. (BY MR. GARRISON) Now, let me ask you, you're formerly retired from the Memphis Police Department; am I correct, sir?

A. I left the police department in 1976.

Q. How long were you with them?

A. 20 years.

Q. All right. And going back to the year 1967 and 1968 specifically, what division of the police department were you working in then?

A. I was in the inspectional bureau.

Q. And so His Honor and Ladies and Gentlemen of the Jury will understand, what

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1622

do you do in the inspectional bureau?

A. The inspectional bureau was broken into three parts: inspections, internal affairs and intelligence.

Q. All right. And was any of these --

specifically these that you worked in,
consisted of what?

A. After I was in the bureau for a
while, I was in intelligence.

Q. Were you the head of the intelligence
division at the time --

A. No.

Q. -- in early '68?

A. No.

Q. Who was the -- who was the chief over
the -- who was over the intelligence
division?

A. Inspector Tynes.

Q. What, Mr. Arkin, was your -- were you
a lieutenant, captain? What was your
ranking?

A. I was a lieutenant.

Q. All right. Now, in early '68, you're
in the Sanitation Strike. Were you asked to
take part in any type of investigation into

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1623

the Sanitation Strike?

A. We were well involved in observing what was going on and letting the Chief of Police know when they were going to have a march or things of that nature.

Q. All right, sir. Who was the chief of police at that time?

A. Let's see. Chief McDonald had just left, and Chief Henry Lux.

Q. And who was the police director at that time?

A. Director Frank Holloman.

Q. Let me, Mr. Arkin, ask you this.

Where was your office located at that time, in early '68 -- March, April?

A. It was on the second floor of the police department near the rotunda.

Q. The old police station?

A. Yes, sir.

Q. All right. Was there a time after the first march by Dr. King in '68 -- or maybe after the march or before -- when some Army personnel became stationed in your

office?

A. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1624

Q. Okay. Did you have any -- did you have any warning? Did you know that they would be coming into your office?

A. I'm sorry, sir. I didn't hear you.

Q. Did you have any warning or notice that they would be coming into your office?

A. Not until they were there.

Q. And who did they say they were? What were they supposed to do?

A. They said -- they identified themselves as Army intelligence.

Q. All right. And do you know who sent them in here?

A. No, sir, I have no idea.

Q. But they were U.S. Army intelligence?

A. According to what Inspector Tynes told us, yes, sir.

Q. And how many people were there in

your office?

A. Possibly --

Q. In other words, what's the largest number at one time?

A. Possibly three or four at any one time.

Q. And what were they doing while they

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1625

were there in your office?

A. Basically observing and taking notes.

Q. How long were they -- were they there stationed in your office?

A. Sir, I'm sorry, I can't remember.

Q. A week or two, month or two, what would you --

A. No. At some point I asked Inspector Tynes to please have them relocated and get out of our offices.

Q. Had they -- had they just moved in and pretty much taken over your office?

A. No, sir, they didn't take it over.

They were just there standing around and listening to what you had to say, whether you were on the telephone or in any conversations, and taking notes at the same time.

Q. I was going to ask you that. Were they taking notes or recording, making any photographs or pictures or photos of anything?

A. Not to my knowledge. Taking notes -- writing notes.

Q. Were they there every day pretty

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1626

much?

A. For a while, yes.

Q. Did -- were they in uniform?

A. No, sir.

Q. They were not in uniform?

A. No, sir.

Q. Well, when they came in, did you have to arrange some desk space for them, or how

did that come about?

A. No, sir.

Q. How were they -- were they just standing around all day or did they have space they worked in?

A. To my knowledge, they didn't have any desks in there at all. They just roamed back and forth. We had a fairly large office.

Q. Did you ever have any conversation with any of those people?

A. Oh, yes, sir.

Q. But they identified themselves as U.S. Army personnel on the telephone; am I correct, sir?

A. Yes, sir.

Q. That's what they said?

A. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1627

Q. And they never said who sent them in here or what they were doing?

A. They didn't tell me, no.

Q. All right. Mr. Arkin, did there come a time on April the 4th of 1968 when you used your vehicle or used a police vehicle to go down to South Main Street?

A. Yes, sir.

Q. At what time did you go down?

A. Sir, I'm sorry, I don't remember.

Q. Well, are we looking like at mid afternoon, early morning, what time?

A. I would suggest that probably in the afternoon.

Q. All right. And where did you go on South Main Street?

A. To the fire house at Butler and Main.

Q. Okay. And do you know who was in charge of the fire station there at that time?

A. No, sir, I don't.

Q. Okay. What was your purpose in going down there?

A. I was going down there to talk to one of our patrolman who was stationed there at

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1628

that time.

Q. And what was that patrolman's name?

A. Reddoch.

Q. All right. How long had he been down there?

A. Sir, again, I'm -- several weeks, I assume.

Q. And what was the reason you were dispatched then to talk to him, Mr. Arkin?

A. I was sent down there to retrieve him and bring him back to the office.

Q. Okay. And under whose orders or direction did you go down and get him?

A. Director Holloman.

Q. Director Holloman told you to go get him?

A. Yes. Well, Director Holloman and Inspector Lux. And I don't remember which one actually told me to.

Q. Okay. And did they tell you the reason why they wanted you to go get this

particular officer?

A. Yes, sir.

Q. What was the reason given to you?

A. They said that they had information

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1629

that possibly someone who was from the east
was possibly coming down here to assassinate
a police officer -- a colored police
officer. And the assumption was made, I
guess by them, that it possibly might be
Reddoch.

Q. Okay. So we'll understand, they did
not tell you that this threat was made
against Officer Reddoch, they just said a
police officer; is that right, sir?

A. Yes, sir.

Q. And Officer Reddoch was African-
American; am I correct, sir?

A. Yes, sir.

Q. An officer with the police
department?

A. Yes, sir.

Q. And so Director Hollomon's direction to you was to go to the South Main fire station to get Officer Reddoch off the job; am I -- is that correct?

A. Yes, sir. I went to the fire house, picked up Reddoch, and brought him back to the police department.

Q. Did anyone go with you?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1630

A. No, sir.

Q. Okay. Now -- and you say it was around the middle of the afternoon, what, 3 or 4 o'clock, in that range? Would that be a fair or reasonable time?

A. Sir, I don't remember.

Q. But it would have been the afternoon you think?

A. Yes, sir, I believe so.

Q. All right. When you arrived at the fire station, did you see Officer Reddoch?

A. Yes, sir.

Q. Okay. And what communication did --

what was said between the two of you?

A. I just basically, I'm sure -- I don't

really remember word for word.

Q. Obviously it's been a long time. But

what do you remember being said between the

two of you?

A. That he was supposed to go back to

the police department with me.

Q. Okay. Did he have any comment about

that?

A. Not that I know of.

Q. All right. And then did you take him

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1631

back to the police department?

A. Yes, sir, I did.

Q. And when you returned to the Police

Department with him, who was there?

A. I'm sorry, who was --

Q. When you returned to the Police

Department with Officer Reddoch, who was there when you took him back?

A. I brought him to our office.

Q. All right. And who was in your office when you arrived back?

A. I don't remember, sir.

Q. Was Director Holloman there?

A. I don't remember.

Q. Okay. Were any FBI personnel that you know of?

A. No, I don't think so.

Q. Any CIA representatives in the office at the time?

A. I never saw a CIA agent.

Q. Were there any Army personnel still there?

A. No, sir.

Q. Intelligence. When you took him back to the office then, what happened after that?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1632

A. At some point I was called down to

Director Holloman's office, I believe, and told to take Officer Reddoch home.

Q. Who told you that?

A. Sir, I'm sorry, I can't remember exactly.

Q. I understand. It's been 30 years.

Okay. And someone told you to take him home. How long was that after you arrived that you were told to take him home?

A. I don't remember exactly. I can tell you this, that when we pulled up in front of his house, he went in the house to talk to his wife. And during that period of time is when I heard another officer who was stationed at the fire house or the dispatcher, one, I'm not sure which, said that Dr. King had been shot. So it must have been right around 6 o'clock or a little after.

Q. Okay. All right. On the way home from the police station, Mr. Arkin, did you have any conversation with Officer Reddoch about why you were taking him home instead of

returning him to duty?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1633

A. Yes, sir, I'm sure I did.

Q. Okay. And do you remember anything he said about -- any statement he made about any threat or anything of that nature?

A. No, sir, I can't remember much about the conversation at all. His main concern was that -- it was either his mother or his wife's mother -- he didn't think that they would try and move away from the house and go into an apartment somewhere incognito.

Q. Did you stay there with him then that afternoon or that night or --

A. No, sir, I did not. They sent, if I'm not mistaken, a marked squad car.

Q. Okay. And how long did they stay? Do you have any idea?

A. I have no idea, no.

Q. About the time you arrived is when you heard on the radio from the dispatcher

Dr. King had been shot?

A. Shortly after we arrived, yes, sir.

Q. Now, Mr. Arkin, are you aware of the fact that Director Holloman says he didn't -- he never told you to go pick Officer Reddoch up or didn't have any knowledge that Officer

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1634

Reddoch was supposed to be picked up? Are you aware of that?

A. No, sir.

Q. Did you conduct any type of investigation or were any part of an investigative team that investigated the assassination of Dr. King? Did you do anything toward the investigation of the assassination?

A. No, sir.

Q. You said the threat was -- had come in from the east, is that what they told you? Came in the from the east?

A. Came in from Washington D.C. from

what I understand.

Q. All right. And when you arrived at the fire station, were there any other African-American firemen or police officers at that time there?

A. There was a police officer there, yes.

Q. Do you know who that was?

A. I believe it was -- his name was Richmond.

Q. Okay. Did he remain at the fire

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1635

station or did he leave also?

A. He stayed there.

Q. Okay. And did you see any African-American firemen there when you arrived?

A. No, sir, I didn't.

MR. GARRISON: That's all I have. Thank you.

CROSS-EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Lieutenant. A few questions. Officer Richmond was also on surveillance at the fire station.

A. Yes, sir.

Q. Was he working under your command?

A. He was working out of the intelligence bureau, yes, sir.

Q. Did you find him to be a reliable surveillance officer?

A. I had no reason to doubt him.

Q. And when he submitted reports to you and others, did you find those reports, as a rule, to be accurate?

A. Yes, sir.

Q. Professionally prepared?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1636

A. Yes, sir.

Q. Because one of his reports has been put into evidence in these proceedings, and it's quite impressive in terms of its

detail. And I would have hoped that would have been your response. Had you ever heard of -- from the intelligence side, have you ever heard that there were photographs taken from the fire station roof by Psychological Operation Army photographers of the entire assassination of Martin Luther King?

A. No, sir.

Q. That evidence has been introduced here. Have you ever heard of that?

A. No, sir.

Q. Never? Never saw any of those photographs that were taken from --

A. No, sir.

Q. -- the roof? Were you ever advised that the captain of that fire station, Carthel Weeden, put those Army photographers on the roof and put them in the vantage point for the taking of those photographs?

A. No, sir.

Q. Would that have been something that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1637

perhaps Inspector Tynes would have known about and not shared?

A. I have no idea, sir.

Q. But you didn't hear about it --

A. No, sir.

Q. -- in any event. Did you in the course of April 3rd or 4th speak with or talk to any out-of-town agents -- from whatever source, you might not have known where they even were from -- but individuals who you didn't know as being part of the local FBI office or the Memphis Police Department? At any time do you recall speaking to any of those individuals -- any persons?

A. I'm not sure I understand the question exactly.

Q. I know it's a long time ago. But do you recall speaking, in the course of -- let's take April 4th -- with any persons who came into town from one or another federal agency about any strategic intelligence activities?

A. I don't believe I did. I can't
remember if I did.

Q. Okay. You don't remember speaking

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1638

with any of them. Now, lastly -- this is
really just more for the historical record
than anything else. As a trained
intelligence officer, without naming -- we're
not going to ask you to name any informants.

Did you use -- as a part of the modus
operandi, did you use informants in
organizations in Memphis, Tennessee?

A. Yes, sir.

Q. So you -- you ran informants and
obtained -- as a way of obtaining
intelligence information.

A. Yes, sir.

Q. Without naming any names, because I
know that you would not want to do that,
would there have been any informants who were
close to Dr. King's organization when he was

in Memphis?

A. I'm not sure I know what you mean by

"close to Dr. King's organization."

Q. Well, people who would have been in contact with Dr. King or members of his organization, SCLC, or people who were aligned with them in support of the sanitation workers, would you have had any

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1639

informants in those organizations?

A. We had an informant in a local group called the Invaders.

Q. Yes. And that man's name is public, so that's -- that's Mr. McCullough, is that right, Mr. Marrell McCullough?

A. Yes, sir.

Q. All right. But would you have had any sort of deeper cover -- not interested in the names -- but any deeper cover individuals who would have been able to feed you information with respect to what was going

on?

A. No, sir.

Q. No -- no other ones other than --

A. Not to my knowledge.

Q. Did the FBI office have, again to your knowledge, any informants in any of these organizations?

A. They probably did, yes.

Q. So they might have had a wider intelligence net. Did they share that information with you?

A. Some information they did, yes.

Q. Okay. So they had informants and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1640

their informants they were running would have provided you with information.

A. No.

Q. Through them I mean, through the office.

A. Yes, sir.

Q. Thank you. Do you know what

Mr. McCullough did when he left the Memphis
Police Department?

A. No, sir, I have no idea.

Q. Do you know what Mr. McCullough does
today?

A. No, sir, I do not.

Q. You've never heard of what his
occupation is or what he might --

A. I've heard, but --

Q. What have you heard that he is doing?

A. Well, I've heard that he's in the CIA
now.

Q. That he works for the CIA now.

A. But I have no proof of that.

MR. PEPPER: Not directly, but
you just heard that. Okay. Nothing
further. Thank you.

MR. GARRISON: I have nothing

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1641

else. Thank you, Mr. Arkin. You're free to
go.

THE COURT: You may stand down.

THE WITNESS: Thank you, sir.

(Witness excused.)

THE COURT: It's that time

again -- 2 o'clock.

(Lunch recess.)

THE COURT: All right,

Mr. Garrison.

REBECCA A. CLARK,

Having been first duly sworn, was examined

and testified as follows:

DIRECT EXAMINATION

BY MR. GARRISON:

Q. Ms. Clark, would you tell us your

full name, please, ma'am.

A. Rebecca A. Clark.

Q. And you live here in Memphis,

Ms. Clark?

A. Yes, I do.

Q. And you've lived here most of your

life?

A. Since high school.

Q. All right. At one time, Ms. Clark,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1642

you were married to -- I believe it was

Captain Earl Clark with the Police

Department; am I correct?

A. Well, actually, he started out as a
patrolman and went as far as chief inspector.

Q. Okay. Now, Ms. Clark, let me say
this -- or ask you this. You and Inspector
Clark were divorced at some period; am I
correct?

A. Yes.

Q. But in 1968, you were married to him
then; is that right?

A. Yes, I was.

Q. During the time of the Sanitation
Strike and the assassination of Dr. King --

A. Yes, sir.

Q. -- you were married to Inspector
Clark; am I correct? Okay. Let me ask you
this. We have taken your testimony before
now. But Inspector Clark had a large

collection of weapons, did he?

A. Yes, he did.

Q. And he was one of the better -- I

guess you call a marksman with the police

department. He had a lot of honors for that,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1643

didn't he?

A. Well, not just for the Police

Department. He won the Tennessee State Trap

Shoot one year.

Q. Okay. And did he work on the -- at

the -- for the police department at the track

where they used weapons to shoot things, like

target practice, things like that? Did he

work there at one time?

A. Yes, he worked at the pistol range.

Q. Pistol range, that's a better word

for it. Do you know, Ms. Clark, during the

Sanitation Strike, was he tied up with that

where he didn't come home -- I mean, did the

police department have him pretty much in --

on duty full time where he wasn't able to
come home for some time?

A. That's correct.

Q. And on the day of April the 4th,
1968, how long had it been since he had been
home then; do you recall?

A. Probably three or four days. Might
have been longer.

Q. Okay.

A. I can't remember.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1644

Q. Now, you were working somewhere at
the time, weren't you?

A. Yes.

Q. And, in fact, you used to work for
the police department. Am I correct that at
one time you were employed at the police
department yourself?

A. Yes, before we married.

Q. Right. I understand. On the day of
April the 4th, 1968, do you remember what

time you came home that day?

A. Well, I got off work at 4 in the afternoon.

Q. Okay. And how long did it usually take you to drive home?

A. Probably 10 to 15 minutes.

Q. And when you arrived at your home, was your husband there?

A. No.

Q. He was not there then.

A. No.

Q. Okay. So you got home around 4:15, roughly in that range; would that be right?

A. Right.

Q. And how long was it roughly before he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1645

came home?

A. I really don't remember. It wasn't right away, but -- probably an hour or so maybe.

Q. Okay. And he came home -- did you

know he was coming home then?

A. No.

Q. Okay. So he came home unexpectedly.

A. Right.

Q. And what happened when he reached your home? What happened?

A. Well, he said he came home to get some clean uniforms. And so when he got there, he said he thought he would lie down on the couch in the living room for a few minutes and take a nap. And then he was going to take a bath and go back because they had been staying up all night over at the pistol range. And so he asked me to listen to the police radio for him.

Q. Okay.

A. So that's when I heard -- a short time later -- I don't know how long he was asleep, maybe 30, 40 minutes -- 45. But that's when I heard on the radio that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1646

Dr. King had been killed -- had been shot.

Q. Okay. Had your husband made any statement about the fact that Dr. King was here and the Sanitation Strike was going on? Had he made any statement -- comment to you about that?

A. About him being here?

Q. Yes, ma'am.

A. Well, everybody knew he was here.

Q. Well, had he made any comment to you about it, the fact that it was tying up a lot of the police officers and causing a lot of problems here with the Sanitation Strike?

Did he make any statement to you --

A. I don't recall any conversation like that.

Q. Well, on your deposition -- let me ask you -- you remember giving your testimony before?

A. Yes.

Q. Page 25, the question: "Did you ever make -- did he ever make any comment about Dr. King at all? Did he ever say anything

about Dr. King, right, wrong or indifferent?"

Answer: "I'm sure he did. I'm sure

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1647

he was concerned about this being here and

the Sanitation Strike might cause a problem,

which was" --

Do you remember giving that answer?

A. Yes, sir.

Q. Okay.

A. But I don't recall any specific

conversation that he -- you know, I'm sure he

must have commented about it.

Q. Okay. At some point you left to go

get a uniform for him.

A. Yes, sir, I did. When I woke him up

and told him that Dr. King had been killed,

he said, you've got to go get my uniforms out

of the cleaners before they close. And he

was going to take a bath while I was gone.

Q. Okay. And, Ms. Clark, you're aware

of the fact -- you know that there's been

some testimony/allegation made that Lieutenant Clark was at the back of the rooming house across from the Lorraine Motel on the day that this occurred. You know that, don't you?

A. Well, at the time of the deposition I didn't know that. Matter of fact, I didn't

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1648

really know why I was called to give a deposition.

Q. Okay.

A. I mean, I had heard of this thing about a conspiracy but I, in my wildest imagination, never dreamed that they thought that he was involved or the police department was involved.

Q. Okay.

A. I found out about a week later when two -- two gentlemen from the Justice Department called me and asked me if they could come out and talk to me. And then

that's when they told me that you all thought that he was involved. And that was the first I had heard.

Q. Okay. Well, he had only been home for a very short time when you left to go get his uniform, hadn't he?

A. Yes. I don't think he was asleep over 30, 45 minutes.

Q. Okay. Ms. Clark, I know we talked about this before when we took your deposition. But isn't it true that Inspector Clark had a rather bitter feeling toward

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1649

African-American people? Truthfully.

A. I don't -- I wouldn't say that he had a -- bitter feelings. I know that after his brother was killed that he probably felt some kind of animosity for a period of time. But I know that he had a lot of black friends that he had met through law enforcement over the years.

Q. Okay. Let me ask you something.

Now, you said that when he reached his home that he had a police radio with him.

A. Yes, sir.

Q. What type of police radio was it?

A. It's kind of like a little walkie talkie because it was laying on the dining room table.

Q. Okay. Now, are you sure about that?

A. Well, I could hear him.

Q. According to the information we have, they didn't have walkie talkies back in 1968. Are you sure it was a walkie talkie?

A. It was some kind of radio.

MR. GARRISON: That's all.

CROSS-EXAMINATION

BY MR. PEPPER:

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1650

Q. Ms. Clark, excuse me one minute, I'm just reorganizing the copy of the deposition that we let you examine and that counsel has

just used. I know this may not be very easy for you. Thank you for coming here this afternoon.

How many children do you have, Mrs. Clark?

A. I have two.

Q. And the first time that we met -- do you recall that afternoon?

A. Yes, I did. I didn't know who you were the second time I met you, which was some years later, but --

Q. Okay. And were one of your children present when we spoke? Your son?

A. I believe he was. I'm not sure.

Q. Do you know how old he was then?

A. There's about -- he's 27. It was about in '92 or 3. So --

Q. When was he born, Mrs. Clark?

A. He was born in February of '73.

Q. So he was in his early 20's at that time?

A. Right.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1651

Q. May I ask, are you a Christian?

A. Yes, I am.

Q. Do you believe that the sins of the father should be visited upon the children?

A. No, I don't.

Q. And that the children should bear no blame for any sins of the fathers?

A. I certainly believe that.

Q. Do your children believe that?

A. Yes.

Q. That's clear?

A. Sure.

Q. Okay. Now, in Mr. Clark's professional life were there things that he did -- activities that he conducted that you knew nothing about?

A. You mean in -- as far as police work? I'm sure.

Q. And in his personal life?

A. He may have. I don't -- I don't know.

Q. Did you know Mr. Frank Liberto?

A. Well, in my deposition you all asked me that. And the only Frank Liberto that I had ever heard of owned a liquor store down

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1652

in south Memphis. And the reason I remembered that name was we had gone down there one night, and this black gentleman came in with high heels and a dress on.

And back then, that was kind of odd to me, so that's the only reason I recall that incident. But that's the only Frank Liberto I've ever heard of.

Q. You've never heard of Frank Liberto who owned and ran a warehouse -- a produce warehouse called Scott Street Market?

A. No. I've seen that name over there because I've been to Scott Street Market lots of times. And I've seen the name, but I didn't know the man.

Q. You didn't know him?

A. No.

Q. Did you not know of his -- your

husband's relationship with --

A. No.

Q. -- this man?

A. No.

Q. Did you know of your husband's

relationship with Mr. Loyd Jowers, the

defendant in this action?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1653

A. No, I didn't.

Q. But your husband used to go,

according to testimony and evidence in this

case, hunting with Mr. Jowers. You didn't

know he went hunting with Mr. Jowers?

A. No. I've never heard that name

mentioned with him going hunting. And I know

a lot of people that he went hunting with.

Q. All right. And you never heard about

him going hunting with Mr. Jowers?

A. No, sir.

Q. Or of his -- his close relationship
with Mr. Jowers?

A. No, sir.

Q. And you never heard him -- he never
mentioned Mr. Frank Liberto to you?

A. No, sir.

Q. Did he ever mentioned Inspector John
Barger?

A. I remember him.

Q. You remember that name?

A. Yes.

Q. Inspector Eddie Zachary?

A. I remember him.

Q. But not Mr. Liberto and not

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1654

Mr. Jowers?

A. No.

Q. If, Mrs. Clark -- if what evidence
has been placed into this Court by -- in
fact, by the defendants in these
proceedings. If that evidence is true and

your husband was involved in the
assassination of Martin Luther King, how do
you -- how would you feel about that?

A. That's impossible.

Q. You can't imagine that?

A. Well, I know not. I know he was
there.

Q. You know he wasn't --

A. And there's not any possibility as
far as I'm --

Q. There's not any possibility?

A. No, sir.

Q. What time did you get home from work
again on the 4th of April?

A. I get off at 4.

Q. You got home about 4:15?

A. About 4:15.

Q. All right.

A. Now, what time he got there, I do not

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1655

remember. It's been a long time ago.

Q. In your deposition, you indicated he got home fairly soon after you arrived home from work. Do you know when that would have been?

A. 30, 45 minutes. Fairly soon.

Q. Fairly soon after you arrived is 30 or 45 minutes?

A. I can't remember exactly, sir.

Q. You don't remember what time he arrived?

A. No, I don't.

Q. What did you do when you got home from work that day?

A. What did I do?

Q. Mm-hum.

A. Changed clothes, probably started cleaning or something, like everybody does when they get home, I guess. I don't know.

Q. At what point in the course of you performing your tasks did he come into the house?

A. Sir, I don't remember what time it was.

Q. I mean, you don't know if you were

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1656

cleaning --

A. No.

Q. -- or changing, or what it was you
were doing at that time?

A. I can't remember.

Q. All right. And what car was he
driving when he came home?

A. I really couldn't say. I just
assumed that he was driving a police car.

Q. Well, where would he park the car
when he came in?

A. Right at the back door of the
apartments.

Q. At the back door. Was there a
driveway that ran up to the back door?

A. Yes, it was.

Q. So he would have parked the car in
the driveway --

A. Yes.

Q. -- near the back door. Did you look at it?

A. No.

Q. Did you look out? Did you see the car?

A. No.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1657

Q. Did you see him depart?

A. I don't know that I went to the back door to watch him leave. I'm sure I said goodbye, but I don't specifically remember going and, you know, waving.

Q. All right. Did you see him drive off?

A. I don't recall that.

Q. You don't recall seeing him drive off?

A. No, I don't.

Q. And he drove off after -- after you came back from the cleaners with his -- his clean uniform?

A. Yes.

Q. Did he call you that afternoon before he arrived home?

A. No.

Q. He just came home.

A. Yes.

Q. Ms. Clark, on Page 54 of your deposition -- which was taken some while earlier, in April of this year -- you were asked: "And how long did it take you to get home?"

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1658

You answered: "Not long. 10, 15 minutes."

The question is: "So you were probably home around 4, 4:15 or so, something like that."

A. Right.

Q. "Yes."

"And soon after you set foot in the house did Mr. Clark call you?"

Your answer was: "Not long as I recall."

The question was: "15 -- 10, 15 minutes, something like that?"

Answer: "Well, yes."

Question: "He might have been home some time around 4:30; is that right?"

The answer was: "I don't know to be honest. I don't really remember. I just know that I was home from work and he wasn't asleep very long when I heard the radio. I woke him up. He ran to get a shower while I went to get his uniforms. That's all I remember."

Now, in fact, Martin Luther King was killed just shy of two hours -- two hours

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1659

after you arrived home. What I'm trying to understand is if your husband came in shortly after you arrived home and was only there for 30 or 45 minutes, that still would leave

almost an hour after he left the house of unexplained time.

A. Well, as I said, I wasn't sure about the times that he got there or how long he was there.

Q. Yes.

A. The only thing I do know was that I was listening to the radio when they came on and said that he was shot.

Q. You were listening --

A. Because I remember about the blue -- they were talking about a blue Mustang.

Q. A blue Mustang?

A. Yes. Something about a Mustang. I don't know whether it was blue or not, but it was --

Q. And you heard that on a police radio --

A. Yes.

Q. -- at some point --

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1660

Q. -- that was sitting somewhere in your dining room?

A. Right.

Q. And your husband had been asleep somewhere -- in the living room?

A. He was asleep on the couch in the living room.

Q. I'm trying to understand what happened during that hour. How long did he sleep?

A. I don't know. I don't remember. I have to hide my own Easter eggs. I can't remember.

Q. That's a very long time ago. That's a very long time ago. But you understand the problem?

A. I know what you're saying, but I just can't -- you know, if I could remember how long or when he got there -- I really don't.

Q. The problem that I'm putting to you is the possibility that your husband did come home -- and you're telling the truth. To the

best of your recollection, you're telling the truth.

A. I know I am.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1661

Q. And he came home.

A. Yes.

Q. But the times indicate that not only did he come home and ask you to go to the cleaners -- Dent Cleaners on Broad Street to get fresh uniforms --

A. Yes.

Q. Which you did and which you brought it back and he put it on and left. The times indicate that he left, in fact, much earlier -- within an hour of the killing.

A. It couldn't --

Q. And that he was somewhere else during that hour.

A. He couldn't have been. He could not have been anywhere else. Because when it came over the radio -- and I heard it. He

asked me to listen to his radio because he was going to take a short nap.

Q. That's the thing we haven't taken into account.

A. And that's what I did. And that's when I heard that he was shot. So it couldn't have been -- so he had to have been there longer than the hour or whatever you're

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1662

talking about.

Q. That's what we haven't taken into account, isn't it?

A. Right. See, I can't remember --

Q. This walkie talkie --

A. -- exactly how long he was there.

Q. This walkie talkie, this radio, which as counsel has --

A. He's had one as long as I can remember.

Q. Counsel has indicated that they weren't standard issue yet --

A. They may not have --

Q. -- in the Memphis Police Department.

A. -- been standard issue, but he had

one. He -- you know, at my deposition -- at

that time I thought I recalled that he was on

the TAC squad at the time, but I don't --

looking back now, I think that he probably

was just assigned to the pistol range because

I think that was too early in his career --

'68. So, you know.

Q. And he wasn't on the TAC squad, that

he was assigned --

A. He may have just been assigned to the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1663

pistol range, and that's where they were

staying. I don't -- you know, I hadn't

looked -- I hadn't looked back to see or

researched to see exactly where he was

assigned. He was on the TAC squad at one

time, but whether it was that particular time

or not, I -- you know, I'm not positive.

Q. It's the walkie talkie or the radio
that convinces you that he was still there at
the time because you heard it.

A. Yes.

Q. That's what you're saying?

A. Yes, sir. I woke him up, and that's
when he said, you've got to get over to the
cleaners before they close to get my
uniforms. Because he came home specifically
to take a bath and get some clean uniforms
because they had been gone for so many days.

Q. Ms. Clark, if the -- if these -- if
these were not available at the time, if they
in fact were not standard issue or special-
issue walkie talkie communications to Memphis
Central Police Headquarters -- if this was
not possible, these were not available, what
are we to believe?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1664

A. Why would I make that up about a
police radio if I didn't hear it?

Q. Did you discuss the assassination
with Mr. Clark --

A. No.

Q. -- after it took place?

A. No.

Q. You didn't have any --

A. I don't think so.

Q. -- discussion with him at all?

A. Not that I recall. We may have
mentioned it. He may have mentioned it, or
we may have mentioned it. But a specific
conversation I don't remember.

Q. Ms. Clark, the assassination of
Martin Luther King, you will agree, was a
heinous, terrible act --

A. Absolutely.

Q. -- and a blot on this community?

A. Absolutely.

Q. Which has never -- from which this
community has never really fully recovered?

A. Absolutely. I do understand that.

Q. Is it possible that here this
afternoon, every good intention in the world,

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(901) 529-1999

1665

that you are trying to protect your loved children from being a part of this whole scenario -- being dragged into this in any way?

A. Sir, I have told this story about what happened or where he was as far back -- before there was ever any thought of conspiracy, ever.

Q. Who has asked you about this question? Who has asked you to tell this story?

A. I've told it to everybody. Everybody has said: Well, what was Earl doing? Where were you? And so and so. I've told everybody at work where -- where he was. And, you know, this story has been told a million times. I told you this story back in 1992 --

Q. Yes, you did.

A. -- before I ever heard of a

conspiracy. So why would I have lied then?

Q. Yes, you -- well, the reason I started my query of you about the children was because I recalled the presence of your son at that time and his attentiveness in the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1666

course of that -- of that discussion. And that's why I've asked you the last question about the protection of the children.

A. Sir, I'm just telling the truth.

I -- you know, it never entered my mind that I'm trying to protect my children. I would if I -- you know, I would want to protect my children.

Q. If in fact you --

A. But I am not -- I am telling the truth as far as I know the truth as much as I remember.

Q. That's fair enough. If in fact the truth were something else, would you tell this story? To protect your children, to

insulate them from any possible repercussions
of this act, would you tell this story?

A. No. I would never lie. I would
never tell --

Q. No matter what the consequences would
be?

A. No matter. I mean, their father is
dead. I mean --

Q. But they're alive.

A. Pardon?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1667

Q. They're alive and they have lives.

A. Yes, they do. And they're making
good lives.

Q. Why would --

A. And I love them dearly, but I would
not lie.

Q. Why would anyone put your husband in
the middle of this frame? What reason would
they have?

A. I don't have the faintest clue.

Q. Why would a Memphis taxi driver quote your husband as saying: I'm going to kill Martin Luther King the next time he comes to Memphis, Tennessee? Why would --

A. I don't know.

Q. -- James McCraw --

A. Why is anybody --

Q. Why would he say that about your husband?

A. -- saying all this stuff? I just don't -- you know.

Q. You don't know why people say things, of course. But that's a problem that we have.

A. All I know is --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1668

Q. We don't know why --

A. All I know is I'm telling you the truth the best that I know -- the best that I know it.

Q. The truth as best you know it is you

came in around 4:15, he came in some time shortly thereafter.

A. Yes. What time, I do not know.

Q. You're not sure of that exact time.

But at some point in the course of his sleep -- and he was sleeping then maybe for an hour and a half -- not 30 minutes, as you indicated earlier in the deposition, but maybe he was asleep for an hour and a half. Because he would have had to be asleep for about an hour and a half for you to hear on the radio that Martin Luther King had been assassinated.

A. Unless he came in later than 30 minutes.

Q. Unless he came in later.

A. See, I don't remember. But all I'm saying is that I was listening to the radio and heard it with my own ears.

Q. When you came back from the cleaners,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1669

was he awake?

A. No -- yes, yes. I woke him up when I heard it. And that's when he said, you've got to get over to the cleaners and get my uniforms before they close.

Q. Okay. So you -- you were in the house all the time. He was asleep. You heard it, you woke him up. He said, go to the cleaners.

A. Yes.

Q. But he had been asleep for all this period of time, for whatever period --

A. Yes.

Q. -- hour, hour and a half?

A. Yes.

Q. On the sofa?

A. Yes.

Q. And he then put on his uniform and reported to work. Where did he go?

A. I have -- I assume that he was going back to the pistol range.

Q. Why would he go to the pistol range?

A. Because that's where they had been

staying.

Q. He would go back to the pistol range

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1670

when there -- the city was in turmoil --

fires and turbulence and assassination?

A. Sir, I don't know where he was

assigned. I do not know where he -- I just

assumed -- when he told me they had been

staying over at the pistol range and sleeping

over there, I just assumed that he was going

back over there. I do not know where he went

from there.

Q. When he left the house he was in

uniform?

A. I don't specifically remember, but

I'm -- feel sure he was in a uniform because

I had to go get his uniforms.

Q. And what uniform was he wearing at

that time of year?

A. Well, I don't remember. I don't

recall what kind of uniform. If he was -- if

he was assigned to the pistol range, he had
on gray uniforms -- gray khaki uniforms.

Q. Which uniform did you pick up,

Mrs. Clark --

A. I don't remember.

Q. -- at the cleaners?

A. I don't remember which.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1671

Q. As he walked out the door was he --

A. In fact, you all asked me that before
and I couldn't remember.

Q. That's fair enough. As he walked out
the door was he in short sleeves or did he
have --

A. I do not know. I don't remember.

Q. Did he leave from the rear door or
the front door?

A. The rear door.

Q. Because that's where the car was?

A. Yes.

Q. Did he normally drive a police car

home?

A. Yes, lots of times.

Q. Was it an unmarked car or was it a regular Memphis police car?

A. Most of the time it was a regular car.

Q. And what color was that car?

A. Black and white, I think.

Q. It was a black and white regular -- not a traffic car but a regular black and white car?

A. Right, far as I can remember.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1672

Q. And his rank at that time --

A. I don't recall.

Q. -- in 1968?

A. I want to say he was lieutenant, but I'm not sure.

Q. I see. Okay. And you don't remember whether he had short sleeves, long sleeves --

A. No.

Q. -- a jacket or anything else on?

A. He didn't have too many short-sleeve uniforms. They had -- they had some -- the gray uniforms when they were shooting on the pistol team, but that's the only short sleeve ones I remember.

Q. And when you --

A. He could have been -- he could have been wearing short ones over there at the pistol range where he worked.

Q. When you were listening to this radio sitting on your dining room table, where were you?

A. I think I was in the kitchen.

Q. Right off the dining room?

A. Right.

Q. And he was in the living room off the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1673

other side?

A. Well, you go through the kitchen into the dining room and there's the living room.

It was just an apartment -- a two-bedroom apartment. It wasn't a house.

Q. Did any investigators from the House Select Committee on Assassinations in 1977 or '78 interview you?

A. At where? In what?

Q. The Congressional committee --

A. No.

Q. -- that looked into this case. They never interviewed you?

A. No, sir.

Q. Did any FBI investigators ever interview you?

A. No, sir. The only interviews that I ever had was when you came and talked to me that time. And then after I gave my deposition there were two guys from the Justice Department that called and came out and talked to me. And that's when they told me that -- that you all thought my husband was involved.

Q. At that point in time?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1674

A. Yes.

MR. PEPPER: Thank you,

Mrs. Clark. Nothing further, Your Honor.

MR. GARRISON: I have nothing

further. You may step down.

THE COURT: You may stand down,

ma'am. You can remain in the courtroom or

you're free to go.

THE WITNESS: Okay. Thank you.

(Witness excused.)

MR. GARRISON: Your Honor, at

this time I'd like to read from the

deposition of a witness. For security

reasons, same as the jury, we did not want

his identity known. He will be referred to

as John Doe.

This is the deposition of John Doe

taken on November the 5th, 1999. And I was

present for the defendant, Mr. Jowers, and

Dr. Pepper was present for the plaintiffs.

And these were the questions that were asked

of this witness. Page 5:

(Whereupon the following is the deposition of John Doe that was read into the record.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1675

THE VIDEOGRAPHER: This is the videotaped deposition of Mr. John Doe. It's being taken by the plaintiffs in the matter of King versus Jowers in the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis. It's being held via telephone at the offices of Daniel, Dillinger, Dominski in Memphis, Tennessee, on November 5, 1999, the time being approximately 4:03 p.m.

The court reporter is Kristin Peterson from Daniel, Dillinger, Dominski.

The videotape specialist is Ted Schurch with The Data Company in Memphis.

Will counsel now please introduce themselves.

DR. PEPPER: William Pepper for

the King family, plaintiffs in these proceedings.

MR. GARRISON: I'm Lewis

Garrison for defendant, Loyd Jowers.

VIDEOGRAPHER: Do you have any announcements or stipulations you'd like to put on the record?

DR. PEPPER: None for the plaintiffs.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1676

MR. GARRISON: And none for the defendant.

JOHN DOE,

Having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. GARRISON:

Q. All right. We're referring to you as John Doe. As I've indicated to you earlier, we have an agreement that we will not reveal your identity for purposes that you and I

have discussed.

Let me ask you this. In the year of 1968, were you in the Memphis area?

A. Yes.

Q. And you, of course, know that the assassination of Dr. Martin Luther King occurred on April 4, 1968?

A. Yes.

Q. Okay. Now, let me ask you this. You and I have talked about this many times. Would you start -- I believe the first time that you gave me information was along about January of 1998. Is that about correct?

A. That's correct.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
1677

Q. All right. Would you tell us at that point what -- what happened, what you know and what personally you were involved and how you know about it.

A. As regards --

Q. The very beginning of your meeting in

a hotel -- Holiday Inn in Detroit, I believe;
is that correct?

A. Well, it was in -- let's see, okay.

Let's -- it's Battle Creek, Michigan.

Q. All right. Go right ahead.

A. Yeah. All right. I had known some
individuals, one person in particular was a
layoff bookmaker from the Houston/Galveston
area who owned a seafood place there on the
Gulf Coast. He said his name was J.B.

Bonner. And at that particular time, I was
working in the sports department at the
Houston Post, and he had called for
information because -- you've got to remember
that they -- that high school football was
like their Super Bowl. Anyway, that's how I
got to know J.B. Now --

Q. Could you spell his last name for
us -- this gentleman you are talking about --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1678

J.B --

A. O N N E R.

Q. Okay. Go right ahead.

A. Okay. Now, then through him, I was in Battle Creek, Michigan, later on in my employment to do some things there in East Lansing, Michigan.

Q. Okay.

A. And Mr. Bonner wanted me to contact or sit down and talk to a fellow by the name of Emil Mazey, M A Z E Y, who I learned later is the -- was the treasurer of the United Auto Workers.

I met him there, and then we met two or three more occasions on -- and at the Red Apple Inn in Northwest Arkansas, mainly, is where we talked, and it was at this time that it was explained to me what Mr. Mazey wanted and what he was doing. And the idea that was given to me was that Walter Ruther, who was president of the UAW had been hit on pretty hard by Hubert Humphrey and L.B.J. about Martin Luther King's sudden -- whatever he did, he came out against the Vietnam War, and

you have to remember that there was a problem

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(901) 529-1999

1679

there between the UAW and the CIO with George Meedy.

And Meedy and the CIO -- they were pushing for the war, and the UAW, up until that point, had been a real supporter of the -- let's see if I remember -- Southern Leadership Conference of which King was involved nominally. I mean, he really didn't have anything to do with it. But, anyway, it was put to me is there a way to satisfy Mr. Humphrey and Mr. Johnson by making Martin Luther King, quote-unquote, I guess, "shut up" about the Vietnam War. And I asked him what that -- what did they mean by that.

And they said, well, by just taking him out, getting through with it. And I had done some work in the military and things like that. And so I said, I can do that.

And they offered four hundred thousand

dollars to --

Q. Okay. Now, we got to the point where you said that they had been offered four hundred thousand dollars maybe, and just go on from there.

A. Okay. Now, to me, this was kind of

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(901) 529-1999

1680

an interesting proposition. This has nothing at all what to do with race or anything like that. It was obvious that they had some things already put in motion.

What I did was contact Jim Harmon,

H A R M O N, a pilot who died in Korea, and who's supposed to be buried in Mills City,

Oregon, but he's not, and then through Carlos

Marcello in New Orleans, Ruelsa Mellon,

R U E L S A M E L L O N, who was based out of Tegucigalpa, Honduras.

There was another lady involved.

Her name was Dori, D O R I, Wyse, W Y S E.

She was from Belize, and she was in that area

supposedly to do research on antebellum homes
and so forth.

The way I understood it, the
Trafficante down in Tampa had gotten a hold
of Marcello and asked him if he could take
care of this, and he said, no, he couldn't.

Most of the FBI was all over him because of
his J.F.K. problem, not which was correct,
and so then through that and Ruelsa, we
got -- kind of got together about the whole
thing in New Orleans and discussed it.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1681

Marcello was there, and he said he
couldn't be involved, XYZ, but we could
use -- there was about a three-mile-long
seashell-type small runway on his property
just west of the Mississippi there, and I
don't -- it's Metairie or however the
Louisianans say it.

Anyway, we agreed to do this, and
the idea was we knew whatever King was doing,

but Dori Wyse's job was to indicate when King would be back at the motel. We knew the room, but -- so we could set that up, and when he finally went out to do whatever he was doing -- he was preaching to somebody or -- anyway, he comes back. She calls then through to Mellon, and he contacts Harmon, who picks me up in Tampa.

We go on up there, find the little airport, fly right up the Mississippi on Mud Island. She picks the two of us up, Harmon -- Jim stayed at the plane. We come down to the area that was selected. Now, I --

Q. What kind of vehicle was she driving, do you remember?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1682

A. Yeah. It was a sixty -- I believe a 1967 gray Corvette.

Q. Okay.

A. Not a Corvette.

Q. Corvair?

A. Corvair, yeah.

Q. All right. Chevrolet Corvair?

A. Yeah, two-door.

Q. Okay.

A. And on the side, it had on there

Aztec Aerial Mapping, just like the plane,

and then -- you know, to give you a reason

why you were in there in the first place.

So then we went on up there, and she

moved on around down by Mulberry there,

kind of a -- kind of just to park there, and

drop them. And Raul, he went upstairs to

the window area up there. Nobody told him to

go in the -- into any kind of bathroom or

closet or anything like that, but he

apparently decided that, already had his bag

full of everything he was supposed to leave.

James Earl Ray was never even

there. He had left for Atlanta. I think he

spent the night in Starkville, Mississippi,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1683

on the way over, but he'd left about three hours before all this even came down. He was set up for that type of thing.

And then when the actual shooting of King took place, it was behind kind of a brushy little wall there just a couple hundred feet away. He used a sixteen-gauge modified rifle that had been made by a Pedro Ginton.

Q. Okay. What was it again? Tell us what it was again.

A. Ginton, G I N T O N.

Q. Okay.

A. Of Belize City.

Q. Belize City is where it was made?

A. Yeah.

Q. Okay.

A. The idea was that -- it's the kind of shot that when it hits something, it starts to mess around. And if you move with it, it just falls apart.

Q. The shot itself?

A. Yeah.

Q. Go ahead.

A. Okay. So then he -- the shot was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1684

done, and Dori comes around and picks up the

shooter, and they go on back down to Mud

Island. Jim's got the plane ready, we take

off, and are flying right down the

Mississippi right back down to Marcello's

place, and opened the door and throw the gun

and two or three other things out of there.

Q. Out of the plane?

A. Uh-huh, into the river.

Q. Okay.

A. Because he was flying real low, and

we went on down there, and we all left there,

and went on back to Tampa.

Now, Raul, he was supposed to drop

a bag of stuff that he had managed to put

together, just childish things really -- but

people believed, apparently -- into a bag,

and he was supposed to drop that upstairs
someplace -- I've never been in that
building -- but he didn't. He dropped it
outside the door but then went and got in his
car, which was a white Ford, you know, and
then drove away from there.

Now, he drove to New Orleans.

There -- picked Ray up in Atlanta, and then

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1685

from there they flew on to Canada.

Q. Okay. Now, let me ask you

something. Did you ever actually see James

Earl Ray?

A. No.

Q. Okay. You've been told about him?

A. Yes.

Q. All right. Sometime later, you had a

chance -- you had an assignment in South

America or somewhere in Central America; am I

correct, sir?

A. Right.

Q. And you had a chance to -- in your assignment to run and meet with the warden of the prison where Ray had been before he escaped; is that correct?

A. Correct.

Q. Okay. Tell us about your conversations and your association with the warden as to what you found out from that?

A. Well, the warden's name -- the best -- I know his last name, but I think his first name was Harold -- Harold Swenson. And he was running the Missouri State Pen, and he had spent some time in the -- over at

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1686

Leavenworth working in the federal pen over there. And they had got him from there, and sent him down -- I believe it was to Mexico where they were having some kind of prison riot and all that.

He went down there, worked on that, and then that was settled, apparently, and

then he went back and was hired on as warden
at the Missouri State Pen.

Now, Swenson indicated that he knew
of a person, the ideal for a -- oh, he used a
corny word -- patsy or something like that.

And I don't know if that came directly from
Swenson's knowledge or from other guards who
worked there at Leavenworth because Ray
wasn't there. And the idea was that
Swenson -- which has always amazed me
anyway -- but that he would work it out to
where they'd get Ray out of the pen on a --
on a Sunday morning, drive him out someplace,
and he'd just disappear.

I never -- the FBI -- no one ever
even indicated, you know, what the -- who the
driver was other than to say he was a -- and

I know nothing about all of that little

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1687

work.

Q. Okay.

A. All I know is that Raul picked him up, picked James Earl Ray up, somewhere there at Jefferson City. They had set it up and had gone on to Chicago, hung around there for a while and then went on to Canada.

Now, this was all, of course, four or five -- well, probably more months than that before the actual thing. But by then Ray was pretty well doing whatever Mellon told him.

They drove around, did all kinds of stuff. It didn't cost that much money. And then after setting him up to go buy some -- a rifle and then another rifle, and no -- to be very frank, you know, James Earl isn't going to win or wouldn't have won any grants to college. He really wanted to be involved in something.

He never -- as far as I know, because I never saw him, the only -- Harmon never saw him. Dori never saw him. The only person that dealt with him was Mellon, and that was the way we set it up. And then,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1688

eventually, the way I understood it was, that the UAW people were going to get him out of Canada and fly him to Lisbon, Portugal, and there they were going to kill him. They were going to take care of it there, and that would be the end of the whole thing.

Now, something went wrong in Lisbon, apparently, because Ray came, and, you know, turns up in London or someplace, and then he's arrested, and they drag him back and go through all of this, and that's why you got to believe when Ray -- who is dead, you know -- said I don't know anything about this, he's -- he's telling the truth.

Q. Okay.

A. He didn't.

Q. Let me ask you something, too. The guns that they -- were brought in the night of the assassination, what did they have those in?

A. Could you repeat -- I didn't --

Q. I think you had mentioned to me --

can you hear me okay?

A. Yeah.

Q. You mentioned to me before that --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1689

about this car that had something about

some -- what did it have on the side of it?

Aztec Aerial Mapping?

A. Yeah, Aerial Mapping.

Q. Okay. Have you told me before that

the guns were hidden in map cases?

A. Right.

Q. You actually saw that?

A. Yes.

Q. All right. The four hundred thousand

dollars, do you know where it came from?

A. Yes. It came from the United Auto

Workers.

Q. All right. Okay. Now, is this about

everything that you know about the case?

Have you heard anything else about whatever happened to these people that you mentioned earlier?

A. Well, I think we all know that it took two tries, but they finally -- Ruther finally was killed in a private jet crash. They had tried to kill him and his brother a year before when they had flown to Washington, and all they did manage there was that the pilot hit the landing, turning right

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1690

at the end of the runway. So in about another year, we try it again, and this time it worked.

I have heard -- I don't know for sure, but it could easily be checked -- the National Transportation Board people say that the altimeter for Ruther totally rules out -- that was the same as backwards -- in other words, the pilot really didn't know how low he was.

Mazey, I think, went ahead and
stayed in the Union for a while, then died.

He was in World War II, I know that.

And Harmon, he began flying for
Marcello or either Trafficante -- I don't
know which one -- flying stuff -- drugs and
stuff through the Carribean. Haven't heard
from him in years.

I know that Dori died in Nicaragua
two years ago during that volcano they had
there after that earthquake and the hurricane
situation.

Q. Did you ever hear the name of Frank
Liberto mentioned by Carlos Marcello?

A. No.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1691

Q. Did you ever hear the name of Loyd
Jowers mentioned at any time?

A. No.

Q. Okay. This Warden Swenson -- you --
the two of you became pretty close on your

assignment; is that correct?

A. Well, we were close enough to understand what we were doing. I -- I felt, you know, because right off the bat that Ruther had Swenson pretty well where he wanted him.

In fact, I think one of the -- of course, this has been a successful thing all the way through, obviously -- but one of the strangest stories was that -- reported in the -- hell, I forget what the -- St. Louis, maybe Post -- that Swenson after he retired during a New Years party, I believe, or a Christmas party had shot himself. And the woman that had reported this lived right next door to it all, and I never heard anything else about that. Again, you know, I wasn't going to check it for sure, but I -- I can't verify it, but that -- anyway, he's gone.

Mazey, I think, just died

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1692

naturally. Humphrey, of course, we know, and
L.B.J.

Q. This Warden Swenson, he had had a
position in the L.B.J. or Kennedy
Administration; am I correct?

A. What he had was, he was in the -- I
think they used to call it a blind squad for
the federal prison system.

Q. In fact, he was the one that
directed, I believe, you to pilot Gary Powers
to Russia; am I correct?

A. Right.

MR. GARRISON: Page 38 of his
deposition.

(Continuing to read from the
deposition.)

Q. The airport that Marcello -- the
small airstrip that Marcello said you could
use --

A. Uh-huh.

Q. -- where did you say that was
located?

A. Well, it's across the river, across

the Mississippi from New Orleans. He had a huge place over there, and most of it's

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1693

swamps.

Q. Yes.

A. But he did have this airstrip -- in fact, he had two. But this one was the kind that you could count on getting down real quick. This is what Jim told me -- get down, get pulled up real quick and get out of there, you know, because the weather had been so bad all through that particular time, all the way from Memphis -- all the way to Tampa for that matter. And it was raining, and I don't think he particularly wanted to land.

There was a dirt strip there that ran kind of clockwise -- excuse me -- clockwise away from the one we used. Got there -- when we got back there that night, they had turned on some lights around the field, and you could see the reflection of

the shells, and were there for Jim to get the plane down. We weren't there fifteen minutes.

Q. Right. And you flew from that airstrip of Marcello's? You took off from there?

A. Yeah.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1694

MR. GARRISON: Page 57,

beginning with Line 22.

(Continuing to read from the deposition.)

Q. What had he -- what was his job?

What had -- what was he supposed to have done?

A. His job was to place and put in locations -- I don't know if it could ever be, you know, declared evidence, but put things around that would indicate that James Earl Ray was -- had been there -- had been in that area and was responsible for whatever

took place.

Q. He was to plant -- plant evidence against James?

A. Yeah.

Q. And where was James during this time?

A. He had left around -- he was supposed to, so I presume he did, because he made it to Atlanta, but he left around 3:00.

Q. And what was -- what kind of car was Ruelsa driving?

A. He had a white -- a little white Ford.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1695

Q. What kind of Ford was it, do you know?

A. Oh, one of those with the -- a Mustang.

Q. So he had a Mustang?

A. They had two of them.

Q. All right.

A. James Earl.

Q. Okay. All right. Okay. If we can -- and he was in the rooming house. He -- at some point he had been in the rooming house?

A. Ruelsa?

Q. Yeah.

A. Yeah.

Q. Was he supposed to rent a room?

A. Yeah, uh-huh. And he was supposed to leave that stuff in that room.

Q. What was James' role there? What was James supposed to have done?

A. All he was done is -- he went and purchased the -- something -- binoculars, I believe, or something to that effect that had his fingerprints and stuff on them, and he came back and gave them to Ruelsa. This is

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1696

the way I understand it because I obviously wasn't right there. And then he told James to go on to Atlanta and to stay at the place

that he had set up for Ray in Atlanta.

Q. Right. Okay.

A. And that's the last from -- what I understand from Ruelsa, when I talked to him later, Ray did just exactly what he was told.

Q. So he didn't -- he got out of the area, and he did what he was supposed to do?

A. Yeah. He wasn't -- he wasn't anywhere around there, I mean, as far as I know.

Q. That's what you were told?

A. That's right.

Q. Yeah. That is what you understand.

Now, Warden Swenson --

A. Uh-huh. What about him?

Q. You're saying you knew Warden Swenson down in Central America. What was Warden Swenson doing down in Central America?

A. Well, I presume from what he had indicated that he was on a -- on a vacation, and he was going to look at some of the prison operations and what have you in the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1697

Panama Canal Zone for the feds -- for the federal people. I saw him at the Myan Hotel.

Q. Right. And did -- did he tell you that he had -- where did he tell you he had met James and decided upon James as a -- to be the patsy?

A. He said that -- I said, well, what -- is this going to be just in and out type thing, and then he said, no, I think Ruther wants it blamed on certain elements or people to flare things up. And I said, well, you know, it doesn't make any difference to me really one way or the other. And I said, how long have you known Mr. Ruther. And he said, for quite a long time. He said, in fact, I know him a lot better than I wish I did.

That was one of his quotes, so I -- then Raul -- Ruelsa told me that Swenson had set this deal up for Ray to presumably cleverly escape in a red truck, on a Sunday morning, jump off of it, and Ruelsa was going to pick

him up, which I know that did happen.

Q. How do you know that happened?

A. Because he called -- Ruelsa called me from Chicago and told me that things had gone

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1698

exactly as planned and that he was taking -- what did he call -- he never called him James Earl. It's Jimmy, I think, or Jim -- I'm taking him, and we're going to drive around the country a while. And when things get ready, I'll get back in touch. And -- but that was the last I heard from that group until they did get back and started trying to set up some kind of base of operations, I guess you'd call it, in Alabama or Georgia or some place down there.

Q. Did Raul tell you what he -- Ruelsa tell you what he -- he and James did during the time after James escaped from prison?

A. He asked me if I wanted to know, and I said no.

Q. Did he ever discuss with you how James got his identities?

A. No.

Q. Okay.

A. Are you referring to the -- the passports and that?

Q. No. The identity that he used when he traveled around the country.

A. Oh, you mean as Willard and all

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1699

that?

Q. No. He only used one identity, not Willard. He only used Willard at the very end when he rented a room, but he had another identity that he used when he traveled around the country, always.

A. Well, I guess Ruelsa set him up with it or somebody in New Orleans. I wasn't familiar with it.

Q. Right. What was supposed to have happened to James?

A. You mean after?

Q. Yeah. After everything.

A. Okay. He was supposed to go -- after everybody had hit the fever pitch to Lisbon, Portugal, where the UAW had a very, very strong international union, and he was given and told a room to go to in a hotel there.

And the way I understand it, when the people went in there to get him, he wasn't there, and I don't know how he picked up on it or what, but the next thing, he's in England someplace -- London.

MR. GARRISON: Page 69,
beginning on Line 18.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
1700

(Continuing to read from the
deposition.)

Q. Do you believe that you were entirely
on your own in this operation?

A. With Ruther.

Q. With who?

A. Walter Ruther.

Q. With Walter Ruther. With the Union League?

A. Now, I might have misspoken just a minute when you asked me that question. Of course, the way I understood it from Emil was that Johnson had just lost his cool, so to speak, as they do today, about King all of a sudden in some New York or Chicago church coming out just raising the devil about the Vietnam War, and Johnson told Humphrey -- the way I was told, because I wasn't there --

Q. Yes, of course.

A. -- go tell Ruther to tell that SOB to shut his mouth. Now, the way Emil told me, Ruther took that -- and don't forget, Ruther had been a long time -- the UAW had really pushed the civil rights.

Q. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1701

A. And so he was told this by Humphrey.

Q. Yes.

A. That apparently convinced Ruther that -- that they had to do something pretty quick. They had something set up called five regionals.

In this particular scheme of things, there were going to be five cities around the country where there would be this union organizing, vote organizing kind of situation, and Memphis had been selected to be the center of these things.

There was going to be one in New York, obviously, Detroit, Chicago, L.A. and Memphis, and that was what Ruther was basically trying to protect, I believe, was the fact that -- you know, his slogan was -- I don't know if you recall this or not or read it, but was -- and I think it was a bad choice of words -- was community-ized and unionized.

MR. GARRISON: That's all.

THE COURT: Do you want to read from the deposition?

MR. PEPPER: Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1702

Plaintiff's don't want to tax or burden this jury any more than absolutely necessary, but just very briefly -- this is counsel's deposition so I'm having to just quickly go through it to find the one paragraph. Page 56.

Your Honor, plaintiffs concluded that this deposition -- this statement is a -- is disinformation, not to be believed, for a variety of detail and accuracy.

Without burdening the jury, the one in particular that concerned plaintiffs is on Page 56.

Plaintiffs' counsel asked the deponent --

Question: "Was there anyone else in the brush area with you?"

Answer: " No."

Question: "And do you mind to tell

us what you were wearing."

Answer: "I had on blue jeans."

Question: "Yes."

Answer: "A blue shirt, a blue jean

jacket and some -- I never say this right --

tong or thong sandals."

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1703

Question: "Thong sandals?"

Answer: "Yes. I had been wearing

them in Tampa, plus they have pretty slick

bottoms."

Could Your Honor instruct please

that any mobile phones in this courtroom be

turned off.

"Yes, I had been wearing them in

Tampa, plus they have pretty slick bottoms so

you don't have to worry about them."

Question: "Was the area heavily

overgrown -- that brush area there?"

Answer: "Not particularly. It just

looked thumpy. I mean, it looked like a lot

of areas like that around Memphis. Right."

Question: "Do you know how roughly -- how long it took you to get from the gated area where you came in down to the corner of the wall?"

Answer: "Two or three minutes."

Question: "Was there any impediment that you faced as you walked to that corner of the wall?"

Answer: "No, other than, you know, some bushes and stuff. But no physical -- no

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1704

wire or any fence or anything like that."

Question: "You didn't encounter a fence?"

Answer: "No."

Question: "That separated those two pieces of property?"

Answer: "No."

(End of deposition testimony.)

MR. PEPPER: Your Honor, we're

putting up on the screen Plaintiffs' Exhibit
8 which is a photograph taken after the brush
area was cleared but at the same time in
1968, within a day or so, and it depicts,
quite clearly, a fence that runs east and
west separating the two pieces of property.

That's the subject of testimony here.

And in the right-hand corner, the
end of the fence as it goes straight down to
the edge of the wall. So, in fact, there was
quite a serious impediment, a fence
separating those two pieces of property which
this deponent claimed was not there. Nothing
further.

THE COURT: Mr. Garrison,
anything you want to read?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
1705

MR. GARRISON: Your Honor, I
have a deposition of Mr. Ray which is rather
lengthy.

THE COURT: All right. Let's

take a break and we'll get in a portion of
it.

(Brief break taken.)

THE COURT: All right,

Mr. Garrison.

MR. GARRISON: Your Honor, we
have Mr. James Earl Ray's testimony -- it's
going to be rather lengthy. It's going to
take two or three hours for that at least,
and I have testimony of a witness that's 40
pages, so it will be 30 or 40 minutes before
I can conclude with one of these.

THE COURT: Is this your way of
telling us you're ready to knock off and come
back Monday?

MR. GARRISON: Sorry. I didn't
say that, Your Honor. But it's going to take
quite a while to present Mr. Ray's testimony.

THE COURT: You're entitled to
put on your defense. Go ahead.

MR. GARRISON: Start with this

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1706

one?

THE COURT: However you want to shape your proof, sir.

MR. GARRISON: Your Honor, Mr. Ray's testimony is rather lengthy and I would rather it be heard all in one day without it being broken up.

THE COURT: All right. We'll look forward to starting next week with that. And that will be the extent of your proof?

MR. GARRISON: There may be one other witness depending on whether or not I can get service on the witness.

THE COURT: All right. All right. What are we going to do now?

MR. GARRISON: I'm sorry.

THE COURT: What are we doing now?

MR. GARRISON: I have one other witness that's a 40-page deposition. If you want me to read that I'll be glad to.

THE COURT: Whichever -- as they
say, whatever.

MR. GARRISON: I'm sorry, I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1707

didn't understand.

THE COURT: Whichever way you
want to proceed.

MR. GARRISON: I can present it
now. It will be rather lengthy. But if you
want me to go ahead, I'll be glad to.

THE COURT: You mean the Ray
deposition?

MR. GARRISON: No, sir, it's
another witness besides that. Almost 40
pages of it.

THE COURT: All right. Go ahead
and do that.

MR. GARRISON: All right. This
is testimony of Ms. Lavada Addison. And I
was present for Mr. Jowers and Dr. Pepper was
present for the plaintiff. These are the

questions that were asked of this witness,
Lavada Addison.

THE COURT: Please spell that
name.

MR. GARRISON: A D D I S O N,
L A V A D A. On Page 5 beginning with
Dr. Pepper's questions.

(Reading from the deposition.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
1708

A. Mr. Pepper, the one thing I want to
clarify, when I gave the deposition to
Mr. Ashford --

Q. The statement?

A. A statement, rather. It wasn't a
deposition. He asked if I knew Mr. Liberto's
relatives, and I had met one of his nephews,
but at that time I did not recall his name,
but his name is Billy, and that I also told
him that Billy had something to do with
electrical, and I told him it was the
Coliseum, but it was the Convention Center

where he was working. I don't know if that matters, but I want to clarify that.

Q. That's fine. Yes. I had discussion with Mr. Ashford at one point about it, and he did basically summarize what you know, what you have said, with respect to Mr. Liberto, and I gather in many ways it was a limited -- in terms of the matters we're concerned about, you really had very limited contact with him or very limited conversation.

A. Right.

Q. I'd just like to move forward on

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1709

that. Mr. Garrison may have some other questions. He can take them up later.

Could you tell us where you worked in 1967 and 1968?

A. Where I was in that period?

Q. Where you worked during that period, 1967 and 1968.

A. In Millington.

Q. What was the name of the establishment?

A. No, you are speaking of the early 1970's when I had the pizza parlor? Lavada's.

Q. Could we just move back. Before you had the pizza parlor, you worked during the time in Millington?

A. Millington Telephone Company.

Q. Right. How long were you there?

A. Oh, off and on probably thirty-five years or so.

Q. When did you go into the pizza parlor or the restaurant business?

A. In 19 -- well, in 1975 I owned a florist on the same corner where I had the pizza parlor. Then I left my husband. I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1710

don't know if that makes any difference.

But, anyway, in 1976 is when I divorced him,

and then the latter part of 1976 is when I opened the pizza parlor.

Q. All right. What was the address of that pizza parlor?

A. 3411 Macon.

Q. 3411 Macon?

A. Yes.

Q. All right. What sort of food did you serve there?

A. I had a hot breakfast, sausage, biscuits, homemade gravy and so forth, then we had a hot lunch, hot plate lunch. Mostly in the evenings it was pizza.

Q. What were the hours of business?

A. Six in the a.m. until whenever.

Q. Very long day?

A. Right.

Q. Did you serve lunch as well?

A. Yes.

Q. And did you have a dinner menu, did you serve dinner?

A. No, we just had a hot plate lunch.

Q. Just a hot plate lunch?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1711

A. Uh-huh. The kitchen was small. We didn't -- we just had a hot lunch, and that was it.

Q. Now, when did you first meet Mr. Frank Liberto?

A. Probably in -- well, after I opened the pizza parlor. He didn't come by when I had the flower shop there. He sold me produce. Then he came by for breakfast. Then I had seen him down at the Scott Street Market. He was what we call the tomato man there. He sold a lot of tomatoes.

Q. Do you know the name of his company on Scott Street during that time?

A. No. I don't remember. I just know where it was located, but I don't remember.

Q. Would the name L & L mean anything to you, Liberto & Latch Brothers?

A. No. You'd see the Liberto names down there, but that didn't mean anything to me.

Q. So you met him in a business way, you bought produce from him?

A. Right.

Q. Did he deliver produce to your restaurant?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1712

A. Yes. Apparently he went to work early in the morning, and he dropped my tomatoes and different things off, and he would eat breakfast while he was there. Then after awhile he would eat and sit around and talk for awhile like a lot of people did.

Q. All right. So he would come by early. What hour of the morning would he come by?

A. I'm just speculating. I'm going to say somewhere around seven, somewhere around there.

Q. Did he live nearby?

A. I don't know where he lived.

Q. When he came by early in the morning

and dropped off the produce, he had
breakfast?

A. Uh-huh.

Q. Did you cook breakfast for him?

A. Yes.

Q. Did he have a regular type of
breakfast that he had?

A. No. He didn't have a regular
breakfast. Mr. Frank was a big man. He was
like on a bland diet most of the time. He

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1713

would have like scrambled eggs and dry toast,
coffee, occasionally orange juice, and then
I'd fix oatmeal for him.

Q. Now, when you first met him, let's
put that in a time frame. Which year would
that have actually been?

A. I'm saying probably early 1977.

Q. Early 1977?

A. Yes.

Q. Okay.

A. Because he started coming by about the time I opened the restaurant there, and that was in 1977, the early part.

Q. Could you estimate his age at that time?

A. No, I couldn't. I don't know.

Q. That's fair enough. It is very difficult in some people.

A. He didn't have a lot of wrinkles. He didn't have as many as I've got right now.

Let's put it like that.

Q. He'd come in and have breakfast, and then he would go off to his place of business. Would you see him every day?

A. Not every day. Most every day,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1714

though. And sometimes he would come back for lunch. You just would look up, and there he was. He didn't have a certain time that he came in.

Q. He'd drop in for lunch. Did he ever

drop in in the afternoon on his way home or
after the business was closed?

A. Yes.

Q. What time would that be as a rule?

A. I don't remember. But I just
remember that he was smoking a cigar when he
came in and he would have like his dress
clothes on. When I say "dress clothes," he'd
have a sport shirt and pants. A lot of times
when he would come in, he would have his
overalls on, bib overalls. When he had on a
sport shirt, I considered that his dress
clothes.

Q. When he came in late in the afternoon
when he was on his way home, would he eat
then as well?

A. No.

Q. What would he do then? Did he
drink --

A. He would drink beer.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1715

Q. He would drink beer?

A. Uh-huh.

Q. And would he drink much beer or --

A. I don't recall. It has been so long, seventeen, eighteen years ago.

Q. How long would he likely stay?

A. I don't remember. Just different times.

Q. All right. Where would you -- would you actually be serving him? Would you be behind the counter serving him? How would you interact with him?

A. Like in the early morning, if he had produce on his truck, well, like the pizza parlor was on the corner, and the door was here in the corner of the building, and then there was big windows over here and big windows over here, and Mr. Frank would park his truck right by these windows. And there was a table next to the windows where he would watch his produce. He would sit there early in the morning.

Q. And would you serve him?

A. Yes. But it was like a family type thing. After I served him, you just would

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1716

sit down and talk. It was like a round table. Everyone would just gather around at times.

Q. You gradually became involved in conversation with him when he was around?

A. Right.

Q. You came to know him, actually?

A. Right.

Q. As a regular customer?

A. Yes.

Q. As you have many others, I'm sure.

Did you have other staff working in the restaurant at that time?

A. Yes.

Q. Who were the other staff and what did they do?

A. I had, well, the cook, and she is dead now, by the way, Emma. I can't remember

her name. Then there was Lewis Monticelli,
he worked, Nathan, my son, worked. We had a
couple of waitresses, Thelma Smith, a
red-head, and there was another one, Annette
something. I can't remember her name.

Q. Now, I understand at one time, one
point in the course of your interaction with

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1717

Mr. Liberto when he was in your restaurant,
the killing of Martin Luther King came up.

A. Yes, sir.

Q. Did it come up more than once in your
presence or was it only one time?

A. Only one time.

Q. Only one time. And do you recall
when that was?

A. No, sir, I don't.

Q. The year?

A. No.

Q. What prompted the discussion?

A. I had a TV up in the front part of

the pizza parlor, and we were sitting at a table, and something came on TV about Martin

Luther King, and I don't recall what it was.

But he said in a low voice to me, he said, I

had Martin Luther King killed. I said, don't

be telling me anything like that, I don't

want to hear it and I don't believe it

anyway. And I got up and walked away.

That's the only time he ever mentioned it and

I ever mentioned it to him either.

(End of deposition testimony

that was read into the record.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1718

MR. GARRISON: That's all I

have, Your Honor.

THE COURT: Do you have anything

to add to that?

MR. PEPPER: None. Nothing,

Your Honor.

THE COURT: All right. Next

order of business.

MR. GARRISON: The only other thing I have is the testimony of Mr. Ray, and I prefer to start it all in one day so the jury wouldn't forget what they heard. It's rather lengthy testimony.

THE COURT: All right. Monday morning at -- what do we have? We'll just start Monday at 10 then. Ladies and Gentlemen, we'll resume Monday at 10 o'clock.

(Court adjourned until Monday, December 6, 1999, at 10 o'clock a.m.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1719

IN THE CIRCUIT COURT OF SHELBY COUNTY,
TENNESSEE FOR THE THIRTIETH JUDICIAL
DISTRICT AT MEMPHIS

CORETTA SCOTT KING,
MARTIN LUTHER KING, III,
BERNICE KING, DEXTER SCOTT
KING and YOLANDA KING,
Plaintiffs,

Vs. Case No. 97242-4 T.D.

LOYD JOWERS, and OTHER
UNKNOWN CO-CONSPIRATORS,
Defendants.

TRANSCRIPT OF PROCEEDINGS

December 6, 1999

VOLUME XII

BEFORE: HONORABLE JAMES E. SWEARENGEN, Judge

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RICHBERGER, WEATHERFORD

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1720

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DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1721

- INDEX -

WITNESS: PAGE NUMBER

LaVADA ADDISON

DIRECT EXAMINATION

BY MR. GARRISON..... 1723

CROSS-EXAMINATION

BY MR. PEPPER..... 1727

DEPOSITION OF JAMES EARL RAY

DIRECT EXAMINATION

BY MR. GARRISON..... 1731

EXHIBITS

Trial Exhibit 36 1722

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1722

PROCEEDINGS

(Jury out.)

THE COURT: Yes, are we ready to
proceed?

MR. GARRISON: If I might have
just one second. May we approach?

THE COURT: Yes, sir.

(Off-the-record discussion held
the bench between Court and counsel.)

THE COURT: Bring the jury out,
Mr. James.

(Jury in.)

THE COURT: Good morning, ladies
and gentlemen. It's gratifying to see that all
of you have survived another weekend. All
right. We are going to proceed with the trial.

Mr. Garrison, you may continue.

MR. GARRISON: Your Honor, at this

time I have a report from the physician on behalf of Mr. Jowers. I would like to have it marked the next exhibit if I may.

(Whereupon, the above-mentioned document was marked as Trial Exhibit 36.)

MR. GARRISON: I would like to call Miss LaVada Addison.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1723

LaVADA ADDISON

Having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. GARRISON:

Q. Good morning, Miss Addison. Let me ask you please, ma'am, to tell us your full name.

A. LaVada Whitlock Addison.

Q. You live here in Memphis, Miss Addison?

A. Yes, sir.

Q. I have known you many years?

A. Thirty-five or so I guess.

THE COURT: You spell LaVada, L

A --

THE WITNESS: L A capital V A D A.

Q. Miss Addison, you're in some type of business presently, aren't you?

A. Yes, sir, I'm self-employed.

Q. What is the name of your business?

A. LaVada's Estate Sales. I sell contents of homes.

Q. Previously you operated a restaurant here in Memphis some years ago, am I correct?

A. That's right.

Q. And where was it located?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1724

A. At the corner of Macon and National.

Q. All right. Let me ask you this:

During -- how many years did you operate the restaurant?

A. I opened it in 1976 and sold it in either -- latter part of 1981 or the first part of 1982.

Q. All right. Among those customers that

came in to see you, would you tell His Honor and ladies and gentlemen of the jury was there a Mr. Frank Liberto?

A. Yes, sir.

Q. Did you get to know Mr. Liberto pretty well?

A. Yes, sir.

Q. Was he in on like a weekly basis? I'm talking about after he started coming in, daily basis, how would you describe it?

A. I would probably see him possibly four or five times per week.

Q. And you and Mr. Liberto had some conversations quite a bit, am I correct?

A. That's right.

Q. And some of these conversations would be of things that happened in the past, am I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1725

correct?

A. That's right.

Q. Let me ask you this: Will you tell His

Honor and ladies and gentlemen of the jury was there a time when there was some discussions -- I'm not asking you to tell me what he said right now. But was there a discussion between you and Mr. Liberto about the assassination of Doctor Martin Luther King?

A. Yes.

Q. And was that some time after you got to know Mr. Liberto pretty well?

A. Yes, sir.

Q. You had many conversations with him about various things before then, am I correct?

A. That's right.

Q. Now, let me ask you this: What were the circumstances that brought up the assassination of Doctor King, do you recall?

A. We were sitting at -- well, we called it a round table, but it really wasn't a round table. It was just like two tables pushed together and people would just kind of gather around, drink coffee, and so forth. But at that time there were -- just Mr. Liberto and I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1726

were the only ones sitting there. And the TV was behind me and something came on the TV in regard to Doctor King, and Mr. Liberto leaned over to me and said in a low voice, I had Doctor Martin Luther King killed.

Q. What was your response to that?

A. I said, don't be telling me anything like that. I don't want to hear it, and I don't believe it anyway.

Q. All right. Now, Miss Addison, all the time you knew Mr. Liberto did you ever hear him mention the name of Loyd Jowers to you?

A. No, sir.

Q. In fact, did you ever hear of Mr. Jowers up until the last few months or years?

A. No, sir.

Q. Okay. Did he ever tell you he was ever in Mr. Jowers' restaurant? Did he ever mention that to you, ever been in there?

A. No, sir, he never did.

Q. Is this the only time he had ever mentioned that to you is that one time?

A. Yes, sir.

MR. GARRISON: That's all I have.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1727

THE COURT: Mr. Pepper.

CROSS-EXAMINATION

BY MR. PEPPER:

Q. Good morning, Miss Addison. Did you in the course of your acquaintanceship with Mr. Liberto, did you come to learn anything about his family?

A. Somewhat.

Q. Did he have any children?

A. He never mentioned children --

Q. He never mentioned --

A. -- that I remember, no, sir.

Q. But he was married?

A. Yes, sir.

Q. All right. And so you didn't learn from him or from any other source whether or

not there were any children in that family?

A. No, sir.

Q. After he made this statement about arranging to have Martin Luther King killed, did you see him again?

A. Yes, sir.

Q. Many times?

A. Yes, sir.

Q. Do you recall what year that was again?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1728

A. The only way I can remember when I opened the pizza parlor, I took a little photography course at Memphis State and I had a dark room set up behind in the back of the pizza parlor where I developed pictures. And I started taking pictures of customers, and I started -- like the pizza parlor was like north, south, east and west. And I started on the south end towards the kitchen putting them on the walls, black and whites, and all the way around the walls, and on the west side I would

say Mr. Liberto and his wife's picture was there pretty well even with the cash register. And that should -- and some of those pictures were dated 1977 and some of them were 1978. And so it had to be during that period of time.

Q. So it was 1977 or 1978 that you had this conversation with him?

A. Yes, sir.

Q. Was the television on in the cafe at the time that you had that conversation?

A. Yes, sir, it was on the top of the jukebox behind me.

Q. And once again what -- do you recall what was being shown on the television?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1729

A. No, sir. I don't recall. But it was something pertaining to Doctor King.

Q. Something pertaining to Doctor King?

A. Yes, sir.

Q. Now, when you saw him again, would it have been over the course of the next year?

Did you see him for two years after that, do you recall how long?

A. Probably a year or so. I really don't remember. I would just be guessing. I don't know how long it was.

Q. Right.

A. As you get older, time doesn't mean as much.

Q. Of course. Of course. And did he ever raise this subject again with you?

A. No, sir.

Q. It never came up in conversation --

A. No, sir.

Q. -- with you at all. Do you recall when he passed away?

A. I don't know what year it was. I do remember the obituary being in the paper.

Q. Would it have been soon after you perhaps saw him for the last time or do you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1730

think there was a gap there?

A. I think there was a gap there.

MR. PEPPER: There was somewhat of a gap. Okay. That's all. Thank you very much, Miss Addison.

MR. GARRISON: I have nothing further, Miss Addison.

THE COURT: All right. You may step down, ma'am. You can remain in the courtroom or you are free to leave.

(Witness excused.)

MR. GARRISON: Your Honor, at this time we would like to offer the testimony of Mr. James Earl Ray.

THE COURT: All right.

MR. GARRISON: Mr. Bledsoe will read.

MR. BLEDSOE: This is the deposition of James Earl Ray which was taken March 11 and March 12th of 1995 in the case of James Earl Ray versus Loyd Jowers. Appearing for the plaintiff was Doctor Pepper.

Representing the defendant was Lewis Garrison.

Also present was Loyd Jowers and Jerry Little.

James Earl Ray having been first duly

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1731

sworn was examined and testified as follows and

his direct examination questioning by

Mr. Garrison.

(The following proceedings were

read by Mr. John H. Bledsoe from the deposition

of Mr. James Earl Ray.)

DIRECT EXAMINATION

BY MR. GARRISON:

Q. Mr. Ray, I'm Lewis Garrison, an

attorney out of Memphis, Tennessee, and I

represent Mr. Jowers seated next to me. You

filed a lawsuit against him as a defendant.

I'm going to ask you some questions, and I want

you to be sure that I -- you understand my

questions before you answer them. If there is

anything I ask you you don't understand, tell

me and I will be glad to repeat it or speak

louder or say it in a way where you understand

it.

A. Okay.

Q. If you will be sure and don't shake your head. She has to write down what you say, and if you will, give a complete answer because she will have to put it on the record what you say as to the court hearing. And if you will

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1732

give a complete answer, it will assist us in knowing what you have testified to here today.

A. All right.

Q. Tell us your full name, sir.

A. James Earl Ray.

Q. Okay. And, Mr. Ray, I believe you were born April 10th, 1928; is that correct, sir?

A. No. Let's see, March 10.

Q. I mean, March 10. I'm sorry, March 10, 1968 -- oh, 1928.

A. Yes.

Q. Yesterday was your birthday. Okay.

You're presently confined to the Riverview --
River Bend --

A. River Bend Maximum Security

Institution.

Q. Security institution. All right. How long have you been there at this location?

A. Since March 1991.

Q. Now, Mr. Ray, if I'm not mistaken, I believe you entered a guilty plea on March 10th, 1969, in Memphis, Tennessee; is that correct, sir?

A. That is correct. Yes.

Q. And you have been confined since that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1733

time?

A. Yes.

Q. Let me ask you some questions, Mr. Ray.

You were born in Alton, Illinois; is that

correct, sir?

A. Yes.

Q. And you were the oldest of nine children?

A. No, it was seven. A lot of these

records I don't know where you get them, but they're not exactly correct.

Q. You're the oldest of seven children?

A. Yes.

Q. And your mother's name?

A. Lucille.

Q. Okay. I believe she died in 1961; is that correct?

A. I believe so, yes.

Q. Did you grow up around Alton?

A. Did I grow up around Alton?

Q. Yes, sir.

A. Yes. But I really don't want to go into too many of these personal questions that doesn't have anything to do with the Martin Luther King case.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1734

Q. Well, Mr. Ray, according to our rules this is what is called a discovery deposition, and we are permitted to go into pretty much wide latitude, and I'm going to ask you some

questions and I would like you to answer them.

We'll let the judge decide whether or not they are proper.

A. Yeah. Well, I am not getting into too many personal questions. You can ask them. I don't think I'm required to answer them.

Q. Okay. How far did you go in school?

A. Two years of high school.

Q. And what school did you last attend?

A. Well, I would rather not answer that either.

Q. Okay. Can you tell me the first job that you held?

A. It was at the International Shoe Company, Hartford, Illinois.

Q. How old were you when you had that job?

A. Fifteen, I believe.

Q. Okay. What did you do for them?

A. Well, they just made leather materials. I couldn't go beyond that.

Q. Okay. How long did you work there?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1735

A. I would say about sixteen or seventeen months.

Q. Okay. And where were you living then when you worked for International?

A. Alton, Illinois.

Q. Before you became 18 years old -- 18 years of age, had you been arrested for anything?

A. No.

Q. After the International Shoe Company, then did you enter the military service?

A. Yes.

Q. Okay. What branch were you in?

A. I was in the Army.

Q. Okay. How long did you serve in the Army?

A. Three years.

Q. Were you stationed overseas or were you all in the United States all the time you were serving?

A. Most of the time I was in Europe.

Q. Okay. You were I believe, Mr. Ray,

what is called an MP, is that correct, military police?

A. No. I was in four or five different

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1736

organizations. I was in -- I started out in the quartermaster for about seven or eight months, and then I was in the military police for eight or nine months. And then I was in the infantry several months and I was discharged. I was in the infantry at the time I was discharged.

Q. How old were you when you were discharged?

A. About 20 years old.

Q. Okay. And where were you discharged from, what location were you discharged from?

A. I believe it was Camp Kilmer, New Jersey.

Q. When you were discharged, where did you go from there?

A. Well, I didn't go any certain place. I

know I was in Quincy, Illinois, for a while
after I was discharged.

Q. Did you have an employment there?

A. No, not at that time.

Q. Okay. When did you have your next
employment after you were discharged from the
service?

A. I don't believe I had any employment

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1737

after I was discharged from the service.

Q. You never were employed on any job at
all?

A. No. After you got out of the military,
they give you so much money every month for a
year.

Q. Okay. Did you continue living in
Quincy, Illinois, or did you go somewhere else
after that?

A. Well, I was in different places. I
can't recall them all because it's been a long
time. I lived in that general area, Quincy or

Alton, Illinois, generally in the St. Louis, Missouri, area.

Q. Tell me the first time that you -- that you were arrested and found guilty and served time that you can remember?

A. The first time I think it was in 1949.

I would say about October of 1949.

Q. What state was that?

A. California.

Q. Did you have a trial or did you enter a guilty plea?

A. No, I just entered a plea for attempted burglary or -- I believe that's the charge.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1738

I'm not certain of that.

Q. How much time did you serve?

A. I was on probation for two years.

Q. Okay. Where did you serve your time or you said you didn't serve time?

A. No, I was --

Q. All right. I'm sorry. And when you

were on probation, Mr. Ray, where were you living?

A. Chicago, Illinois.

Q. Okay. Were you arrested any more after that?

A. Well, I lived in Chicago for, let's see, from 1950, the spring of 1950, until the spring of 1952, and I was arrested for a robbery in 1952. So I would say about May of 1952.

Q. That was in the state of Illinois?

A. That's correct. Yes.

Q. Okay. And what happened, did you -- were you convicted or did you plead guilty to the charge of robbery?

A. Yes, I entered a guilty plea to the robbery charge, yes.

Q. And did you serve time?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1739

A. Yes.

Q. How much?

A. Two years.

Q. Where did you serve it?

A. Pontiac, Illinois.

Q. Okay. Now, Mr. Ray, you lived in the Chicago area you said from 1950 to 1952 and did you have any type of employment during this period of time?

A. Yes. I worked all the time I was up there.

Q. Where did you work?

A. I can't remember all the places that I worked. I worked about three different places. When I was arrested, I was working in Borg Ericson, E R I C S O N, they made scales.

Q. What is the name of it again?

A. Borg Ericson. B O R G, I believe it was, Ericson and they were --

Q. And they're in Chicago?

A. Yes.

Q. Okay. All right. Now, you had a robbery charge. You entered a guilty plea. You had two years in prison. And when you were released, where did you go from there?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1740

A. I went to Quincy, Illinois.

Q. Okay. And did you work anywhere there?

A. No.

Q. Were you subsequently arrested any more for anything after that?

A. Yes. I was arrested for burglary in Alton, Illinois, in --

Q. Okay. And what happened to that charge?

A. Well, I got out on bond, and I can't remember the date now. It must have been 1955 I would guess.

Q. Okay. Did you enter a guilty plea or were you tried -- have a trial?

A. I never was -- that case was I think nolle prossed or whatever you call it.

Q. All right. And then after that what happened to you?

A. I was arrested again. Subsequently I was arrested for I think transporting state --

stolen documents across the state line.

Q. Okay. And what state was that in?

A. That was in Missouri. It was a federal charge.

Q. And did you have any trial or enter a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1741

guilty plea on that?

A. I entered a guilty plea on that and received three years -- and --

Q. Where did you serve your time?

A. Forty-five months in Leavenworth, Kansas.

Q. After you were released from there, where did you go next?

A. I was released from there in 1958 I believe it was.

Q. Okay. Where did you move or where did you live then?

A. Oh, I went to Saint -- yes, I went to St. Louis, Missouri.

Q. Did you have any employment there?

A. No, I didn't.

Q. Okay. Who did you live with there,

Mr. Ray, anyone?

A. Well, I lived with myself mostly.

Q. Okay. Were you arrested any more then?

A. Yes. After about a year and a half there, I was arrested for armed robbery, yes.

Q. Anyone arrested with you?

A. And car theft. Yes, someone, an individual named James Owens.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1742

Q. Okay. And that was in the St. Louis area?

A. Yes, that was in St. Louis, yes.

Q. All right. And what happened to that charge?

A. Well, I went to trial on that charge, and I received a 20 year sentence.

Q. Okay. Where did you serve your time?

A. At Jefferson City, Missouri. I never did serve the complete sentence. I escaped

before time had expired.

Q. Okay. How much time did you serve before you escaped?

A. Well, I guess about six and a half years, something like that.

Q. Was this the -- in other words, this is the time you actually escaped and you made -- in the bread truck; is that correct?

A. Yes. That's correct.

Q. Now, you had tried to escape or did escape I believe or attempted to before that, am I correct, sir?

A. Yes, twice, yes.

Q. Did you actually get out of the prison compound on the other --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1743

A. No, I didn't.

Q. When you were in the prison in Jefferson City, Missouri, I believe you worked as a cook or in the bakery.

A. Yes, I had several jobs, but when I

escaped, I was working in the -- a section of the bakery.

Q. You had had, Mr. Ray, I think some training to mix dyes at some point, am I correct, sir?

A. Well, that's when I was working for the shoe company in 19 -- when I was in Hartford, the job I mentioned previously in 1944 I believe it was.

Q. Did you -- after you left there, did you ever work anywhere in this type trade where you were mixing dyes and those type things?

A. No, I haven't -- no.

Q. Okay. Now, what year did you escape from -- the last time, in the bread truck?

A. Well, that would have been in 1967, April.

Q. All right. Now, you -- I believe you had left and you eventually made your way to the Chicago area, am I correct?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1744

A. Yes. That's correct.

Q. How long did you stay there?

A. Well, I think a little over two months

I would say. Eight or ten weeks.

Q. When you were there two months,

Mr. Ray, did you work any place?

A. Yes, I worked in a restaurant in

Winnetka, Illinois, which is a suburb of

Chicago.

Q. Okay. And you were there about two

months?

A. Yes, approximately, maybe a little bit

longer. I'm not certain.

MR. BLEDSOE: And then Mr. Pepper

states: Excuse me, Miss Parks, if you have

problems with any of the spelling of any of the

names, please let us know. Resuming question.

Q. Okay. Mr. Ray, when you left the

Chicago area, where did you go then?

A. Well, after I accumulated a certain

amount of identification, I was -- I was

working under a false name of John L. Rayns.

Q. How did you spell that last name?

A. R A Y N S.

Q. Okay. Go ahead.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1745

A. After I left there, it was my intentions to go to a foreign country. So I had one more check coming so I went to Quincy, Illinois, and I stayed around there eight or ten days, I guess. I'm not certain just how long.

Q. Okay. Mr. Ray, I want to back up a moment here. Back in the time you were serving in the last prison where you escaped from --

A. Yes.

Q. -- did you ever serve any time where there was some black prisoners that you were confined with?

A. Well, there's blacks in all prisons, yes.

Q. But my question is, did you serve any time in the area where there were black prisoners?

A. Oh, yes, they're all mixed in.

Q. So your answer is yes, you did serve where there were black prisoners integrated in the area where you were serving -- where you were in the cell, in that cell block; is that correct?

A. Well, the cell blocks were segregated

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1746

but, you know, you're on the yard and things of that nature.

Q. Okay. And was there one time when you had a chance to be transferred -- I'm sure you have been asked this before -- and you turned it down because there were black people in the area where you would be transferred in the cell block area?

A. I was talking -- excuse me, are you talking about Jefferson City?

Q. Yes, sir.

A. No, no, I think what you're talking about is the Leavenworth, the Leavenworth

prison.

Q. Okay. Did that happen, just what I

just --

A. No, not necessarily it happened. At

the time I was in Leavenworth, I was due to be

discharged in about five or six months. And at

the time they offered to send me outside to

work in what they call the dormitories.

Q. Now we are talking about Leavenworth,

the federal prison.

A. The federal prison. I was inside the

walls and they offered -- I could go outside

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1747

and work in the dormitories and one of the

other prisoners told me that people had been

getting drug charges out there. If you get --

I think the procedure was if you were arrested,

if there was marijuana, I'm talking about

marijuana, if you were arrested, you could get

two years if you entered a guilty plea. If you

went to trial, you got ten years. And their

position was that, it seemed to me, the general consensus was most of the blacks smoked marijuana and the whites were drinking alcohol. So I didn't want to go out there under those conditions where everyone was mixed up in the same dormitory room. So I didn't go out there.

Q. You turned it down?

A. Yes. It had nothing to do with any race issue.

Q. Okay. When you were working in Chicago at the restaurant, were there people of the black race working there with you?

A. In Chicago? Just about all except me and one other individual. I think there was about -- there was about seven or eight there in the restaurant and I think it was two whites, me and another guy. And that's not

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1748

counting the waitresses. The waitresses, I don't know about those, they worked out in front.

Q. What was the reason you left that job in Chicago?

A. What was the reason? Well, there was several reasons. I just went to work there to accumulate some money. When I escaped from the Missouri prison, I had \$250. I wanted to accumulate some more money to where I could go to Canada. Also I was concerned about -- I was using one of my brother's Social Security numbers and I was concerned that it might get checked and find out that, you know -- I mean, it wasn't me. So there really was no point in staying there any longer. I accomplished what I set out to do. I got the identification. I got -- I made seven or eight hundred dollars and so I was ready to leave.

Q. All right. What type of identification did you get?

A. Well, when I escaped, I didn't have nothing except the Social Security number.

Q. You had no card?

A. No, I didn't have the card.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1749

Q. Just a number?

A. Yes.

Q. Okay. Go ahead.

A. While I was up there, I purchased a car and I got it underneath the Ryan name -- the Rayns name.

Q. Okay. Was the Social Security card issued to you in that name, is that what you got?

A. The Social Security number?

Q. No. You said you got something. What kind of identification did you get? Was it a Social Security card, driver's license or what?

A. No. Well, when I escaped from prison, the only identification I had was a Social Security number. My brother, he had seven or eight apparently, and he gave me one of them to use.

Q. Okay.

A. So I went to work at the restaurant in Winnetka, Illinois, I gave them my Social

Security number and my name as being John L.

Rayns. Subsequently about the identification I

purchased a car I think for a hundred dollars

under the Rayns name and I got a title, which

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1750

is, you know, identification.

Q. Okay.

A. And then I went and took the driver's

test and got a driver's license.

Q. That's in the state of Illinois?

A. That's the state of Illinois.

Q. What name did you use?

A. The John L. Rayns name.

Q. Is that the name you were working --

using at the restaurant, John L. Rayns?

A. Yes, John L. Rayns, yes.

Q. Okay. Had you ever used that name

before this?

A. No. As I mentioned, it wasn't really

one of my aliases. I just got that -- I

borrowed it from my brother.

Q. Okay. Mr. Ray, tell me the first alias you used, if you recall, other than your real name?

A. You mean to begin with all the way back?

Q. Yes, sir.

A. That would be hard to say. I have used quite a few of them.

Q. Well, tell me the first one you

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(901) 529-1999

1751

remember using.

A. Probably the first one I used was in Mexico in 1955 I believe it was. I think I used James, James O'Connor.

Q. James O'Connor?

A. Yes.

Q. Now, let me ask you something about that. Did you have any kind of a Social Security card, driver's license or anything with that name on it ever?

A. No. At that period of time Social

Security cards were -- they were not good identification. The purpose was not for identification at that time. I know now they are, but they wouldn't accept that type of --

Q. But did you ever have any kind of identification, driver's license, title of any -- of an automobile, anything with that name on it?

A. What name is that?

Q. James O'Connor.

A. Apparently I did. I was -- if I crossed the border with the car because I know Mexican customs officials check your title and your driver's license.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1752

Q. And you were in Mexico in 1955; is that correct?

A. Let's see, what year was that? No, that would have been -- no, it wasn't 1955. It was 1959. That's when it was.

Q. All right. Did you ever actually know

anyone named James O'Connor?

A. I never did know anyone like that. I know when I was arrested the detective's name was that and he got kind of upset about it. But I didn't use -- I didn't get it because it was his name. I didn't even know him.

Q. Okay. Tell me the next alias you used that you remember.

A. Well, I can't recall any more now. I might use one in a motel, but I can't recall something I would use over night or something. Probably the only ones that I can recall subsequently was -- is the ones I used after I escaped from the Missouri prison.

Q. Well, okay. Let's go back when you were in Los Angeles, what name did you use out there?

A. I think I used my regular name, James Ray.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1753

Q. When you were going through bartending

school, what name did you use?

A. Now you're talking about Los Angeles?

Q. Yes, sir.

A. In 1949 or just this last time?

Q. When you were going through bartending school.

A. Well, I was using the name Eric S.

Galt.

Q. And did you have any identification with that on it?

A. Yes, I did.

Q. And what identification did you have, driver's license, Social Security, anything else?

A. Driver's license. And in Alabama they have what you call a bill of sale for an automobile and I had some other cards and things of that nature to supplement the driver's license.

Q. Now, before you use the name of Eric Galt, what other names had you used, aliases, that you remember before that?

A. Well, after I escaped I used the name

John L. -- John L. Rayns and that's the only

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1754

one I used.

Q. That's the only one you've ever used?

A. Well, that's the only one I used -- no,
I used some after the Galt name but that --

Q. Okay.

A. The first time was Rayns and then I
went from Rayns to Galt.

Q. Okay. All right. Now, we are at the
point where you had lived in Chicago and worked
at a restaurant under the name of John L. Rayns
for two months. Where did you go when you left
there?

A. Well, as I mentioned earlier, I went to
Chicago. I was working on a check. I had a
check due and I stayed around. I left Chicago
and went to Quincy, Illinois, for eight or ten
days.

Q. All right. And you had a car at that
time; is that right?

A. Yes, I had a car.

Q. And you bought the car in the name of
John L. Rayns?

A. Yes.

Q. And you lived in Quincy. How long did
you live there?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1755

A. Well, I stayed there eight or ten days.

Q. We are looking at 1967, about that
time; is that correct?

A. Yeah. That would be around late June
or early July of 1967, yes.

Q. Okay. Mr. Ray, when you -- before you
escaped, was there times when you and some of
the other people that were there with you had a
discussion about Doctor Martin Luther King?

A. No, I don't have no recollection.

Q. You never discussed it with anybody?
You never even heard his name called all the
time you were in prison before you escaped?

A. If I did, I don't have no recollection

of it. I mean, there is all sorts of people,
you know, their names might come up but you
don't have -- since you're not interested in
them, you wouldn't have no recollection of
them. At that time we didn't have no
televisions or radios or things of that nature,
so...

Q. Are you aware of the fact that -- I
know you are because you have been at this a
long time -- that there are prisoners who gave
affidavits saying you did talk about Doctor

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1756

Martin Luther King. You are aware of that,
aren't you?

A. I have read some of these affidavits
and I think there is one person that testified
to that. I know he was -- I know he was an
informant so I assume he just made up the
story. But I have read some of the statements.
I got the Congressional committee that
investigated the Martin Luther King case in

19 -- when was it?

MR. BLEDSOE: Doctor Pepper states

19 -- 1977, 1978.

A. Yes, 1977, 1978. I got some of those statements and I think it was just one individual that said that I ever mentioned Martin Luther King.

Q. Was that true?

A. No, he was -- like I say, he was an informant, and he wasn't in the Missouri prison anyway. I think he was -- yes, he was in the Missouri prison, but I think he checked in what he is called protective custody after he said that.

Q. Let me ask you this: Did you ever discuss the assassination of President Kennedy

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1757

with any of the people while you were in the prison before you escaped?

A. I have no recollection of any convicts ever talking about him. It might have been

maybe one or two days or something, but usually if you're in the penitentiary, you have other things that concern you, personal things rather than politicians.

Q. Well, when President Kennedy was assassinated, were you in prison then?

A. Yes, I was in the Missouri prison.

Q. How did you learn about it?

A. I think someone told me or something.

Probably come by the cell and told me because as I mentioned we didn't have -- we did have ear phones in one station but we didn't have access to too much news.

Q. Okay. Did you ever have any discussion with any of the prisoners or anyone else that if someone assassinated Doctor Martin King, they would make a lot of money?

A. Did I ever have any questions? No, I never have.

Q. You never had any discussions before the assassination of Doctor King with any

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1758

person?

A. No.

Q. Now, you're aware again of the affidavit that's been given stating that you did say that?

A. I haven't seen these, all these affidavits. I have seen one of them -- this -- an individual who was -- gave a story to the Ebony magazine I think. I can't think of his name but I know his -- there's 15 or 20 of these affidavits. In all of them one party says one thing and one says another.

MR. BLEDSOE: And Doctor Pepper states: Counsel, you have any particular affidavits you would like Mr. Ray to review?

Mr. Garrison: Not at the moment.

A. But --

Q. Go ahead.

A. But most of these are convicts. If I drop dead today, you could probably go out here and get a hundred affidavits saying that I confessed to killing Martin Luther King. So I

don't put too much credibility in what informants say.

Q. Okay. The person that you have seen

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1759

the affidavits, was that person that you were in a cell with or close to when you were serving? Do you know the name of the individual?

A. Well, first, I celled alone. I didn't cell with anyone when I was there. I was in a single cell most all the time I was in the Missouri prison. I think maybe three or four months I was in with another individual, but I preferred a cell to myself so I usually celled in a single cell. I can't think of this individual's name. He was in Leavenworth when I came -- when I went there, but I think they transferred him to another place because he was informing against these accomplices. That's when I went to Leavenworth in 1955. And I can't think of anyone else that's made these

affidavits.

Yes, that's his name, Ray Curtis. I can't think of anyone else that made a hostile affidavit against me except the one James Bradley. He said something about he thought I was dealing in drugs but that doesn't have anything to do with the Martin Luther King case. But I have never seen any affidavits

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1760

where -- saying that I mentioned Martin Luther King.

Q. Tell me, Mr. Ray, when and where you first met a gentleman named Raul?

A. That would have been in Montreal, Canada, in July of 1968.

Q. Okay. Where did you meet him?

A. A place called the Neptune Bar in Montreal, in east Montreal.

Q. Okay. Had you ever been in the Neptune Bar before this day that you met him?

A. I could -- before I met him there I

possibly could have been there once or something because I was in that general area.

Q. Had you ever been in Montreal before this time?

A. Yes. I had been in Montreal another time, yes.

Q. How long had you been in Montreal?

A. Before that or that or this?

Q. When you met him, how long had you been in Montreal?

A. I really hadn't been there very long.

I can't tell you just exactly how many days.

Q. Are we looking at days, weeks, months

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1761

or what?

A. Yes, it would be days. Yes.

Q. You left Chicago and had gone to Quincy, Illinois, and how long did you stay there?

A. Where?

Q. Quincy, Illinois.

A. Probably eight or ten days.

Q. And then where did you go?

A. I went to Montreal from there. I went back to Chicago and got a check and then I went to Montreal.

Q. All right. You drove an automobile to Montreal?

A. Yes.

Q. When you got to Montreal the first time, is this the first time you had been there, ever been to Montreal?

A. No. I had been there before.

Q. When were you there before this?

A. 1959.

Q. And how long did you stay in Montreal in 1959?

A. I stayed -- I think I stayed there about three weeks.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1762

Q. Do you remember where you stayed?

A. I can't remember the place. I know I

stayed fairly close to the train station.

Q. Now, between 1959 and this time had you been in Montreal any more?

A. No, that was it.

Q. And what was your purpose in going to Montreal?

A. In 1959?

Q. The last time. This last time you were up there when you -- after 1959, the next time you were in Montreal what was your purpose in going there?

A. The last time you're talking about?

Q. Well, you were there in 1959 and you said you were back again. That's where we are right now.

A. In 1959 I was -- the police was after me in 1959.

Q. All right.

A. Of course, they was after me again in 1968, too, but it was different circumstances.

Q. But you -- from 1959 you had never been back in Montreal until 1968?

A. No, I hadn't.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1763

Q. In 1968 what did you go to Montreal for?

A. Well, I assumed the FBI or the police were after me at that time in connection with the Martin Luther King, Jr., homicide.

Q. Okay. What made you think that?

A. Well, I would have to go -- to explain that I would have to go back to where I was on April 4th, 1968.

Q. Okay. Where were you on April 4th, 1968?

A. I was in Memphis, Tennessee.

Q. And what made you think they were after you?

A. Well, this is sort of a complicated thing. I will start April 3rd -- well, anyway in April. I won't go over all the details on April 3rd. Anyway I met this individual named Raul on April 3rd in a motel called The Rebel, the New Rebel motel I think it was. And he

asked me to -- we had been involved in other things which I won't get into and he asked me to meet him at a place he wrote down on a paper, I think it was Jim's Grill, the next day. He gave me the address, I think it was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1764

422 and a half Main.

Now, on April -- that was on April

3rd. I do recall it was raining that night.

Now, on April 4th that time I had a rifle also with me when I was -- on April 3rd, and I turned that over to him on April -- that night.

Then on April 4th I think I was

supposed to meet him there at Jim's Grill

probably about 3:30. Now, on April 4th I

checked out of the motel, I would just guess about 11 o'clock or whenever they ring you out of them places. And I was -- it was too early to go to -- you know, to have this meeting set.

So I just more or less stalled around. And

I -- on the outside of Memphis, the outskirts

of Memphis I would say. I had a -- I was getting ready to come back and have this meeting and I had a flat tire so I had to fix it.

Q. Where were you when you had the flat tire?

A. It was somewhere south of Memphis. But I'm not certain just where it was at.

Q. Okay.

A. So I changed the tire myself. I know

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1765

it was outside. It was probably in Mississippi is probably where it was at, right outside of Memphis. So anyway I changed the tire and then I went to -- drove into Memphis proper. And I would say about ten or twelve blocks from downtown I drove into a parking lot and I was going to leave the car there and find out, you know, this address. And the parking lot attendant -- I asked, I asked him about the address and he said something about it was

uptown or I think I -- I think what I asked him specifically was where was uptown at. So --

Q. Had you ever been to Memphis before this?

A. No, I never had been there, no. So I did -- I walked uptown and went -- I could see, you know, the high-rise buildings up there, and I asked a policeman where this address was and I had it wrote down. And he gave me general directions.

Well, I got on South Main Street and I went into a bar on the right side. I think it was -- I don't know if I'm -- I could be mistaken but I think it was Jim's something.

Whether it was or not anyway, I went in there.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1766

Now this is on the right-hand side of the street going south, and I asked him about this address and he said -- it was a woman. She was tending bar and she said that it was down the street on the left a block or so.

And while I was in there, there was two individuals in there. I thought maybe they were what appeared to be watching me. So when I went in the place, I usually buy, you know, something, a sandwich or a bottle beer. But I don't drink beer, but I buy it. You know, you just can't go in there and ask a bunch of questions and sit around.

So when I left there, when I got to Jim's Grill I was supposed to meet Raul in this Jim's Grill, and he wasn't in there. But these two individuals was. And I -- you know, I was kind of concerned anyway because we was dealing in rifles and things of that nature.

So anyway Raul wasn't there. So I thought I would go get the car, the Mustang, where I parked it in the parking lot and drive it back up to the -- park in that general area of Jim's Grill.

So I went back and got the Mustang and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1767

parked it, and I don't think I parked right directly in front of Jim's Grill. It's my strong recollection I parked it about ten or fifteen feet south of where you -- where the door is. And when I went in this time Raul wasn't -- he was in there this time, and we had -- we had a brief discussion, and I think he asked me where I was at. He seemed mainly interested in the Mustang.

So when we went out the door, he wanted me to rent a room upstairs he said. So anyway we went out the door. I pointed the Mustang out to him because he was concerned that I had it there. And so I went upstairs and rented a room, and I don't know where he went. He could have went back in Jim's Grill.

He could have sat in the Mustang. He had a set of keys to the Mustang.

And after I was up there a short while -- well, first I went and seen the individual that rented the rooms. And to the best of my recollection, I walked up and turned right. And I walked down a small foyer I guess

it was and I turned -- came up the steps and I
went through and seen -- I went to the office.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1768

And the lady up there, I subsequently learned
her name was Bessie Brewer. I told her I would
like to rent a room for a week I think it was,
and so she had two rooms.

So she showed me two different rooms.

One of them was a sleeping room and one of them
was some type of room where you cook in. So I
told her I was just interested in a sleeping
room. So she rented me the sleeping room.

So after I had been up there, I wasn't
up there too long, Raul had come up there and
he -- we started talking, and he said that we
might be around there two or three days, a
couple of days, and he said, I should bring in
my clothing and everything I had and put it in
the room. So -- but I didn't do that. I think

I mentioned to him or that the -- you know, the
place was a wino's place because I could tell

that. I had been familiar with them type of establishments.

But there was no door handles on the door. They had a strap on them and they had a strap on their door. So -- but I did bring an overnight case up there, and I think I brought a -- something else up there, something to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1769

sleep on or something. I think it was a sheet or something.

So after we was up there a few minutes and was talking about just general things, he asked me to go down the street and check on a pair of infrared binoculars. So he told me generally where it was at. It was down the street on the right somewhere. So anyway I started. I looked for it, but I couldn't locate the place. I think -- I believe this is about 4:30 probably when I first rented the room, the time I rented the room.

Anyway, I couldn't locate the place so

I came back up and asked him more specific directions. So he told me more specific, but I don't think I walked far enough I think is what happened. So I went back and I asked the guy about the infrared binoculars, and he inferred that I would have to get them at the Army surplus. He said he just had binoculars but he said he didn't have any attachments to put on them where you could see at night.

So anyway I just got -- I just purchased the binoculars, what he showed me, and I went back to the room and I just more or

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1770

less set them on the bed and told Raul that if he wanted the infrared, he would probably have to get them through the military surplus.

So I hadn't eaten in a while -- in quite a while by that time so I -- I had missed lunch on account of having a flat tire so I went back down to the -- I told him I was going down to eat and I went down to a place

called -- I subsequently learned -- a policeman told me it was the Chickasaw Restaurant. I think he sat on the corner. I believe he said it was underneath a hotel, and I don't know what I ate there, ice cream or something. I know I ate. And I recall -- apparently it was the manager. He was instructing the -- apparently a new employee, a young black lady, how to operate the cash register.

So anyway when I -- I stayed around there a few minutes, I guess five or ten minutes and I was back to the rooming house and I -- I possibly -- I sat in the car a little while, in the Mustang, before I went back up to the rooming house. I have some recollection of sitting in the Mustang.

So anyway, when I went back up to the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1771

rooming house, Raul, he was up there and he suggested -- you know, he was going to meet with some people later on that evening, and he

suggested that I go to a movie or do something and not come back for a while. So I left there and went back downstairs and I crossed the street and went about two blocks up, and I stopped in a restaurant. And I just more or less sitting there, I think I had a beer or something, and I was going to a movie. And then I got to thinking about having a flat tire earlier that day so I thought I would get it fixed.

So I drove back -- I walked back down to the rooming house, and got the Mustang and then I pulled out of the -- waited in front of the -- this Jim's Grill, and I don't know just how far I drove. I may have drove three or four or five or six blocks. But after driving several blocks, I turned right and I think I went either one or two blocks down there and I turned right again. It was my intention to try to get the tire fixed and then go park right where I was.

I stopped at one service station and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1772

he said something about it was a busy time and where he couldn't do it at that time. He was busy, and I think there was another service station on another corner, I'm not certain if I went over there or not. I possibly could have but I wouldn't testify to it under oath or swear to it.

But anyway I went on back after this, the attendant said couldn't fix it. I went -- kept going on south and I turned right and went up to Main Street and I was going to turn right again. Well, when I got to Main Street, I noticed -- I looked down Main Street, and it looked like three or four individuals or policemen was running around down there, and I think -- and I believe a squad car or a police car was parked in -- blocking off the intersection or blocking off the street or something. It looked like he was waving around, waving his hands around and possibly waving people off.

So I just turned left instead of turning right and I entered an area. It appeared to be kind of a rundown area. It was a lot of -- I think it was probably what you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1773

call a black neighborhood. So I drove real slow through the -- slow through this neighborhood and finally I come out on Main Street, and it was my intentions to -- I had a phone number in New Orleans, it was Raul's number.

It was my intention once I got down there to get on the outside of Memphis, maybe three or four miles and call him up and ask him, you know, if there was anything going on down there because I know there was at least one gun down there. I assumed there was one gun down there and I tried to find out if the police had raided the place.

So I would say about 15 minutes, I'm not positive on this, they said that, there was

a bulletin that came over the radio saying that Reverend Martin Luther King had been shot. So I didn't pay too much attention to that. Just I kept on driving, and it wasn't too long after that it said -- I guess I was fairly close to the edge of town. It said they were looking for a white man in a white Mustang in connection with the shooting of Reverend King.

So I decided then I would, you know,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1774

get out of Dodge, so to speak. So instead of making any phone calls, I just kept going south into Mississippi. And the first -- the first highway I came to and made a left turn, I made a left turn and then went -- and then I went on to -- I returned -- from there I went on into Atlanta and then from Atlanta I went to Detroit and then back to Canada.

Q. Okay. Let me, Mr. Ray, back up now.

You had left Quincy, Illinois, to go to Montreal. That was in 1967 I believe you said.

How long did you stay up there before you left?

A. How long did I stay in Montreal?

Q. We are talking about 1967, after you had escaped.

A. Yeah. I would say about 30 days.

Generally 30.

Q. Is this when you met Raul that first time you were there?

A. Yes, sir, that was in 1967, yes.

Q. Okay. Do you remember where you were living up there in Montreal? Were you living in a motel or a boarding home or how were you living?

A. It was sort of an apartment complex. I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1775

think it was the -- I can't think of the name of it. It was in south Montreal, what they call the French section.

Q. And all the money you had at that time was the money you had been paid at the restaurant; is that correct?

A. No. That isn't correct. I escaped with two hundred fifty dollars and at the restaurant I made seven or eight hundred dollars. Of course I purchased another car. The car I purchased broke down and I had to buy a Plymouth. I think when I got to Montreal, I don't know how much I had, but I didn't have too much.

Q. How much did you pay for the Plymouth?

A. A hundred and ninety-five dollars I believe it was. Now, what I did in Montreal the first day I was there, the fact is I set the thing up before the day I moved into Montreal. I held up -- at the time what you call The Expo was there, The International Exposition, and I robbed the brothel and I got about seventeen or eighteen hundred dollars out of it.

Q. Did you have a gun?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1776

A. Yes, I did.

Q. Where did you get the gun?

A. I had a .38 which I had purchased in Birmingham, Alabama.

Q. Now, you have lost me. I thought you had gone from Quincy, Illinois, to Montreal?

A. I had. But I had purchased the .38 -- no, wait a minute. That's -- that was another gun I had. The -- we get out of sequence and you get things mixed up. When I quit the job in Montreal in --

Q. Chicago?

A. In Winnetka, Illinois, and went to Quincy I went back to Chicago and got my check and then I came to East St. Louis. I was going to see my brother and I was going -- before I left the country, I was going to arrange for help and get him help, post office box and things where I could write him.

Q. Which one of your brothers?

A. This was John Ray.

Q. All right.

A. I had another brother in Chicago and his name was Jerry Ray. I used the -- most of

my contacts were around the St. Louis area.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1777

Q. How did you get the gun?

A. Well, there was a guy name Jack Gawron, he was the -- I didn't know at the time but he was an FBI informant.

Q. And where was he located?

A. Well, he lived in St. Louis. He lived in St. Louis.

Q. All right. And how did you get in touch with him?

A. Well, he didn't have no telephone, but he had a bar where he took -- he took the phones. He is in and out of this bar all the time, and I called this bar and I made arrangements for him to come and meet me in East St. Louis, Illinois.

Q. How did you find out you could buy a gun from him?

A. I didn't buy no gun from him. I knew a fence in Madison, Illinois, so...

Q. What was your purpose in meeting

Mr. Gawron, Jack Gawron?

A. When did I first meet him?

Q. No, sir. I said what was your purpose
in meeting him?

A. Well, I was going to give him a message

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1778

to give to my brother John Ray.

Q. All right.

A. I was going to see John, but I thought
maybe the police had him under surveillance, so
my brothers knew Gawron for a long time and
they trusted him and everything. They were in
the penitentiary with him in Illinois in Minard
Prison.

So anyway the Gawron, we went to
Madison and at that time I didn't have enough
money really to buy a gun. So he said he was
going to take it care of it and I guess he did
and I think he got --

Q. When you went to Madison, did you drive

your car or did he ride with you or did you ride with him?

A. No, he couldn't -- he didn't have no car.

Q. So he rode with you?

A. Yes, he rode with me.

Q. How far did you go with him? How many miles did you drive?

A. From East St. Louis to Madison it's a short distance. I would say it's about six or seven miles.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1779

Q. Now, you -- who gave you his name? How did you get acquainted with him, Jack Gawron?

A. Well, as I mentioned he knew my brothers and he served time with them in Minard Prison. Well, he got out on parole in 19 -- he got out on parole in 19 -- I'm trying to think when he got out on parole. When I got out of Leavenworth, he got out of parole after I did.

Q. What was he there for in prison?

A. Apparently murder. He was on a life sentence and he was -- he got out on parole and that would have been 1955. At that time I was selling wine. I was what they call bootlegging and I met him -- well, my mother she -- he came to see her and tell her, you know, about my brothers, how they were getting along, and I met him at her house.

Q. Now, when you were bootlegging, was that before you were arrested to this last sentence or was that before you escaped?

A. No, that was after I got out of Leavenworth.

Q. Okay. That was between then and the time you went back in for your last sentence where you escaped.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1780

A. Yes.

Q. For robbery.

A. Yes. That would have been 1958, 1959, yes.

Q. Okay. And where were you living when you were bootlegging?

A. At that time I was living right on the edge of more or less a wino neighborhood, but I can't think of the name of the street. I believe it was Lafayette Street.

Q. Was it in Quincy?

A. No, that was in St. Louis.

Q. Okay.

A. Lafayette Street in South St. Louis.

Q. Okay. Well, how did you know where he was located and where to get in touch with him?

A. At that time?

Q. When you went with him to get a gun?

A. Well, as I mentioned, he didn't have no telephone and I knew where he lived. But he took messages at a bar. He was in most of the time and they would give a message to him, and I left a message with him, you know, where to meet me.

Q. And he met you?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1781

A. Yes, he did.

Q. And he took you somewhere to East St.

Louis?

A. No, he -- yes, I met him in East St.

Louis. I gave him the name of a bar or
whatever.

Q. And he told you he would help you get a
gun or where to --

A. Well, I knew where to get the gun at.

I just took him down there and, you know, to --
he was going to pay for it after I left.

Q. Okay. How did you know where to get a
gun?

A. Well, I had dealt with this guy several
times before in 1954 and 1955.

Q. He was in St. Louis?

A. No, he was in Madison. He was a fence
in Madison.

Q. So had you bought guns from him before?

A. Yes, I had bought -- yes.

Q. Okay. And this gentleman, Gawron, rode
over there with you and you bought a .38?

A. Yes.

Q. From someone there in Madison?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1782

Q. Now, where did you go from there?

A. Well, then I went -- from there I went
to -- I think I went to Indianapolis, Indiana.

Q. Okay. What did you go there for?

A. Well, I was on my way to Canada.

Q. When is the first time, Mr. Ray, you
were ever in Alabama, what year was it?

A. It would be 1967.

Q. It was after you escaped?

A. Yes. That's after I come back from
Canada. It would be August of 1967.

Q. You were in Alabama?

A. Yes.

Q. Okay. And what was -- did you spend
any time in Alabama in any city the first time
you were there?

A. Well, all the time I was there I was in

Birmingham. I was just there one time.

Q. Okay. And what did you go to

Birmingham for in 1967?

A. Well, when I met Raul in Montreal, he -- I'm leaving out some testimony. There was other things I done. I'm just going to stick with him. I'm not going to go into other things I have done.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1783

We made an arrangement to -- he was going to get me a passport. I was trying to get a passport. He called them traveling documents if I would help him take certain things across the border in my Plymouth I had.

And I agreed to do this and I did take some stuff, some material across the border in the back seat of my car in July of -- I guess it would be in August of 1967.

Q. Okay.

A. Well, at that time he claimed he didn't have no passport, but he did give me about

sixteen or seventeen hundred dollars. And before that we agreed to go to meet in Birmingham. Initially he wanted us to meet in Mobile. And then I said, you know, I would rather meet in a bigger town. But actually it wasn't my intention at all -- once I got the passport and some money, I intended to go back to Canada and leave the country. But I didn't get the passport and I didn't get -- but I did get the money and so I did, you know, agree to -- I met him there.

Q. And that was the first time to be in Birmingham though? What was -- that was your

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1784

first time to ever be in Birmingham?

A. That's correct.

Q. The state of Alabama, period?

A. Yes.

Q. Okay. When was the first time you were ever in Atlanta in the state of Georgia?

A. Well, that's the first time I had ever

been there.

Q. On that same time?

A. Well, I was in -- I was in Atlanta --
no, I was in Atlanta -- in 1968 is the only
time I have ever been there. Now, one
exception is in 1955 I worked briefly for my
uncle and I went down there one time. I went
down to Florida one time, and he was -- he was
supposed to get a job down there. And we was
just down there three or four days. So I went
through the southern states. That's the only
time I have ever been through the southern
states.

Q. What was your uncle's name?

A. What?

Q. What was your uncle's name?

A. William Maher, M A H E R. We just
drove through there. It wasn't no overnight

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1785

stay or nothing. So I am not certain, I could
have -- in 1955 I could have been through some

of those towns but I have no recollection of which town I went through.

Q. All right. Now, you had gotten a .38 in Madison and Mr. John Gawron was with you.

Where did you go from there?

A. I went to Indianapolis, Indiana.

Q. How long did you stay there?

A. Just over night.

Q. And then where?

A. I went to Detroit.

Q. And how long did you stay there?

A. I think what happened I was getting kind of short on money. I think I slept in the car one night. And I went to Detroit, and I don't think I stayed there. I think I crossed over and went right straight on into Canada. I can't account for every day. And somewhere in -- somewhere in Canada I think I slept in the car maybe again. And then the first time I rented a motel was in Dorion which is right outside of Montreal. That's D O R I O N, I believe is the way it is spelled. It's about, like I say, three or four miles from Montreal.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1786

Q. Mr. Ray, after you got the .38 in
Madison, did you have any -- did you hold up
any place or rob anyone or take any money from
anyone before you got to Montreal?

A. No, I didn't, no.

Q. All right. Then you -- eventually --
then you eventually did get to Montreal, right?

A. Yes.

THE COURT: Let's stop here and
take a break, please.

(Brief recess.)

(Jury out.)

THE COURT: Bring the jury out,
please, sir.

(Jury in.)

THE COURT: Mr. Garrison.

MR. GARRISON: We are going to
continue reading Mr. Ray's deposition.

THE COURT: All right.

(Whereupon, the following is the

continuation of the reading of the deposition
transcript of James Earl Ray.)

MR. BLEDSOE: Resuming the
deposition.

Q. Mr. Ray, after you got the .38 in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1787

Madison, did you have any -- did you hold up
any place or rob anyone or take any money from
anyone before you got to Montreal?

A. No, I didn't. No.

Q. All right. Then you eventually did get
to Montreal, right?

A. Yes.

Q. And that was in 1967?

A. Yes.

Q. About what month would that have been?

A. That would be sometime in July. I
imagine the latter part of July.

Q. And you had a what model Plymouth?

A. A 1962.

Q. Two door or four door?

A. I don't really -- I believe it was two door, yes.

Q. What color was it?

A. I believe it was red.

Q. Did you know anyone in Montreal then?

A. No, I didn't.

Q. And what was your purpose in going to Montreal, what did you intend to do when you got there?

A. I tried to get some travel documents

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1788

and leave the country.

Q. Now, how long had you been there when you met Raul at this Neptune Bar?

A. It was just days after I had been there. It hadn't been over I would say --

Q. A week, less than a week, more than a week?

A. It probably was a week or six to seven days. It wasn't -- I wouldn't want to get pinned down on just how many days.

Q. Tell us something about this Neptune Bar. What did it look like? Is it a big open space or was it a very small bar where you go to sit-up at the counter or can you describe it for us.

A. Well, it's got these -- it looks like a -- something on the windows, I think, where it looks like a ship steering wheel or something. Inside of it has got kind of heavy tables and then there is a bar in there and -- I don't know. It's just another bar except it's -- it's fixed up like it's a -- make a seaman feel comfortable. I think it's pretty close to the waterfront.

Q. Did they serve food?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1789

A. I don't have no recollection. If they did, I didn't order anything.

Q. Did they have men or women waitresses and waiters or both or do you remember?

A. No, I think they had men. I think the

men served, bartenders.

Q. Okay. The first time you were in there, is that something you just ran up on or did you intend to go there when you -- in other words, were you intending to stop at this bar or was it just something you saw on the way?

A. Well, some of these bars get -- see, my intention was when I went down there I started -- when I started frequenting these places, initially I had contacted a travel agency when I first got there, and I asked them how, you know, the procedure was to get a passport and get out of the country.

Q. Do you remember what travel agency that was?

A. No, I just made a telephone call.

Q. You just picked it out of the directory?

A. Yes. And they told me that -- I explained -- I put down some story about

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1790

identification or something. I was from a different city in Montreal, and they told me that if I didn't have sufficient -- something about identification, that I would have to get what you call a guarantor, someone I knew two years, and they would vouch for me and swear that I was who I said I was. So I didn't want to wait around two years.

Q. What ID did you have on you then at that point?

A. In the -- well, at that point I had -- I had the Rayns. I had rented the room under the Rayns name, the apartment. The only thing I had identification was the Rayns but not -- I said I rented a room and now I may have rented a room under the Galt name because I changed sometime. As soon as I got there, I changed from Rayns to Galt, so I'm not one hundred percent certain.

Q. What ID did you have on you, driver's license, Social Security card, anything?

A. I had a driver's license and a title.

Q. Where did you get the driver's license

from?

A. I got them -- I had got them in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1791

Chicago, Illinois.

Q. Under the name of Rayns?

A. Rayns, yes.

Q. And you had a title to the car?

A. Yes.

Q. Was that an Illinois title that you had
on the car?

A. Yes, East St. Louis, yes.

Q. When you got the driver's license in
Illinois, did you not have to show a birth
certificate or anything at that time to get the
driver's license?

A. No, they didn't ask for anything at
that time.

Q. Did you have to take a test to get --
some kind of examination to get --

A. Yes. Well, you can get a book and read
up on it, and then when you take the test, it

makes it a little easier.

Q. I mean, that's what you did?

A. Yes.

Q. Where -- and this is in Chicago where you got the license?

A. Yes.

Q. And it was under the name of Raynes, R

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1792

A Y N E S?

A. R A Y N S, yes.

Q. Now, Mr. Ray, you went to the Neptune Bar, and did you meet Raul the first time you were there or was it later that you met him?

A. I don't believe it was the first time I was there. It probably would have been the second time I was there. It could have been the first. But what I was -- I was going to these bars and I was making certain inquiries, nothing to get me in jail, but, you know, I was thinking about the possibility of I could either catch a merchant seaman drunk and, you

know, more or less roll him. Or I could -- of course, a merchant seaman's papers is traveling just like a passport or I could possibly buy one. So someone possibly could have mentioned my name to him so -- but it was earlier there.

It could have been the first time or it could have been the second, but it was one -- it was one of the first times I went in there.

Q. Okay. Were you at a table or sitting at the counter or on a bar stool?

A. No, I was sitting at a table, yes.

Q. And were you there before he was or was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1793

he there before you were?

A. No, I was there before he was.

Q. Were you sitting with anyone?

A. No.

Q. And he came in. How long had you been there when he came in?

A. I can't recall. It probably wasn't --

it wasn't very long I don't think. Because I

never did stay around bars too long.

Q. Okay. Were there many people in the bar at that time?

A. I don't believe there was, no.

Q. And when he came in, what attracted you to him or how did you get the conversation started with him?

A. I didn't start the conversation with him. He sat down and started the conversation with me, and we were just talking about general things and I told him --

Q. Like what general things, the weather?

A. Yes. Where we was from and things of that. Generally what we were doing. I think he mentioned something about he might have -- I can't recall everything he said. He might -- I kind of got the impression he was in the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1794

Merchant Marines, and I told him I was in the United States and I was interested in -- I was interested in, you know, being on a ship and

things like that.

Q. When you were in this Neptune Bar, did you have the gun with you?

A. No. I never carried the gun with me.

I still had the gun, but I wasn't -- I didn't carry it around with me.

Q. Okay. Can you tell us this about Raul, about what size person was he, was he five foot ten, five foot eleven, five foot five or was he taller than you or shorter than you?

A. Well, I'm five foot ten. I just assumed he was around five foot eight or nine or maybe a little -- somewhere in that general area. It's hard to estimate people's weight, but I didn't think he, you know, weighed a whole lot.

Q. When he came in, what were you drinking?

A. I was probably drinking a beer or something like that.

Q. And when he came in, did he just come straight to your table?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1795

A. Well, I really didn't know. I know he showed up at the table. I usually don't pay too much attention to people when I got in a bar, and I usually don't stay in there too long. Of course, I don't drink beer. I might sit there, and, of course, as I mentioned earlier, you have to buy something. I was just more or less sitting there resting or thinking what I was going to do next. I assume that is what I was thinking about.

Q. So you were at the table by yourself?

A. Yes.

Q. When he came in, did he get anything to drink, any beer or whiskey or anything that you can recall first?

A. Yes, he probably got a beer. Yes, I'm fairly certain of that because usually that's the general practice.

Q. Okay. What was he dressed in? Was he all dressed up or did he have on anything that you can remember at this moment? Did he have

on a coat, shirt, what?

A. He just had a -- he just had a suit on
and a shirt.

Q. With a tie?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1796

A. No, he didn't have no tie on.

Q. A dress suit?

A. Yes. It was dark, a dark dress suit.

Q. Did he wear glasses?

A. No, he didn't.

Q. So he came over to your table, and you
were there by yourself and did he have
something in his hand to drink or did he order
something after he sat down there with you?

A. I really don't remember the small
details, but I'm certain he had something,
ordered something to drink.

Q. And you and this gentleman struck up a
conversation, just general things such as the
weather or something like that and how long did
you sit there with him?

A. Well, I don't know. It wasn't too long. I mean, I have had -- I have had hundreds of conversations in bars with people. That's what usually gets me in the penitentiary, but I was -- we didn't sit there too long I don't think. We just started talking and I was showing an interest in, you know, travel documents or getting in the Merchant Marine or something I think.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1797

Q. You told him then that you were the first -- that you were -- the first time that you were interested in some travel documents?

A. No, I don't think I mentioned it that time. No, I just told him -- I told him I liked to travel and, you know, Merchant Marine or something like that.

Q. Okay. How long did the two of you talk would you say that first night? I mean, are we talking about a night or in the daytime?

A. No, this was in the daytime.

Q. Okay. Two o'clock in the afternoon,
five o'clock, what?

A. It was in the afternoon, but I couldn't
give you --

Q. Still daylight?

A. Yes. But it wasn't -- I know it wasn't
nighttime.

Q. I may have asked you earlier but how
long had you been in when he came in, just five
minutes, ten minutes, an hour or what?

A. I don't think I had been in there too
long because I --

Q. Less than hour?

A. The reason -- yes, the reason I say

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1798

that is because I don't stay in them places too
long.

Q. Okay. And you and Raul talked 30
minutes, an hour, what?

A. Yes. Maybe 15 or 20 minutes,
something, just talking.

Q. Who decided to leave first? Did you say you had to go or he said he had to go or what happened that you broke up?

A. Well, I think either me or him -- it was probably him. He probably mentioned he had to go somewhere or something. But we agreed to meet again and just talk about things.

Q. What was the reason you agreed to meet again when you met a man you had never seen for 15 minutes? What was the reason you agreed to meet him again?

A. Well, he seemed -- I mean, I got the impression from talking to him -- I have talked to these people as I mentioned, you know, several times in bars and things, and I just got the impression from the way he acted and the way he looked and the way he talked that I might be able to make a deal with him. So I didn't have anything else to do so I just --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1799

Q. Now what led you to that? What did you

see about him that led you to that? I mean, did he say something or are you just assuming that from looking at him or what?

A. Well, the way he talked and he seemed like -- he seemed to be -- he gave me the impression he might help me or something like that.

Q. But what did he say specifically that made you think that?

A. Well, just the way he talked about the -- you know, getting in the Navy and things, getting in the Merchant Marines and travel documents and I just -- I really didn't have anything to lose so we discussed things, and he said, you know, we will talk about it some -- we will talk about it some other time. And it didn't seem unusual to me at all.

Q. Did he tell you he had been in the Merchant Marines?

A. I got the impression. He never did tell me much of anything really, but I got the impression from the conversation.

Q. All right. And you were there with him

15 minutes or so and you were just under the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1800

impression from the way he talked that he might

help you?

A. Yes, from what he said and things of that nature.

Q. Did he ever say I know some way to help you or I can get someone to help you or I can -- anything that he could do for you that you remember now?

A. He gave me that impression. I can't remember all the details what he was saying, the vibrations I was getting that he could do it. He might be able to do it, and as I mentioned, I just -- as I mentioned, I didn't have anything else to do and I just agreed to --

Q. Did you mention to him then you needed a passport?

A. Not at the first meeting. We got around to that later.

Q. Okay. When did you see him again?

A. Well, I think I seen -- I think I seen him another time and --

Q. The next day, next week, next month?

A. Yes. I think it would be probably a couple of days. I don't think it was the next

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1801

day.

Q. Was that an intentional meeting, you intended to meet him or was that just a by-chance meeting again?

A. No, we said we would meet somewhere.

Q. And where did you meet?

A. Well, we met at the same place there.

Q. Okay. Were you there first or was he there first?

A. I was there first.

Q. All right. And when he came in, was he dressed about the same as he was before or was he dressed differently this time?

A. I don't know if he had the same -- he

was dressed about the same. I don't know if he had the same suit -- same color suit on, but he didn't have no tie on and he had his shirt buttoned and collar, but that's the only thing I noticed about him.

Q. Can you tell us something about -- what would have been his weight roughly, what would you just guess his weight to be?

A. Well, I thought he weighed about one forty or forty-five pounds, but I just can't be certain on someone's weight like that.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1802

Q. What color hair did he have?

A. He had a kind of a -- it was a dark hair. It's not auburn, but it's real dark with what I would call a slight red tint in it. Some -- maybe dyed his hair or something.

Q. Did he have a part in his hair?

A. No. It was just kind of wavy and combed back.

Q. Maybe I asked you earlier, was he

wearing glasses?

A. No.

Q. He was not wearing glasses. All right.

Anything else you observed about him, Mr. Ray,

such as was he right handed or left handed?

When he drank, would he use right hand or left

hand or did you observe him that closely?

A. No, I didn't observe him that -- no.

Q. Did he talk like he had been someone

that had been grew up in Canada or in Detroit

or someone in Tupelo, Mississippi, or where?

What was your impression of him?

A. Well, he had a somewhat Spanish accent

and I had had a lot of association with

Mexicans. I have been to Mexico before and in

Leavenworth I knew a lot of Mexicans. The fact

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1803

is I tried to learn to speak Spanish at one

time so I was certain that he was -- well, he

could have been something other than Spanish.

There is other people, you know, that speaks

the Latin language besides Spanish. But I just assumed he was -- came from a Spanish speaking country.

Q. Did you presume that from the way he looked or the way he talked or both or what?

A. Well, the way he talked and the way he looked, both.

Q. Was he light skinned, dark skinned, medium, what, how would you --

A. No, he was sort of -- he was more dark than the average Anglo-Saxon.

Q. The first time that you saw him did he tell you his name?

A. Yes, he said it was just Raul.

Q. Did he pronounce it that way or was it -- is that the way he pronounced Raul or was it just Raul or do you believe --

A. I believe he kept pronouncing it Raul.

I don't think he -- he didn't just say Raul.

I think --

Q. What name did you give him as being

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1804

your name?

A. Well, at that time I gave him my name as being Eric Galt.

Q. So that's what he knew you as then?

A. Yes.

Q. All right. Did you tell him your full name or just your first name the first time you saw him?

A. I think I just told him -- probably just told him Eric.

Q. Okay. And he told you his name was Raul?

A. Yes.

Q. All right. The next time that you met him you were there first and did he come in and sit down at the table with you, same table or close by the same area that you were?

A. Yes. It was the same general -- you're talking about the second meeting?

Q. The second meeting, right.

A. Yes.

Q. All right. And did you begin having a

conversation with him then?

A. Yes. He got more deeply in the -- you know, the -- you know, what we was talking

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1805

about.

Q. Okay. What did you tell him you wanted out of him?

A. Well, I just told him I was interested in, you know, travel documents and things of that nature and --

Q. Okay. When you mentioned travel documents, what do you mean specifically, visa, passport or what, or both?

A. I don't really -- travel documents is what -- he referred to that name. I subsequently learned travel documents is -- what is it? It's a one-way ticket to a place where there is no return. There is no return. It's just that one way.

Q. Up to that point, Mr. Ray, had you ever had a passport?

A. No, I hadn't.

Q. Ever had a visa or any reason to apply for either one of those?

A. Well, I had one in Mexico, but you get a visa going down there, but other than that I never had one.

Q. You were in Mexico I believe you said in 1959?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1806

A. Yes.

Q. And when you entered that country, what name were you using?

A. I believe that's when I was using the O'Connor name.

Q. The one you had mentioned earlier?

A. Yes.

Q. All right. How long did you and Raul stay together this time, the second visit, would you say?

A. I would say we stayed together a little longer.

Q. Fifteen minutes, thirty, an hour?

A. Yes. We probably -- thirty minutes or so. I don't -- I think we had a little conversation after we left there, too.

Q. All right. Who left first, you or this Raul?

A. Yes, I believe at that time we left at the same time. We discussed some things, you know, walking down the street.

Q. Okay. When you were in the Neptune, what did you talk to him about the second visit specifically?

A. That was about -- we got more specific

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1807

and I was talking about, you know, foreign countries, going to foreign countries and things like that. And he indicated he could help me do --

Q. Did he tell you you would have to have some money?

A. That I would have to have some money?

Q. For him to get this -- to help you.

You said he said he thought he could help. Did he say you could have -- did he say you would have to have some money?

A. I can't quite understand. Did he want --

Q. Well, or --

A. Did he want me to pay him?

Q. That's right. Yes.

A. No. There was no -- never any question about me giving him money, no. But --

Q. Did you tell him where you wanted to go?

A. No, I didn't tell him where I wanted to go, no.

Q. Okay. Now, you said you left with him and you walked outside. And what did you talk about when you walked outside?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1808

A. We made -- I had mentioned in the -- I had mentioned in the bar and I probably

mentioned on the outside, too, that well -- I wouldn't have mentioned it twice. I probably went over the details when I went outside. At that time I decided to try to possibly get one from someone being my -- being a guarantor because I was kind of concerned about getting involved.

Q. You're talking about someone giving an affidavit saying they knew you and could vouch for you, that you were a citizen of Canada and those type things; is that right?

A. Yes.

Q. All right. How were you going to do that?

A. Well, I was thinking about trying to meet a female and see if she could possibly help me do it. So before -- I think before I seen Raul the second time, I went to a travel agency and asked him, you know, if there was any resorts close by that I could go, you know, for six days, six or seven days. And they gave me one called the Gray Rocks and it's right outside of Montreal.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1809

So anyway I met -- when I seen Raul,

I didn't tell him I was going to try to meet

someone and get me a guarantor. But I told him

I would be gone for a week and I had some

business to take care of. And he said, okay.

And so I did go to Gray Rocks and I did meet a

woman after I was up there about five or six --

five or six days I guess.

Q. Let me back up, Mr. Ray, a moment.

A. Yeah.

Q. When you went outside and you talked to

Raul --

A. Yes.

Q. -- how long did you stay out there with

him?

A. Oh, we was just walking down the

street. It wasn't very long.

Q. And he was driving a car?

A. If he was --

Q. Okay. You don't know how he left the

area?

A. No, I have no idea.

Q. And you left in your Plymouth?

A. No, I walked down there.

Q. Well, did you have a room at a hotel or

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1810

a rooming hall or something at that point?

A. Yes. I was living in south Montreal,
in the Ajax Apartments. I think it was about
4800 South Notre Dame Street was the name of
the street.

Q. Did you -- how were you financing this?

Where were you getting your money from then?

A. Well, I had two hundred fifty dollars
when I escaped from prison. I worked in the
restaurant a while and I had held up a brothel
for sixteen or seventeen hundred dollars. So I
don't know just exactly how much money I had,
but I had -- I wasn't really uptight for money.

Q. This brothel, was that before you met

Raul that you held it up?

A. Yes. That's the -- well, I had set it up when I was in Dorion, the day before I went to Montreal. I went up there that night, and I met some woman at a bar and I went home with her and I went to her apartment. And, you know, I found out her address and the next day I met her again.

Q. Okay. And you had gone to some man that was sending business to her or her pimp I guess, is that what he was?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1811

A. He was in the building, yes.

Q. Okay. And you had robbed him of how much, sixteen or seventeen hundred dollars?

A. It was mixed bills, sixteen or seventeen hundred dollars in United States and Canadian currency.

Q. That was in Dorion?

A. No, that was in Montreal.

Q. It was in --

A. Dorion. I drove into Dorion and set it

up, the robbery, and then the next day I moved into Montreal and rented the apartment. The Harkay I think is the apartment on Notre Dame Street. H A R.

MR. BLEDSOE: And then Mr. Pepper interjects K A Y.

A. K A Y. And then I went ahead and robbed the place.

Q. Well, you didn't know in advance before you had gotten to Montreal whether you just -- you were going to do but you didn't know what place or anything, am I correct?

A. Yes. I was fairly certain I was going to do it because I was getting very short on money and usually those places don't -- they

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1812

don't call the police on you anyway.

Q. That's what I'm saying. You were going to do it but you didn't know what place then until you got into Montreal?

A. No, I had no idea what place.

Q. Okay. When you had gone to Gray Rocks and what -- then you had gone to Gray Rocks and what happened there?

A. Well, as I mentioned, I did meet some -- a lady up there after I was up there about five or six days and I -- but I didn't think that was, you know -- I didn't want to approach her about something that was illegal in just that short of time. You know, I didn't, you know, know her long. So I never did get into it.

Q. Okay. How long did you stay in Gray Rocks?

A. Six or seven days.

Q. Okay. And then you returned to Montreal?

A. Yes.

Q. And had you set up an appointment with Raul at that time to meet him?

A. Yes. I told him I was -- you know, I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1813

would be back there.

Q. Did he give you a -- any telephone number to contact him?

A. No. I never had any contact.

Q. How were you going, in other words, were you going to set up a certain date to meet him back at the Neptune; is that correct?

A. Yes. I remember one time we met in the Neptune and then we went on somewhere else. I think we went to a restaurant but it was not --

Q. Okay. Now, when you met Raul the third time, he knew then that you were looking for some -- your term travel papers, am I correct, sir?

A. Yes. That's correct.

Q. And he never did tell you you would have to pay him anything to get the travel papers?

A. No. It was kind of quid pro quo. He was going to -- sometime during the conversation he was going to furnish me with the -- what he called the travel documents and a certain amount of money and he didn't --

Q. What was he going -- what was he going to get out of it for doing this?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1814

A. Well, I was going to take some things across the border for him in the back seat of the Plymouth.

Q. He had already asked you that if you would take -- if you would take some things across the border, he would help you get in your term travel papers, right?

A. Yes.

Q. Okay. And you agreed to do that?

A. Yes. I was willing to do it, yes.

Q. When you say across the border, where across the border were you going to take them?

A. Windsor, Canada, that's right across the river from Detroit.

Q. Okay. When you say some things, you're talking about some drugs or guns or what?

A. Well, I assumed it was drugs.

Q. And he didn't tell you specifically

what it would be?

A. No, he didn't say.

Q. And you agreed to do that if he would help you get what you called travel papers, right?

A. Yes.

Q. And this was on the third visit with

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1815

him?

A. Well, somewhere along there. I can't remember just what was said on each visit. I would say we had maybe five visits altogether.

Q. Okay. And then you agreed to do this?

And let me ask you this: Whatever you were going to take across, did you actually do that?

A. Yes, I did.

Q. Was it something in boxes, bags or what?

A. Plastic bags.

Q. Okay. And could you tell what it was or did you ask what it was or did he tell you

what it was?

A. Well, no, he had me meet him in Windsor on a certain day. I think it was a train station -- near the train station. And he came up. He showed up in time. I was sitting in the car and he showed up at the meeting and he just got in the car and directed me to a different area of Windsor and then he got in the back of the car.

In the Plymouth you could raise the back seat up, and it would come unhinged. And behind the back seat there was a bunch of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1816

springs back there, and that's what he did. He apparently was familiar with the inside of it and he put some -- I think it was about three packages. I didn't turn around to look at him, but I did notice something out of the back, you know, the rearview mirror.

Q. Okay. Well now, when you met, where were you when he put this in the back of the

car?

A. I was sitting in the front seat.

Q. But where were you though? Were you in Montreal or Windsor?

A. We was in Windsor, yes.

Q. All right. And you had had an agreement to meet him at some place there?

A. Yes. Near -- I think it was near the train station or bus station. I think it was a train station.

Q. Okay. And what time of day were you going to meet him there?

A. It was some time in the afternoon, but I don't know just exactly what time.

Q. All you were going to do was just drive it across the border?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1817

Q. And into where?

A. Into Detroit.

Q. Okay. And what did you -- what did he

tell you after you drove it across the border
that he would do then?

A. Well, I would take the material across
and then once we got across the border, he
would give me a passport and some money and he
would go his way and I would go my way.

Q. When you met him there, Mr. Ray, was he
driving something or was he walking or just
standing there, was -- what was he in? How did
he get there?

A. I was just sitting in the car and he
walked up and that was it.

Q. And he had something in his hands, some
bags or --

A. He had an attache case, that's all he
had that I saw.

Q. And he -- did he put the case behind
your seat or just open the case up and put
something behind the seat, which was it?

A. No, first he directed me to another
street where he -- and he got in the back of
the car and took the stuff out of the attache

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1818

case and got the seat up. I'm not talking about the seat you sit on, I'm talking about the back rest. And he put it in there and then we left.

Q. Okay. Had you ever been to Windsor before?

A. I think I went through there when I went to Montreal earlier in 1960, 1959 or whatever.

Q. And then did he get in the car and you go across the border with him in the car and with the substance in the back?

A. No. He got in the car and he told me to let him off before we got to the -- we went through the tunnel. There is two ways you can get from Windsor to Detroit. One is the tunnel and one is the bridge, and he had me let him off. He asked me to meet him on the other side. So I let him off and he said give him a while. I think he got a cab and I assume he got a cab or somebody hauled him across, and

then I went through the customs and I picked him up on the other side. And then when I picked him up, he directed me to a place, some side street.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1819

Q. In Detroit?

A. Yes. And then he -- he took this material out of the back seat and he told me to -- you know, we was going to do the same thing again.

Q. Did he tell you when?

A. Pardon?

Q. Did he tell you when?

A. Yes, right then.

Q. Oh, okay. The same day?

A. Yes.

Q. Did you do that?

A. Yes, we did.

Q. Okay. Well now, did he go back to the same place where you were originally when he came up with the attache and put it in the car

and meet him there again at the same place?

A. Did he go back to the same -- you're

talking about --

Q. Let me back up. Okay. You drove the car alone across the border from Windsor to Detroit, right?

A. Yes.

Q. And he met you over there?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1820

Q. And you said he -- and you said he said we are going to do the same thing again.

A. Yes.

Q. And did that mean go back to Windsor and come back across again?

A. Yes.

Q. And my question is, did you go back to Windsor and meet him again at the same place that you had met him earlier?

A. No, I don't think -- he would meet me on the -- he would get a cab or something and

meet me over there.

Q. Well, I'm what saying is, did you go back to the same place to meet him back in Windsor to get another --

A. Yes. We went to the same street.

Q. Where you met him earlier?

A. Yes.

Q. Okay. And then again you went across the border again and the same thing in the same manner that you did earlier, right?

A. Yes, I assume the first time was a dry run so we did the same thing but I -- it was other problems on the second trip.

Q. What problems did you have?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1821

A. Well, on this -- on the second time we went across the bridge instead of the tunnel.

Q. Did he go with you this time?

A. No, he didn't go with me.

Q. Still didn't go with you?

A. No. So -- well, anyway, when I got to

the customs house, I had purchased a TV, a small TV when I was in Montreal to watch. I thought I might be up there for a while. But anyway when I got to the customs house, I started thinking about the TV and I thought I better declare it because it's -- I think there's a tax on it and you have to declare everything. I think there is a sign up there that says it.

So anyway I pulled into the customs house and told them I had a television set I had purchased in Montreal. They asked me if I had purchased anything, and so they had me pull over in a -- they had a place where you can park there.

Q. Okay. You had Illinois plates on your car?

A. Yes.

Q. And an Illinois driver's license?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1822

A. Yes.

Q. Go ahead.

A. Well, anyway I parked there and the customs agent he started going through the car and this stuff was in the back, this material was in the back seat as I mentioned, and he started going through everything in detail. He started under the hood and he was all over the car. When he got back to the back, he started searching the back and another customs agent come out and told this first customs agent he said, I will take over and told him to do something else.

So when he took over, he terminated the search and he took me in the office. And I give him a -- I think it was three or four dollars as some type of tax for carrying some things across the border, export tax I guess you could call it -- I guess you call it. So then after I left there, then I met Raul on the other side.

Q. The same place you did before?

A. No, this was on the bridge. The first time was the tunnel. I met him there and then

he seemed kind of concerned and he --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1823

Q. What made you think that, that he was concerned?

A. Well, I had got held up for a while.

Q. I see. The time element?

A. Yes. So he asked me what the hold up was. I told him I had to pay a tax, and so I gave him the -- I showed him the receipt and it was the Rayns name on it. And, of course, I gave him the Galt name when I first met him, but he didn't say anything about it. He didn't seem to -- anyway we drove back on into Detroit.

Q. He rode with you?

A. Yes.

Q. Okay. Mr. Ray, at that point had Raul ever given you any information about where he was from or his last name or anything at all about his background?

A. No. He was paying the bills so I never

did make any inquiries about, you know, his last name or anything.

Q. Now when you say, "paying the bills," what bills was he paying?

A. Well, he was paying -- I was an employee I guess you could call it.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1824

Q. He had given you some money at that point?

A. Yes.

Q. How much money had he given you?

A. About sixteen or seventeen hundred dollars maybe.

Q. And that was for taking this across the border?

A. Yes.

Q. Is that what it was for?

A. Yes.

Q. Now, was that -- had he given you that before you started across the first time or was that after?

A. No, that was the second time. He didn't give me nothing the first time.

Q. Okay. All right. And where did you and Raul go in Detroit? How long did you stay there?

A. We didn't stay there very long at all.

He -- after he got the material out, he told me -- he said had had some problems getting the passport and he said that, you know, he would get them later. So he just asked me to, you know -- we -- see, there was a lot of deception

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1825

going on here. I didn't intend -- if I had got the passport and the money, I didn't intend to go to Birmingham or anywhere else. I intended to go back across, you know, back to Canada.

So anyway when he -- he said he had some problem getting the passport and he said he would get it the next time. So I went ahead and agreed to go to Birmingham. And he mentioned that I should check -- when I got

there, check the general delivery at the post office under the name of Eric S. Galt.

Q. Was he going to get you a passport in Canada or an American passport or did he say?

A. He didn't say. The only thing he ever mentioned were travel documents, and I didn't know what they were. As I mentioned, subsequently I learned they were, you know, one-way tickets to somewhere.

Q. Okay. When you and Mr. -- when you and Raul got into Detroit, when was the next time you saw him after that?

A. The next time I saw him would have been in Birmingham.

Q. All right. Now at that time, when you were taking these -- you made the two trips

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1826

across there, is that when he told you he wanted you go to Birmingham or had he mentioned that to you earlier?

A. No, we went through all that in the --

Q. Montreal?

A. Montreal. Yes.

Q. Okay. And what did he tell you he wanted you to go to Birmingham for?

A. Well, he just said, you know, we can make some more money and I could get another -- he promised me for certain I would get a passport if I helped him again, and I don't know what all the details he gave me. He told me some things in Birmingham and some things in Detroit, but I can't differentiate everything he told me. I know it was just -- he asked me to come down there and --

Q. He never told you why he wanted you to go to Birmingham?

A. No. I don't believe he mentioned it.

I assume he mentioned -- I think he mentioned something about Mexico. I'm not one hundred percent certain, but I think he mentioned something about Mexico, and, you know, money, passports, things of that nature.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1827

Q. All right. Now, after you were in Detroit with him, did you go back to Montreal?

A. Did I? No, I went to -- I went to Chicago and then went from there to Birmingham.

Q. Okay.

A. See I went to Chicago. And he mentioned, you know, before we went to Birmingham he was going to get a different car and things of that nature because the car I had was a -- it run all right but it was getting kind of old. So I decided to get rid of the Plymouth. I gave it to my brother and then I went on to Birmingham.

Q. Okay. When you were in Gray Rocks, did you drive this Plymouth to Gray Rocks?

A. Yes, I did. I drove it to Gray Rocks.

Q. Did you actually meet some female there?

A. Yes.

Q. And did you spend any time with her?

A. Well, I met her there. It was the last -- probably about five days after I was

there I guess, I saw her -- subsequently I did
see her in -- she came to Montreal on vacation
and I saw her up there sometime in July. Then

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1828

I saw her again before I met Raul. I
stopped -- I was going to -- about the
passport, you know, I was thinking -- I had
mentioned about -- I was thinking about asking
her again before I met Raul in Windsor, but
she worked for a government agency so I thought
I --

Q. In Montreal?

A. Yes, she worked for -- no, Ottawa. I
met her in Ottawa. She worked for the Canadian
government.

Q. You said you saw her in Montreal.

A. Yes, I saw her three times. Once in
Gray Rocks and then I gave her my address in
Montreal and she just happened to come over
there on some type of vacation. She was up for
a couple of days and the third time I met her

was in Ottawa. Yes, it was either Ottawa or Toronto.

Q. Did you ever --

A. It must have been Ottawa.

Q. Did you ever go to her home at any time?

A. No, I never went to her home. No, I think she was married and divorced and had

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1829

children.

Q. Okay. When Raul wanted you to go to Birmingham, did you tell him that you had never been to Birmingham?

A. When he first approached the subject in Montreal, I knew Birmingham was bigger than Mobile, which he wanted me to go to, but I never did. Did he tell me -- did he ask me if I had ever been in Birmingham before?

Q. No, sir. You said he mentioned that he wanted you to go to Birmingham. I am just -- was wondering did you tell him that you had

never been to Birmingham?

A. I don't believe I told him that, no.

It wouldn't have been no reason. I was just going to check the post office.

Q. Okay. He had given you sixteen or seventeen hundred dollars?

A. Yes.

Q. All right. And you had gone to Chicago. How long did you stay in Chicago?

A. Just about one or -- well, I stayed -- when I left Detroit, I think I stayed in a motel.

Q. Okay.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1830

A. Right outside there. I think I stayed in one motel for -- right outside Alton for a day. And then I saw my brother, and I think I stayed there maybe one or two days. I'm not certain about these things.

Q. Did you drive the Plymouth to Birmingham?

A. No, I gave that to my brother.

Q. Okay. How did you get to Birmingham?

A. I rode a train.

Q. From Chicago?

A. Yes.

Q. Okay. Well, when you left Chicago to go to Birmingham, Mr. Ray, did you have any idea how long you were going to be there in Birmingham?

A. Not -- well, not when I went there.

No, I didn't have no -- I assumed it wouldn't be very long since we was going to make some type of, you know, run somewhere.

Q. Okay. What about -- excuse me, okay.

About when did you arrive in Birmingham roughly?

A. I arrived there sometime in --

Q. In 1967 or 1968?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1831

A. Yes, 1967. It must have been late

August, the 25th or 23rd or 27th.

Q. Now, let me ask you something. Had Raul given you any telephone number to contact him if you needed to?

A. Yes.

Q. And do you remember what city the telephone number -- was it a Chicago number or a Montreal number, what city was --

A. No, it was a New Orleans number, yes.

Q. Had you ever been to New Orleans at that time?

A. Had I ever been to New Orleans?

Q. Right.

A. Yes. I was in -- I was in there one time when I went to Mexico earlier in 1959.

Had stopped there for one day.

Q. Okay. When you reached Birmingham did you try to call Raul with this telephone number he had given you?

A. No, I --

Q. You did not?

A. No.

Q. Okay. How long were you there before you heard from him?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1832

A. It was a very short while because I went to the -- I don't know just what day it was. I know I went to the post office and it was either a Sunday or a Monday and there was some kind of letter from him. It was -- it was addressed to Eric S. Galt, general delivery.

Q. Okay. What did the letter say?

A. Well, it just said met him at a bar called the -- I can't recall the bar right now but it's right across the street from the post office.

Q. Okay. Now, when you went to Birmingham, he didn't tell you why he wanted you to go there at all?

A. Well, it had something to do with illegal activities, yes.

Q. Okay.

A. The bar's name was the Spotlight Bar.

MR. BLEDSOE: At which point

Mr. Pepper states Starlight.

A. Starlight Bar, yes.

Q. Okay. You received the letter from him and he told you to meet him. And how long did you meet him after you got the letter, how long was it before you met him?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1833

A. Well, I'm not certain about that. It was real close there. It might have been -- see, that place is closed on Sunday I believe. It was probably a Saturday or a Monday, but it could have been a Saturday but it wasn't too long after I got the communication. It wasn't over a day or two.

THE COURT: Let's stop there. How much more do you have?

MR. BLEDSOE: I'm on page 95. I don't know how long the entire deposition is.

THE COURT: You're going to read the whole thing?

MR. BLEDSOE: I believe so.

MR. GARRISON: Your Honor, it's

most of it. It's in sequence so we are going to have to read most of it.

THE COURT: All right. Well,

let's -- we'll stop and resume at 2:15.

(Lunch recess.)

(Jury out.)

THE COURT: Are we ready to proceed?

MR. GARRISON: Your Honor, before we start I would like to enter a motion on

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1834

behalf of Mr. Jowers and at this time, if Your Honor please, the defendant Mr. Jowers would move for a mistrial on the grounds that he is under the care of a physician and disabled and unable to be here. He's on medication where he's moderately coherent, and he can't be here to defend himself. He can't be here to offer testimony in open court.

He was here the first several days.

He became ill during the trial, and on behalf

of Mr. Jowers, based on the statement of the physician that's been treating him, ask Your Honor to declare a mistrial.

Your Honor, I might add this is at the request of the defendant and his family and another attorney.

THE COURT: Do you have anything in support of Mr. Jowers' physical condition?

MR. GARRISON: I have the exhibit we presented this morning.

THE COURT: Let me see that again.

MR. GARRISON: In the statement the physician says that he's not able to attend court.

Your Honor, I might add that is the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1835

second physician that has stated he is unable to attend court. I have the other report, I don't know if I can find it now, but I have another physician who will also say the same thing that's here in Memphis.

THE COURT: I'm not -- let me see,
it says: Judge, Circuit Court, Memphis,
Tennessee. It's dated December 3rd, 1999.
Ross DeBoole, M.D., Reelfoot Medical --
Reelfoot Family Medical Center, 229 South Court
Street, Tiptonville, Tennessee. "Your Honor, I
have examined Mr. Loyd Jowers on December 2nd
and 3rd, 1999, and performed laboratory tests
through Med Lab. Mr. Jowers suffers from
severe cerebral arteriosclerosis, clinically
significant malnutrition, ongoing urinary tract
infection and headache which are probably of
vascular origin for which he is receiving
treatment which will on December 9th, 1999. I
would appreciate your excusing him from
judicial proceedings during this time."

I'm not sure I understand what that
means "which will on December 9th." What does
that mean, Mr. Garrison?

MR. GARRISON: I think it's

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1836

continued through that date is what I understand.

THE COURT: You mean his treatment? It says: "I would appreciate your excusing him from judicial proceedings during this time." That's not the same thing as saying that he is unable to attend and -- I don't know. I have some question in my mind as to whether or not the doctor was aware that he's already involved in judicial proceedings, that is, a trial. And I don't know whether Mr. Jowers' condition is serious enough that it would warrant the interruption of the trial. He simply says: "I would appreciate your excusing him from judicial proceedings during this time."

MR. GARRISON: Your Honor, would I be able to ask the Court to recess long enough for me to get a little further information from the doctor so we could determine whether or not he thinks he is completely disabled and unable to attend because of the medication he's on he's not fully aware of what is going on?

MR. PEPPER: May I be heard, Your Honor?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1837

THE COURT: Mr. Pepper, yes.

MR. PEPPER: Your Honor, plaintiffs strongly oppose this motion.

Mr. Jowers was in the court early on in these proceedings. Plaintiffs would have called him then, did not do so. We are prepared to call him at a later time when he was unavailable. Plaintiffs were then prepared to travel to Mr. Jowers' home and take his deposition at this earlier time as well long before the 3rd of December when he was examined by the physician.

Plaintiffs received word from counsel, Mr. Jowers, that if we did so, he would only plead the Fifth Amendment to any critical questions that would be asked and that would be the extent of his defense. He would knowingly plead the Fifth Amendment.

Plaintiffs at that time did not wish to waste the Court's time and a day of these proceedings by traveling up there and elected not to go and not to depose Mr. Jowers.

Instead plaintiffs inserted into the record a great deal of relevant information previously given by Mr. Jowers under oath in a deposition

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1838

in a prior case, which although the cause of action was different, dealt nevertheless with the same facts in issue here.

Plaintiff notes also would ask the

Court -- respectfully ask the Court to consider the fact that after Mr. Jowers absented himself from court, he allowed counsel to continue.

And counsel continued with his defense up to and through the point where plaintiffs have closed their case.

Now, all of plaintiffs' submissions --

entry of submissions in this action have been put before the Court and the jury and

plaintiffs' case has been closed. Counsel for the plaintiffs believes that counsel for the defense has probably been in touch with Mr. Jowers on a regular basis reporting as to what has happened in this courtroom thereby giving him the opportunity to make any comments or provide any instructions which he would -- he would want to do even though he has been outside of the court.

For all of that -- those reasons, and for the fact that we have come so far in these proceedings and there is so much evidence here,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1839

Your Honor, we oppose this motion and respectfully request that these proceedings be allowed to carry forward to a conclusion. And if the defendant is unhappy and dissatisfied with the result, he does have the remedy of appeal.

MR. GARRISON: Your Honor, I just say this in response to that. He was seen by a

physician here in Memphis about the third or fourth day of the trial, and it appeared at that time, I have a report somewhere, but that he probably would be able to return to court in a day or two. That's the reason it was asked of Your Honor the first day he was absent to tell the jury.

His condition has gone steadily down since then because he had every intention of being here. He was here the first several days. And certainly you don't know whether he takes a pill or what have you, that's his prerogative and his privilege and his right in court. And he does have a right to be here.

And he's not here because he's unable to be here, and I can obtain further medical proof regarding that issue if the Court would permit

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1840

me to.

But I think certainly at this point

the Court would have to seriously consider the

motion because the defendant -- because if he hadn't been here at all, it would be a different thing. He was here the first few days, and I think because of his condition that he has -- was not here because he can't be here. And I think he has a right to be here to defend himself however he want to defends himself. He doesn't have to take the stand at all if he doesn't want to, but he does have a right to be here and he's not here because it's no fault of his.

I think under the circumstances, Your Honor, the Court should seriously consider declaring a mistrial of the case. If we need to get his -- a recess, we can get his deposition and what have you. I don't know how long that will be but whatever it takes.

MR. PEPPER: Your Honor, if this were a defendant who were legitimately interested in providing evidence under oath to this Court, and as being denied the opportunity to do so because of his condition of his

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1841

health, that would be one thing. But I respectfully suggest to the Court that this defendant if he were to take that stand this afternoon or any other time would in fact invoke the Fifth Amendment and would not otherwise characterize his defense.

MR. GARRISON: Your Honor, if I might just say this: He's been present every time. We spent two days with Mr. Ray taking his deposition, he was present there. He has been present when Doctor Pepper took his deposition. He's been present every proceeding we've had. It's not that he doesn't have an interest in defending himself. He has been present every time. Of course, this is the first time during the trial he has become ill and can't be here. Certainly he had the right to be here, and I -- I think under the rules, if Your Honor please, as I understand them if he's unable to be here, the Court would either have to declare a mistrial or recess the Court

until we can get better information about it.

THE COURT: This morning before

the motion was made, you indicated that the

defendant's proof was complete except for the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1842

reading of Mr. Ray's deposition. Is there any

additional proof that you know of that would be

presented on behalf of the defendant?

MR. GARRISON: Your Honor, at this

moment I have a subpoena out for another

witness. Whether or not the process server can

get the witness, I'm not sure. If he does, then

we would have another one. If not, well, that

would be -- in fact, Doctor Pepper gave me the

address of the witness this morning and we are

trying to get served. So far I'm not sure if

he's been served.

THE COURT: Well, it was suggested

to me that in spite of his condition and even

after this exhibit was made in the proof --

this exhibit was made a part of the record,

that the defendant was still prosecuting his case and getting out subpoenas.

MR. GARRISON: That was before I received this information from you that we issued the subpoena.

THE COURT: It seems to me that the suggestion of a mistrial comes a little late after the plaintiff has continued in spite of the knowledge that his illness and at the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1843

request and permission of the defendant the trial has progressed. And at this point there is nothing culpable to be presented by the plaintiff because they have closed their proof, and the onus is now on the defendant to come forward, although he has no burden to begin with. If there is proof to be presented in his behalf, we have reached that point where he should do so.

Now, the defendant has made prior testimony -- statements in this case -- not in

this case but on the issues involved. And at the time that the statements were made, he was under oath and his testimony sworn to. So that if he were to be presented now as a witness, he could only reaffirm the testimony that he has previously given. Or if he contradicted it, it would only nullify his testimony having given diametrically opposed statements would not bolster his position here but would simply nullify all of his testimony. So if there is any proof from which the defendant can benefit, it would not be coming from the defendant himself at this point.

Also the letter that I have here it

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1844

does not unequivocally state that the defendant is unable to attend but simply requests that he be excused. For all of the reasons I have stated, I'm going to deny the motion at this time. We are going to proceed.

MR. PEPPER: All right.

THE COURT: Bring the jury out
please, sheriff.

(Jury in.)

THE COURT: All right. Are we
ready to proceed?

MR. GARRISON: Yes, sir, we are
ready to resume with the reading of the
deposition of James Earl Ray.

THE COURT: All right, sir.

(Whereupon, the following is the
continuation of the reading of the deposition
transcript of James Earl Ray.)

Q. Okay. And when you met him at this
Starlight Bar, was he driving anything, was he
with anyone else or tell me about it?

A. No. As far as I know, he wasn't
driving anything. I just met him at the
Starlight and --

Q. Did you get there first or did he get

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1845

there first?

A. I got there first.

Q. All right. Now, when you saw him at the Starlight Bar, what did he tell you then he wanted you to do?

A. Well, he had quite a few things to do. I'm not certain the sequence he wanted to do it. He wanted to purchase a car and he also wanted to buy some sophisticated photographic equipment. And then I don't know just what he -- what he -- all he went into that day and what he went into the next day. But we just had -- he just had -- generally that first meeting I think was just to see if I was okay and was ready to do what he wanted to do.

Q. At that point you still didn't know his last name?

A. No, I didn't.

Q. And you didn't know where he was from or anything about his background?

A. I didn't know anything, no.

Q. How long did you stay in the Starlight Bar when you met him there?

A. The first time?

Q. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1846

A. It wasn't very --

Q. After you got the letter.

A. Yes. It wasn't very long because he

had me -- I think it was -- I believe it

was getting -- it was getting along close to

evening. It was a little later than we usually

met.

Q. Okay. Now he gave you some money then,

did he?

A. No, he didn't.

Q. He didn't? Okay. He wanted you to

purchase a car?

A. Yes.

Q. And some from photographing equipment?

A. Yes.

Q. And what did he tell you he wanted with

the photographing equipment?

A. Well, he didn't tell me. He just told

me what he wanted.

Q. What type of photographing equipment did he want?

A. I don't know. It was just wrote down.

I didn't -- when I -- subsequently when I went to buy it, I think I showed the clerk, you know, what I wanted.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1847

Q. Okay. Did you go straight that day and get it?

A. No, no. I didn't have the money at that time.

Q. How long was it before you purchased the photographic equipment?

A. Well, subsequently we had another meeting and then he started to look for a car. And he had to me look for a car and he stayed around there somewhere. I don't know where he stayed at. But anyway it took me two or three days to locate a car.

Q. Where were you staying?

A. I was staying at 2800 -- 20 something

Highland Avenue in Birmingham.

Q. Is that a rooming house?

A. Yes.

Q. When did you meet him in Nashville, was that the next day or the next two or three days or --

A. After I got there?

Q. Yes, sir. After you met him the first time at the Starlight.

A. I am not certain it was the next day.

Q. Okay. Did you met him in the Starlight

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1848

the next time again, the same place?

A. Yes.

Q. All right. And again, you don't know how he got there, whether he walked up, drove up or someone brought him to the Starlight?

A. No. I was usually -- I know whenever he had a meet -- we had a meeting I was usually always the first one there.

Q. Now he had given you a note to purchase

some photographing equipment and then the second time you saw him did he give you some money to purchase it with?

A. Well, I think the first time we purchased the car when I found the Mustang and I don't know if you want to go into all the details how I found it, but anyway I got it.

He had agreed to -- I told him what kind it was and everything. So he agreed to purchase it and then he gave me the money to purchase it with. And I went down and purchased the car.

And then after I got it, after I got the car, I drove back to the Starlight, picked him up and then we went to Highland Avenue and we parked out there near the rooming house and that's when he went into the photographing equipment

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1849

and what all he wanted me to do.

And I think he -- I can't recall just how much money he gave me now to -- the Mustang cost about nineteen hundred dollars. He paid

for that. Then he gave me some more money, and I have got all this stuff wrote down somewhere.

I think it was -- I am not certain just how much it was. I think the photographing equipment come to about five hundred dollars but he gave me some extra money anyway.

Q. When he gave you the sixteen or seventeen hundred dollars in Montreal, was that in large bills or small bills or what?

A. It was sort of small bills, twenty dollar bills and it was mixed currency. It was United States and --

Q. Now, Mr. Ray, when he gave you the money to purchase the car and the photographing equipment, was that large bills or small bills or what?

A. I can't -- I think -- I think the Mustang, I'm not certain. I think it must have been some rather large bills because they would have, you know, been kind of bulky. I can't remember just what all the denominations was.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1850

Probably the person that I bought it from might remember.

Q. At that point did he tell you what he wanted you to do, why he wanted the photographing equipment or any job he asked you to do or any reason he wanted you to buy a car?

A. Well, yes. He went through that we was going to Mexico and I was going to -- we was going to make some type of --

Q. When were you going to Mexico?

A. Well, there was no specific date. It was about -- I think it was about 30 days and I think he subsequently -- the date was set up, but it was about 30 days. I think it was sometime -- I was supposed to meet him sometime in early October and -- or let's see, yes, early October and we went to Mexico.

Q. Did you still have your driver's license at that point, the same driver's license?

A. The Rayns?

Q. In Illinois.

A. No. While I was in Birmingham I -- the landlord at the apartment I stayed in, a guy named Peter Cherpes, C H E R P E S, he went

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1851

down to the state highway patrol and he drove the car down. So they gave me a driver's test and I got a driver's license.

Q. In Alabama?

A. In the Galt name, yes.

Q. Eric Galt?

A. Yes.

Q. You didn't have the Mustang at that point though, did you, when you got your driver's license?

A. Yes, I did.

Q. You had already purchased it?

A. Yes.

Q. Okay. You purchased the Mustang through an ad, is that the way you purchased it? How did you find out about it?

A. I believe it was the want ad, yes.

Q. You called some man that had the Mustang for sale and you asked him about it and you went out to see it?

A. Yes. I went -- you have less problems, you know, with police and things. Yes, I got -- he told me where he was at.

Q. How did you get out to where he was?

A. Well, I probably took a taxi out there.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1852

Q. Okay. And that was at his home, the person who you purchased the car from's home?

A. Yes.

Q. Okay. Did you -- when you arrived at his home, did you drive the car, the Mustang?

A. No, I didn't drive the car. I told him I didn't have no driver's license, and I think his -- he drove me around in it and --

Q. What model Mustang was that?

A. I believe it was a 1966 or 1967.

Q. And what color was it?

A. It was sort of a whitish.

Q. Okay. Then did you decide then to buy it?

A. Yes.

Q. Okay. Did he owe any money on the car?

A. No.

Q. And you paid him in cash; is that correct?

A. Yes.

Q. And he gave you a receipt?

A. I believe he -- yes, I believe he did.

Yes.

Q. And then how did you leave?

A. I drove it.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1853

Q. Where did you drive it to?

A. Well, I went to -- I went to the Starlight to pick up Raul and then from there we went back to the Highland Avenue apartment.

Q. How did you know he was going to be at the Starlight?

A. Well, he gave me the money there and he

told me to meet him there after I got the car.

Q. You told him you were going to go look at the car?

A. Yes. I told him I was going to purchase it, yes.

Q. Did you and Raul go for a ride in the car?

A. No. I can't remember all the sequence, how I bought the car, but he didn't go for no ride with me. I think I told him I didn't have a driver's license and I think that concerned him. But we went up there and parked in the -- the Highland Avenue and so I think that was the extent of our driving around.

Q. And then you had gotten your driver's license pretty soon after that I gather?

A. Yes.

Q. All right. When did you see Raul

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1854

again after that, after this time where the two of you rode in your car?

A. I saw him at a motel in Nuevo Laredo, Mexico.

Q. Now, I gather you had planned that night or the day you saw him with the Mustang to go, is that correct, you had planned then to go to Mexico?

A. After we purchased the Mustang?

Q. Right.

A. Yes. He explained everything to me after we went back to the Highland Avenue apartment.

Q. What did he explain to you?

A. He told me he wanted the camera equipment. I think he gave me some money there. I guess it was a thousand dollars I would estimate, but I think the camera equipment cost about five hundred dollars or something. He may have given me more, but I just can't recall just exactly.

Q. Where did you purchase the camera equipment?

A. Well, I purchased some of it at the -- in downtown Birmingham. I just showed the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1855

lady, you know, what I wanted. Some of it they didn't have on hand. I guess it was some specialized equipment. They had to order it from Chicago but --

Q. So you had to wait until they ordered it and get another date?

A. Yes. I never did get it. I called up Raul's contact. He had a contact in New Orleans, and I called him up and told him that I was having problems, you know, getting one of the items he wanted. And the contact said, well, just forget it and come down here for a certain -- and come down here a certain date, and so I never did get the -- I don't believe I ever did get the camera.

Q. Okay. Mr. Ray, did you have more than one number to contact Raul or did he only give you one number to call him in New Orleans?

A. He gave me -- let's see, I had two numbers altogether.

Q. All right.

A. In fact, I had three. I had one in

Baton Rouge. I got that later, but --

Q. Were these numbers written down on

something or did you just memorize them or how

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1856

did you know to call, what numbers? How did

you know to call these numbers?

A. I never wrote -- I usually write stuff

down backwards so if the police stops you or

something.

Q. How long did you keep those numbers?

A. Well, the first number he had me throw

it away when we was in Mexico. He said he had

a new number. That's when I took his -- this

material across the border in Mexico in October

of 1967. And then he gave me a -- then I

also -- yes. And then when we was in

Birmingham, I think I was still using the first

number, but he also gave me a backup number in

Baton Rouge.

Q. How long did you keep those numbers?

A. I don't think I kept them too long. I kept the last one he gave me in Mexico. I think I kept it until sometime in, you know, 1968.

Q. Did you -- do you still have the number -- the number of when you were arrested in London?

A. Do I still have the telephone numbers?

Q. Uh-huh.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1857

A. The --

Q. Any of these numbers.

A. Yes. I remember the last four digits of the New Orleans telephone number.

Q. Okay. Did you ever furnish those to any lawyer that represented you?

A. Yes, they're on file in court, yes.

Q. Okay. You met Raul then in Laredo next?

A. Yes.

Q. Okay. And what did you do there?

A. I met him in a motel. I was supposed to be there, and I -- I was supposed to meet him at a certain time there in a motel. I can't think of the name of it. It's on a main street. Going into Laredo it's on the left-hand side of the street going south, and the motel when you have to drive up, it's sort of an incline for 40 or 50 feet and then you turn left. And subsequently you can't see any cars or anything from the street. So I rented -- I checked in there under the name Eric Galt. And after I was there about, I don't know, thirty minutes or so, then Raul he showed up and --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1858

Q. He told you where to check in or he knew where you were going to be?

A. Yes.

Q. Okay. And when he came that time, was he riding in something or did someone bring him

or how did he get there?

A. Pardon?

Q. Was he riding in something, did someone bring him, how did he get there?

A. He just showed up at the door and that was it. I don't know how he got there. I got the address in New Orleans. See, initially I was supposed to meet him in New Orleans, but when I got there, his contact said he was gone and he gave me a place to meet in Nuevo Laredo.

I should have mentioned that earlier but all these details.

But anyway, when he got there in the motel in Nuevo Laredo we just had a sort of brief conversation and he told me that he wanted me to get a visa. See, when you come into Mexico and go in border towns, you don't need no visa. He wanted me to get a visa, and he also wanted me to go across the border and pick up some material.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1859

Q. And you had an Alabama driver's license at that time?

A. Yes.

Q. Okay. Go ahead.

A. So anyway we left and we crossed then back into Laredo which is right across the bridge, and I think we went about maybe seven or eight blocks north and then we turned right and went west for a couple of miles. This is my estimation, and he parked behind a car and then there was some dude sitting in the car and --

Q. Wait a minute. Now, what was he driving?

A. He wasn't driving anything.

Q. You said he parked behind a car.

A. Well, we parked behind a car. I was driving.

Q. I got you.

A. So he got out of the car and apparently he had -- see, I gave him a set of keys to the Mustang. The owner gave me two sets, and I gave him one of them in Birmingham anyway.

Q. This was in Laredo we are talking about?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1860

A. Yes. We are in Laredo now.

Q. Okay. Let me back up just a minute.

You had gone -- you had gone from Birmingham to Laredo straight. In other words, you hadn't gone any place, you hadn't veered off any other place?

A. Yes, I veered off in -- I stopped -- I stopped briefly. I didn't veer off. I stopped briefly in the -- somewhere in northern Louisiana I think it was or Mississippi.

Q. Okay.

A. I had purchased a .38 caliber revolver and some shells.

Q. Okay. What had you done with your other .38 caliber?

A. Yes, after I left the -- left Montreal or Ottawa I was concerned about maybe, you know, the police arresting with me a .38 and I

buried it by -- I went down the side street and
I buried it under a -- I think it was -- beside
a telephone pole.

Q. In Montreal?

A. No, no, on the highway.

Q. Okay. Somewhere between Montreal and
Birmingham?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1861

A. No, somewhere between Montreal and
Windsor, Canada.

Q. Okay.

A. Okay.

Q. Now, when he came to Laredo and met you
there, he just wanted to you go somewhere, you
didn't know why you were going or where you
were going, he just said, let's go somewhere?

A. He told me what we was going to do. We
was going to -- we was going across the border
and then we was going to put some stuff in the
tire and then I -- we exchanged tires.

Q. You're talking about drugs?

A. I don't know what they was.

Q. He didn't tell you what it was?

A. No. It was just in the tires is all I know.

Q. You mean in the tires on the car or on the spare or what?

A. The spare tire.

Q. And you said he stopped somewhere and you pulled up behind some other people in another car?

A. Yes. There was another car there.

Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1862

Q. Okay. And what happened then?

A. Well, he just got out and took the spare tire out of the car in front of me and then got the spare tire out of the back of my car and we -- that was it. He just changed the tires and then we went back across the border.

Q. And where did you go across the border?

A. Well, when we crossed the border and we

went to the customs house, he told me he wanted me to get a visa. And he also told me when I checked into the -- to get the visa to give each one of the individuals that searched the car a dollar. He said not to give them no more.

So I went into the office and while I was making out forms for the visa, I parked the car in the back and when I came -- when I got the visa form filled out, I went in the back and there was three Mexican customs officials in the back and I gave each one of them a dollar and they didn't hardly shake the car down. They took the chalk mark and marked everything with an X and that was it.

Q. Okay. You pulled up behind a car. Did it have some other individuals in it, the car

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(901) 529-1999

1863

you pulled up behind?

A. Yes. It had one in the driver's seat, yes.

Q. Was that a man or a woman?

A. It was a man.

Q. Did it appear to be someone Spanish or could you tell?

A. I just seen the back of them. I just, you know --

Q. What time of day are we looking at?

A. It was after dark.

Q. It was after dark?

A. Evening, yes.

Q. What kind of car did he have?

A. I really don't know. I had been in jail. I didn't know one car from another really.

Q. Mr. Ray, at that point had you ever owned any type of rifle up until this point when you got into Laredo?

A. Did I ever own a rifle?

Q. Right.

A. No. I never -- probably when I was ten or twelve years old I used to, you know, hunt with a rifle, a .22 rifle.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1864

Q. .22 single shot?

A. Yes.

Q. Is that the only rifle you had ever owned?

A. Yes, that wasn't mine. That was my father's.

Q. Okay. You purchased a rifle in Birmingham, did you not?

A. Yes.

Q. And you took it back and exchanged it for another rifle, right?

A. Yes.

Q. And then you left Birmingham heading towards Memphis; is that correct?

A. Yes.

Q. All right. And did you have any ammunition with the rifle?

A. Yes, I purchased some ammunition at the -- at the --

Q. Store down in Birmingham?

A. Yes.

Q. Had you ever handled a rifle such as this previously either in the military service or any place? Had you ever had any rifle like this in your hands previously?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1865

A. When I was in the infantry, you had to qualify with what they call M-1 rifle.

Q. Did they -- did you have some training to fire an M-1 rifle in the service?

A. Yes.

Q. All right. On the way from Birmingham to Memphis did you stop and fire that rifle in a rural area?

A. No, I didn't.

Q. You did not?

A. No.

Q. You never told anyone you did that?

A. Did I --

Q. Have you ever told anyone you stopped and fired the rifle on the way from -- around Florence, Alabama?

A. No, I never told anyone that.

Q. You have never written anyone and told them that in writing?

A. No.

Q. You're sure now?

A. No, I never did fire it and I have never told anyone that. I think William Bradford Huie, he's a book writer, said I told my lawyer that. He has written an article

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1866

saying that I fired the rifle, but the attorney representing me at that time -- see, everything I told Huie I wrote down on paper because I never had no direct meeting with him. I think he said Arthur Haynes said that I shot the rifle somewhere along the road but Haynes has denied it. So it's --

Q. So you did not fire the rifle?

A. No, I never did fire the rifle.

Q. Okay.

MR. BLEDSOE: And then Mr. Pepper

states Huie is H U I E.

Q. Now, we are in Laredo and you go across the border again. Was this something -- was this something in an attache case or something like that and you did the same thing as you did up in Windsor?

A. No. There was no attache case involved. It was just the one tire.

Q. The spare?

A. Yes.

Q. Okay. You don't know what it was, of course, he didn't tell you?

A. No.

Q. Okay. You drove across and you stopped

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(901) 529-1999

1867

to get a visa, did you have any problems with that?

A. No. I didn't have no problems with that.

Q. Where did you go in Mexico?

A. After I got the visa?

Q. Yes, sir.

A. Well, me and him went back to the motel and we went kind of a circuitous route. He directed me around, you know, the side streets. We didn't go right straight down the Main Street where the motel was.

Q. But you had gotten the visa and you didn't go across the border then, you came back to the motel?

A. Yes. I think we had picked up a tire and we went back to the motel that I checked into.

Q. You had gotten the visa and had it with you?

A. Yes.

Q. Okay. You went to the motel and then where did you go from there?

A. Well, when I got to the motel, there was an individual. We parked on the right-hand

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1868

side of the street and there was an individual

in the car parked on the other side of the street kind of blocking off the tram way that led up to the motel. And so we had a brief conversation there at the time, me and Raul. And he told me he wanted to -- he would be back in the morning and to, you know -- he would meet me there in the morning.

And then he got the -- he got the tire out of the car and I think apparently put it in the other car, and then I -- I left, you know.

I wanted to get out of there. I didn't want to -- in other words, I wanted to leave. I didn't want to watch them and things of that nature.

Q. When you were in Birmingham the time --

A. Yes.

Q. You stayed, what would you do all day long, how would you spend your time?

A. When I was in Birmingham, I wouldn't do too much of anything. I would, you know, just walk around or something like that or take care of running errands or trying to get photographing equipment, that's about it.

Q. Had you become acquainted with anyone

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1869

there, any females?

A. No. I didn't.

Q. All right. You're in Laredo and you

had gone back to the motel and what happened

next after that?

A. You're talking about Laredo? Now

after I --

Q. You had gone to get a visa and you and

Raul went back to the motel and you said you

had gone some place and someone exchanged

something and what after --

A. Now, after he changed -- he got the

tire apparently, the tire out of the back of my

car, he mentioned he wanted me to meet him

there at a certain time in the morning, at

eight or nine o'clock, I forgot which time it

was. So I drove on off and so I don't know

what happened to them. But this other guy was

sitting in the driver's seat. I don't know

whether he could drive or -- I just don't know
what happened after that.

Q. Okay. Well, where did you wind up next
after that?

A. Well, after -- I drove -- I guess I
drove about a mile and then I come back and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1870

they were going -- and I drove in the motel and
I just checked in and went to sleep and got up
the next morning and waited for them.

Q. Okay. How long did you stay in Laredo?

A. Well, just that over night there. That
was it.

Q. And where did you go -- where did you
go after that, after you left Laredo?

A. Well, the next morning he showed up and
he parked in there, I think he backed in.

Q. He was driving this time, you're
talking about Raul?

A. No, he wasn't driving, someone else was
driving the car.

Q. He was with somebody else?

A. Yes.

Q. Okay. What kind of car was it, do you have any idea?

A. I don't have no idea. It was a Chevrolet or a dark car.

Q. Was the person with him a man or a woman?

A. A man.

Q. Okay. Was it daylight or dark?

A. It was daylight, yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1871

Q. And this person that was with him, was that someone that appeared to be Spanish, light complected, could you tell anything?

A. He appeared to be Spanish, dark complected. I didn't pay all that much attention to him.

Q. Just the two of them in the car?

A. Yes.

Q. And Raul got out I guess and what

happened?

A. Well, he switched the tires back again.

He put the one that -- that he got in the United States side, he put it back in the car and got another one out and put it in his car.

Q. And then what happened?

A. Pardon?

Q. What happened after that?

A. Well, he just left. He told me that, you know, he was going to -- going on the other side of the customs. There was a customs house about 50 kilometers inside of Mexico. And so we just started, you know, driving towards the customs house and --

Q. Did you cross the border?

A. No, we didn't go across the border. We

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1872

was going into the interior of Mexico at that time.

Q. Okay. Well, did you go somewhere else to another hotel or some place to stay a while

after you left?

A. No. We went straight -- this was about nine o'clock in the evening. We went towards the interior of Mexico.

Q. And did you go some place to Mexico?

Where did you stay after you left Laredo?

A. That morning at nine o'clock?

Q. Any time.

A. Well, we didn't stay anywhere. We started driving into the interior of Mexico after about 35 miles, 30 miles, we came to a customs house and I pulled into the customs and the customs officer came out there and he looked at the front of my car and asked me if I was a United States citizen, and I said, yes, and he waved me on through. And while Raul he was -- he was on the other side there, apparently he got held up for some reason. I don't know what the reason was and --

Q. He was not with you when you crossed;

he was not in your car?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1873

A. No, he wasn't.

Q. He was in this other person's car?

A. The other person's car.

Q. Okay. Where did you wind up then?

A. Well, anyway after he -- after he apparently got held up, I pulled out and drove sort of slow for about four or five miles waiting until he could catch up with me, you know, if he got out of there. So he caught up with me after several miles and pulled over in front of me and we stopped. And he got out of his car and come back and got in my car and we had a conversation.

Q. Okay. Mr. Ray, have you ever given a deposition before this time?

A. About what, other matters?

Q. About any subject matter before?

A. Yeah, I have given depositions in prison cases, and one of the libel depositions.

Yes, I have given several depositions, yes.

Q. Have you ever testified in any court about what you're telling me today, the same --

essentially the same subject?

A. Yes. I have testified in Congressional hearings and all that, and I don't know if I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1874

have testified in courts or not, but I have testified under oath in depositions.

Q. Where you gave the same type information you're giving me today, right?

A. Generally. I mean, I can't account for every minute and things of that nature but --

Q. After you crossed the border, did you go back to Laredo then after this time?

A. No. Once we got to -- once we crossed the border from Laredo back into the United States with the tire, we picked up -- we never did go back to --

Q. Laredo?

A. The United States. No, we went straight into the interior of Mexico.

Q. Okay. Where did you go in Mexico?

A. Well, we went to the customs house as I

mentioned, and then after -- after he was held up briefly there or maybe a little longer than briefly, after he caught up with me, which was several miles down the road, three or four or five, he pulled over in front of me and he got out and, you know, got in the Mustang. I pulled over to the side of the road.

Q. Okay. Did you go then to some city in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1875

Mexico where you spent some time?

A. No, I didn't. No. He just told me that he wanted me to -- what he wanted me to do and he gave me two thousand dollars and he told me that -- he gave me another story about the passport. And at that time I more or less gave up on the passport.

Q. Where did you go then?

A. Well, he just -- he took off. I don't know where he went. I went to --

Q. He left with this other -- same other person that brought him?

A. Yes. He told me -- what he told me, he told me he came -- he said he was going to write to the general delivery, and I told him I was going to Los Angeles probably, and he would write me a general delivery in Los Angeles.

And then after financial transactions and the photographing equipment, I had it, and he said, just keep it, he didn't want it at that time and after that he left.

Q. Had there been any mention of any guns at that time, to purchase any guns?

A. Not -- I don't believe -- I don't believe -- no. I think that came later on.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1876

Q. All right. Then did you then go to Los Angeles?

A. I subsequently went to Los Angeles, yes.

Q. And how long did you stay there?

A. I went there in November, I believe, about November. The middle of November of

1967.

Q. 1967?

A. Yes.

Q. Okay. And is this the time when you attended the bartending school?

A. Yes, I did attend the bartending school there.

Q. All right. Mr. Ray, did you become acquainted with some people in Los Angeles that you had never known before while you were out there?

A. Yes. I became acquainted with one individual.

Q. What was that individual's name?

A. Her name was Marie Martin.

Q. M A R T I N?

A. Yes.

Q. And did you then transport some

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1877

individuals to New Orleans while you were in

Los Angeles?

A. Yes. I -- Raul had contacted me and -- initially I wasn't going to get involved with it any more but he wrote me a general delivery at the main post office and he asked me to contact him or something. I called him at New Orleans and he wanted to see me a certain date, an approximate certain date, and I did agree to go to New Orleans and I went down there with an individual named Charles Stein. He helped me drive down there.

Q. Okay. S T E I N?

A. S T E I N, yes.

Q. And did some other -- were there other individuals that accompanied you and Mr. Stein?

A. Not on the way down. On the way back there was two young girls, five or six years old, they came back with us.

Q. Was there some time in Los Angeles that you were out there -- let me back up a minute. You were out there you said about October of 1967 or November.

A. November.

Q. 1967. Now, were you ever back in Los

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(901) 529-1999

1878

Angeles after that?

A. After November?

Q. Right.

A. Yes. I stayed there until March, yes.

Q. Okay. So you stayed in Los Angeles
from November until March.

A. Yes.

Q. During that time you were there, did
you -- did you suggest or direct some
individuals to go and register to vote and that
they would support Governor Wallace for
president?

A. No, no, that's not correct. That's
sort of a --

Q. That's not true?

A. No. The way that transpired was that
Marie Martin's husband was in the -- apparently
was in San Quentin on a drug charge and she was
interested in getting involved in politics and
trying to get her, you know, brother out of the

penitentiary. So anyway I may have mentioned to her -- I had been down there on Lackershime Street in Hollywood. I think it's in North Hollywood, California. Well, it's -- it is somewhere down there, I know it's on

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1879

Lackershime Boulevard, and I went down there and purchased a tire for the Mustang and I noticed the registration place. I assumed it was for anyone who wanted to register to vote. So anyway she mentioned this to me, and I told her that, you know, I would take her down there if she wanted to register. So the day that I was going to take her down there, she had two individuals with her named Charles Stein, that's the first time I saw Charles Stein, and she had another young lady with her and I don't know what her name was, but they were related. So I took her out there and she was -- apparently she registered for George Wallace.

So subsequently she kept -- you know,
she brought up the subject several times again,
and I told her at that time that the problem --
if she was interested in getting in politics,
she should have registered with the Republicans
because they controlled the state. I think
Governor Reagan was governor at that time. So
she went and re-registered then for the
Republicans and she showed me her registration
slip. She was all enthusiastic about this

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1880

idea, but I never was -- I never thought much
of it. I was just going along with her
because, I mean, she couldn't have -- she was a
barmaid, and I imagine if she raised about five
hundred dollars she wasn't seeing the governor
with five hundred dollars. She would have
probably got, you know, locked up or something
like that for some nonsense.

Q. Were you ever in Selma, Alabama,

Mr. Ray?

A. I have been through there one time,
yes.

Q. All right. Weren't you there at the
same time that Doctor King was there, the time
you were there, wasn't he there, too?

A. If he was there, I wouldn't have knew
about it, but I -- subsequently I found out
that he wasn't there when I was there.

Q. How did you find out about that?

A. I think William Bradford Huie, the
writer we previously mentioned, said I was in
Selma when Doctor King was there but later on I
find out that wasn't true and I wasn't in
there. I just drove through there. I wasn't,
you know, a resident there.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1881

Q. Let me ask you this: Isn't it true
that a map was found with your fingerprints on
it that had Doctor King's home, his church, his
place of meeting, all that was circled, wasn't
that all found?

A. No, that's not true. There was a map found in the rooming house that I was in in Atlanta, Georgia. In fact, I had about 20 maps. I had marked some different maps. What I did I marked the street I was living on and the street I came in on and then I marked Peachtree Street which is right off the street I was living on. And of course that was distorted and said that I had Reverend King's house and church and residences and I had all circles around it. Well, we subsequently found out that wasn't true, which I knew it wasn't.

Q. You're saying that's not true. That the map that the FBI had with your fingerprints on it did not have any circles around the exact place where Doctor Martin King's church, his home and his meeting place were, is that what you're saying?

A. Yes. What I did I made three oblong circles on there as I recall. Now --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1882

Q. Go ahead, I'm sorry.

A. One was first, when I usually go into a large town I usually buy a map to try to get my bearings with me and find out where I'm at and things of that nature. And I put the street where I thought we had come in on and then I put an oblong circle around Peachtree Street and one around where I was living at.

And I had put an X down at an area which is a restaurant I had went to, and I don't think any -- I think maybe one of them had enclosed Reverend King's house or something. But the map, I have seen a copy of the map, and there is no, you know, circles around his house.

Q. Did you know where Doctor King's church was located?

A. I had no idea.

Q. Do you know where his home was located?

A. No.

Q. How long had you had this map?

A. I had purchased it as soon as I had arrived in Atlanta.

Q. Okay. When you were in Los Angeles

where were you staying, what motel or hotel

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1883

were you staying in?

A. I was staying in an apartment house on

Serrano Boulevard.

Q. Did you leave Los Angeles from November

until March to go on a -- any other trip except

New Orleans while you were out there?

A. Yes. I went to New Orleans in December

and then a lot of things happened in February

and in March. Initially when we -- when I met

Raul in December, he said we would take some

guns into Mexico in that spring or early --

initially the date was set for April. But he

set the date up for March and consequently I

had to do quite a few changes there before I

could --

Q. Where did you go except New Orleans

when you left Los Angeles during this time, did

you go to any other city?

A. I went to Las Vegas, yes, once and that was it.

Q. Now, you said you met Raul. Was that in Los Angeles or was that in New Orleans? I'm talking about from November until March when you said you were in Los Angeles.

A. Yes, I met him in March, yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1884

Q. You had not seen him in New Orleans when you were there?

A. Yes, I had met him there.

Q. Where did you meet him there?

A. A place called the Le Bunny Lounge on Canal Street.

Q. Did you call him ahead of time? Had you told him you were coming?

A. No, I -- when I got to -- yes, he knew I was coming because he told me, and I had made some phone call or I wrote him -- one time I wrote him a letter and I think he wrote me a letter. But I don't recall details. But I

think most of our transactions were made on the phone, and he had me meet him there a certain date in New Orleans in March of 1968.

Q. Okay. When you went with Mr. Stein, what month was that?

A. That would have been in November. That would have been -- wait a minute, that would have been December.

Q. December of 1967?

A. 1967, yes.

Q. Did you see Raul then?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1885

Q. Okay. Where did you meet him then?

A. Le Bunny Lounge.

Q. Okay. Same place?

A. Yes.

Q. How long did you stay in New Orleans when you were down there?

A. Really not very long. As soon as I seen him, I was ready to leave.

Q. Did you get -- did he give you any money?

A. He gave me five hundred dollars, yes.

Q. Did he tell you he had any job he wanted you to do or anything?

A. Yes. He explained in general terms.

Q. What was that?

A. Well, he was going to take some weapons into Mexico.

Q. When did he tell you he wanted you to do that?

A. It was something mentioned, I don't know just what it was about, about we was going to do this in April of 1968 or he might have mentioned it later on the phone, his associate.

Q. When you were in New Orleans in December, are we talking about three or four

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1886

days, a week, two weeks, what?

A. That I was there?

Q. Yes, sir.

A. It couldn't have been more than two or three days because I was ready to leave the next day. Stein wanted to stay a couple of extra days so I think we stayed probably two or three days.

Q. Okay. The next time you saw Raul was in March after that?

A. Yes, March.

Q. Mr. Ray, have you ever heard of an individual named J. C. Hardin?

A. J. C. Hardin?

Q. Yes, sir.

A. I believe I have heard of someone named Hardin, yes.

Q. Where did you hear that?

A. I think someone mentioned it to me named Harold Wiseberg.

Q. What did Mr. Wiseberg tell you about him?

A. I guess there's so much of this information I can't get it all down. I think Wiseberg said that I met him in Los Angeles.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1887

Q. Did you meet him in Los Angeles?

A. No, I didn't. I don't --

Q. Have you ever met a J. C. Hardin or
James Hardin?

A. No.

Q. You have never met him?

A. No. The reason I know that -- I didn't
meet anyone in New Orleans so -- I mean, Los
Angeles except the individuals I have done
mentioned.

Q. Okay. Okay. You stayed in Los Angeles
until March of 1968?

A. Yes.

Q. And where did you meet Raul next after
that after seeing him in New Orleans in
December, when and where did you meet him next?

A. Well, in one of the phone -- well, in
one of the phone conversations, I was supposed
to meet him in New Orleans on a certain day.
When I got there, he wasn't there.

Q. And about when was that? About what

month was that we're talking about?

A. Well, this would have been March,

sometime in the latter part of March.

Q. And in between December and March, had

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(901) 529-1999

1888

you had any contact with him?

A. Yes, I had contact with him.

Q. By telephone?

A. Yes. And plus in December meeting with

him in New Orleans.

Q. Now, in December when you met him in

New Orleans, you met him at the Le Bunny

Lounge, how long were you with him that time?

A. Not very long, 15 or 20 minutes.

Q. And you didn't see him any more except

that one time while you were in New Orleans?

A. Just that one time, yes.

Q. You had talked to him on the telephone

sometime after December of 1967?

A. Yes.

Q. All right. And where did he tell you

he was going to meet you?

A. I didn't talk to him directly. I talked to the intermediary. I was doing certain things out there in the -- I was trying to get a passport, Merchant Seaman's paper and all that stuff. And I can't remember all the sequences what happened on certain days. But anyway the gist of it is that we made -- he set the date up where I was supposed to meet him in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1889

New Orleans. It was sometime in March of 1968 and --

Q. You were in Los Angeles from November until March?

A. Yes.

Q. How were you getting financing?

A. Well, I went down in December, I told him I was getting kind of low on money and he gave me five hundred dollars. Plus I also got -- he give me two thousand dollars in Mexico, so I didn't have a whole lot of money

but, you know, I wasn't missing any meals or anything like that.

Q. Well, at some point you had some plastic surgery.

A. Yes.

Q. In Los Angeles.

A. Yes.

Q. What month was that?

A. Well, that would have been March or February, probably February.

Q. Of 1968?

A. Yes.

Q. Okay. Now you had twenty-five hundred dollars from November up until February.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1890

A. Well, I also had some money when I came back from Canada, but I have got this all wrote down on papers and things. But I can't remember, you know, from --

Q. Did you work any job in Los Angeles?

A. No, I never did any -- I never did work

any.

Q. Did you do any robberies while you were in Los Angeles?

A. No, I didn't.

Q. Now, at that time you -- I guess I asked you earlier, you had never been to Memphis, Tennessee, had you, at that point?

A. No.

Q. We are talking about in February 1968.

A. To the best of my recollection, the only thing that -- I went south, I went in the south in 1955. I could have come through there but I don't know which town in the south I went through. If I had have been there, I would have just drove through and that would have been it.

Q. Now, you had this surgery in February of 1968 in Los Angeles.

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1891

Q. Do you remember how much you paid for

that?

A. Very little. I think it was \$200 or \$250.

Q. How much did you pay for the bartending course?

A. I don't know how much. That was one hundred -- I would say I think it was a hundred and twenty dollars. I don't know what it was.

Q. And you next saw Raul then in March of 1968?

A. Yes.

Q. And where did you see him?

A. The Starlight Club in Birmingham.

Q. Okay. When did you leave Los Angeles to go to Birmingham?

A. Well, sometime in -- I'm just guessing, probably the 22nd or 23rd of March, sometime around there. I can't --

Q. Did you veer off and stay in any other city for any length of time between Los Angeles and Birmingham?

A. No, I came --

Q. Straight to Birmingham?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1892

Q. And he told you he would meet you there; is that right?

A. Well, I got -- I was supposed to meet him in New Orleans, but when I got to New Orleans, I called his number and his intermediary told me to meet him in the Starlight in Birmingham. And he went on ahead, he went on ahead to Alabama.

Q. Okay. Now, is that when you -- from New Orleans you had gone then through Selma, Alabama?

A. Yes. When I left New Orleans to go to Birmingham, I think it was two roads that goes to Birmingham, and I got on the secondary road. I think that's when -- I went through various small towns.

Q. Okay. Mr. Ray, isn't it true that not only in Selma, but other cities you were there -- just happen to be there when Doctor

King was there and other cities before that?

A. I don't know what cities that would be.

What cities was I --

Q. Wasn't he in Los Angeles while you were out there?

A. I was out there first. I mean, he come

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1893

in to town.

Q. Okay. Of course, you were in Atlanta while he was there, weren't you?

A. Yes, I was in Atlanta, yes.

Q. Okay.

A. I think he was in Chicago when I was there, but I was already there. So I mean, you couldn't say that, you know, he was following me. And I certainly wasn't following him if I was there first.

Q. Have you ever made the admission to any person that you were stalking Doctor King?

A. Did I?

Q. Yes, sir.

A. No. I have never admitted --

Q. You have never admitted to any person?

A. I have been accused of stalking him,
but I have never --

Q. Were you ever stalking him?

A. No, I wasn't stalking him.

Q. Have you ever told anyone that you were
stalking him?

A. No.

Q. You have never told anyone?

A. No.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1894

Q. When you were in Jim's Grill, did you
see Mr. Jowers there, Mr. Ray?

A. No, I didn't. When I first went in
there, there was a -- I was in there twice.
There's a possibility I was in there a third,
but I think I was just in there twice. I
thought the first time I was in there there was
a young either black or white woman there. And
the second time I was in there it was either a

black or white. Now I don't remember the sequence. I don't remember if the first time was black and the second time was white or the other way around. But subsequently I was told that there was no white woman in there, so -- but I was just in there three or four minutes so I really don't know.

Q. The first time you were in there on April 4th, 1968, what time roughly were you in there?

A. Pardon?

Q. What time roughly were you in there?

A. Well, I must have been -- it must have been somewhere around -- it was after -- it was -- I was late getting there. I would say it was after four o'clock.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1895

Q. Now, Mr. Ray, you had gotten into Selma, Alabama, and gone into -- gone on into Atlanta or Birmingham?

A. Birmingham.

Q. Birmingham. All right. And you met Raul there?

A. Yes.

Q. All right. Where did you meet him?

A. The Starlight.

Q. Okay. And what did he tell you then he wanted you to do?

A. Well, he -- we was going to Atlanta.

He said, you know, we was going to drive to Atlanta.

Q. He was going to ride with you in your Mustang?

A. Yes.

Q. Okay. How long were you in Birmingham before you left to go to Atlanta?

A. Very shortly. Very shortly. I just --

Q. Talking about days, six days, five days, a week, what, before you --

A. Well, when I met him at the Starlight --

Q. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1896

A. Before we went to Atlanta, probably about five minutes.

Q. You left that same day?

A. Yes.

Q. To go to Atlanta? Had you been in Atlanta before this?

A. Not unless I went through there in 1955.

Q. When you were talking about earlier?

A. Yes.

Q. You had never been to Atlanta?

A. No.

Q. What did he want to go to Atlanta for?

A. I didn't -- I didn't want to go there.

He --

Q. I said what did he tell you he wanted you to go to Atlanta for?

A. Well, he didn't tell me at that time.

Q. Did you get -- did he give you any money then?

A. No, he didn't.

Q. So you drove on into Atlanta, and where

did you stay there?

A. Well, he just directed me around to
kind of a rundown neighborhood. Well, it

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(901) 529-1999

1897

really wasn't rundown, but it wasn't a working
class neighborhood. We drove around briefly
until he seen or I seen a place rooms for rent.

So he told me to go in there and try to rent a
room in the place.

So I went in there and the landlord,
some dude, he was -- him and another guy were
drinking wine and I was trying to rent a room
from them. So I kept trying to, you know, rent
the room and I couldn't make much sense out of
him. So finally, you know, he was going to
rent me a room.

Q. Who was going to rent you a room?

A. The guy. I assume it was the landlord
at the time.

Q. Okay. Was Raul with you?

A. Pardon?

Q. Was Raul --

A. He was out in the car.

Q. Did you tell him you wanted a room for two people or for one person?

A. No, just me.

Q. Okay. Where was he going to stay?

A. Well, I don't know where he was going to stay.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1898

Q. Okay.

A. So he -- the guy told me he would rent me a room. So Raul came in about that time and him and this -- these other two guys were drinking wine so the guy said that, you know, he would rent me a room and I paid for it. And he -- let's see, he put me -- he rented me a room there, but I think it was someone else's room or something.

Q. Someone else's room?

A. Yes. I told you he was drunk. So he rented me the room of someone else.

Q. Is this a rooming house you're speaking of?

A. Yes.

Q. Were you upstairs or downstairs where he rented you the room?

A. It was downstairs.

Q. Okay.

A. And --

Q. You don't remember what street it was on?

A. No. It was right off of Peachtree Street. I can't recall. 14th Street or something like that.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1899

Q. Was it close to the Ebenezer Baptist Church, in that area?

A. No, I don't know whether it was or not.

I think -- subsequently I think it was about a mile and a half from that, maybe farther than that, three miles.

Q. How long did Raul tell you you were

going to be in Atlanta, Mr. Ray?

A. Well, he give me an impression we would be there several days.

Q. And you still didn't know what it was for, what you were going there for?

A. Well, he didn't give me no details then. What he told me then was that he was going to come back, and I might explain something else. See, when he give me the wrong room, when the guy, the landlord sobered up, he put me in, you know, a different room which was right next door. He had two rooming houses, his sister did, and he was just the landlord. So he give me a room right next door. And after I got to the room, me and Raul went around to talk to a restaurant around the corner from Peachtree Street, a diner. And he told me that he would be back in three or four

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1900

days and that he would go to -- he wanted to make a trip to Miami. So --

Q. Did he take your car?

A. No. He didn't take the car. No, I

kept the Mustang.

Q. You said he was in the Mustang waiting for you, how did he leave after you had checked in the room at the rooming house?

A. Well, he just -- when we went out the grill, we had some -- we had some lunch. I don't know how, he just walked off. I didn't see him.

Q. What grill was that?

A. Well, you go down to -- the street I was on, you walk about a half, three quarters of a block maybe and you get on Peachtree Street and I turned right and we went about a block down and there's a diner that sits there. It's kind of a small place, and I think it was a white villa.

Q. Mr. Ray, now you have known Raul some several months at this point. Did you ever know where he was from at this point? Was he from Mexico, the United States, Canada, where was he from?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1901

A. I never made no inquiries. I didn't

ask him for his address.

Q. You never asked him his last name?

A. No, I didn't.

Q. Well, you had many, many conversations with him and had been with him many, many times at this point.

A. I don't know if I had many. I had brief conversations with him. It was all business, but I never had no occasion to ask him, you know, what his name was and where he was from and things of that nature. It was just a business deal rather. It wasn't no social.

Q. What kind of business deal was it?

A. Well, it was illegal business deals.

Q. I mean, well, other than the fact you had driven a car across the border a couple of times, what other illegal business was it besides those two things?

A. It was nothing. That was it. That was -- I thought that was enough.

Q. Okay. You had gone to Atlanta. You went to some place, you don't know where it was, and you had gotten a room and this

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1902

gentleman put you in the wrong room. But at any rate you went back to the car and got with

Raul and had gone to a grill. Is that --

A. No, we didn't get in the car. We just walked.

Q. You walked to the grill?

A. Yes.

Q. And how long did you stay there?

A. I would say 15 or 20 minutes.

Q. Did you get anything to eat?

A. Yes.

Q. All right. And you say Raul just vanished into the night somewhere?

A. Yes. After we talked a while he said that -- you know, he told me to stay pretty

close to the rooming house because he would be back in three or four days. I think it was -- and we would take a trip to Miami.

Q. Okay. Well, did you stay three or four days? Did you stay in the rooming house three or four days?

A. There was some mention about it, I don't recall exactly how many days, but anyway he was going to come back and we were going to Miami.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1903

Q. And did he come back and you go to Miami?

A. No.

Q. When did you return from -- when did you hear from him next?

A. Well, he came back and it was six or seven days more than likely.

Q. All right. And you had been there all that time? Had he given you any more money?

A. Not at that time, no.

Q. How much money did you have?

A. At that time?

Q. We are talking about March of 1968.

A. I've got -- I have got it wrote down
some place. I didn't check it when I came up
here because I --

Q. When did you write it down?

A. But I didn't have a whole lot --
pardon?

Q. When did you write it down?

A. How much money I had?

Q. Oh, you wrote it down back then, and
kept it until now?

A. No, I wrote -- when I testify in court
or something, I go over it because I can't

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1904

remember it all. I can just remember how much
money I got, but I can't remember the specific
amount I had. I would say I probably had a
thousand dollars. No, I had probably over a
thousand dollars at that time.

Q. All right. You saw him some six or seven days later. Did he come by or call you or how did he contact you?

A. No, he came over to the rooming house and he had problems. He had a problem getting in. The -- I can't explain exactly how it is, but the rooms set inside the -- in other words, you come in the front door. You don't go right in the room. It used to be doctor's offices and you had to pound on the door.

Q. To get in?

A. Yes.

Q. And then when you saw him, what did he want then when he came to the door?

A. When he came back --

Q. I mean, what did he want?

A. When he came back, he mentioned the fact that he was going to take some, you know, weapons into Mexico and he wanted me to purchase a rifle and check up some samples in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1905

Atlanta, and at this time I told him that I didn't think I should do it in Atlanta because all my identifications were from Alabama. So he agreed to, you know, to do these transactions in Alabama.

Q. Now, he wanted you to purchase a rifle and you said do some samples? What kind of samples, what are you speaking of?

A. Well, he wanted me to look at some foreign rifles and get an estimate on the prices of them.

Q. Okay. Well, now, you hadn't had any experience with rifles. How did you know where to go look for foreign rifles at this point?

A. When we got to Birmingham?

Q. No, sir, you said in Atlanta. He came to the rooming house, had trouble getting in and he got in and told you he wanted you to look for some rifles and some samples were the words you used I believe.

A. Yes.

Q. How did you know where to look for foreign rifles?

A. Well, I didn't know where to look. But
when we got to Birmingham, as I mentioned, I

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(901) 529-1999

1906

didn't want to try to -- I didn't know what the
procedure was for buying rifles. I didn't know
what type of identification you had to show or
whatever and I didn't know anything about the
law.

Q. What type of rifle did he tell you he
wanted you to buy?

A. He didn't. He didn't say.

Q. Are you talking about hunting rifles
like .22's or a higher caliber than that, what
type rifles?

THE COURT: Go ahead.

A. Well, he didn't say -- well, he didn't
say in Atlanta. He didn't get into details. I
just -- you know, when we started talking about
purchasing weapons in Atlanta, I said -- you
know, kind of said, hold on a minute. My
identification is from Alabama, and I think it

probably would be safer if we used -- if I went to Alabama.

Q. What kind of rifle did you think he wanted you to buy?

A. Well, he explained that when we got to Birmingham and checked -- well, he explained that when we got to Birmingham and checked into

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1907

the motel.

Q. All right. When he came over this day to the rooming house where he had trouble getting in and told you he wanted you to go look about some rifles and so forth, how long did he stay then?

A. He didn't stay very long at all.

Q. Are we talking about fifteen minutes, ten minutes, half a day or what?

A. No, I don't think -- I don't think he stayed. After he once got in, I don't think he stayed there over maybe thirty minutes or something.

Q. Did he give you any money?

A. Not at that time, no.

Q. Okay. Mr. Ray, now you're telling us he came in and you said he had trouble getting in and he came in, and the first thing he said was, I want you to go buy some rifles or look about some rifles at the --

A. Yes. We started talking about the gun deals and things like that. I can't quote everything he said, but the main thing he wanted, you know, me to check out some rifles.

Q. Is this the first time he had ever

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1908

mentioned anything about any guns up to this point? You had known him for months.

A. He had said something about it in Mexico, I mean, I think in December of 1968 -- December of 1967 when I went to New Orleans about taking something to Mexico. But I think he said something about, you know, guns and he would make quite a bit of money on weapons or

something like that.

Q. What did he say specifically?

A. I can't say what he said specifically.

I know he just made a general reference to what he wanted to do.

Q. All right. And how long did you -- how long was it before you left to go to Birmingham?

A. It wasn't very long. I don't think it was over a half an hour.

Q. So you went the same day?

A. Yes.

Q. Was it day or night when he came over there?

A. It was -- it was sometime during the day, but I can't specify just what time during the day it was.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1909

Q. Okay. And you -- he told you he would go with you in the Mustang to Birmingham?

A. Yes.

Q. All right. And you had -- what type of identification did you have at that time?

A. Well, I had the Eric S. Galt driver's license in Alabama. I had a bill of sale from Alabama, a certificate of sale or something. Alabama doesn't have a title so --

Q. Okay. When you were in Los Angeles taking the bartender's course, and I may have asked you earlier, what name did you use then?

A. I'm certain I used the Galt name there.

Q. All right. And then when you -- when you were in Atlanta and you -- did they ask you your name there in Atlanta when you were in the rooming house where the man was drunk, did they ask you your name?

A. I think they gave me a receipt. Yes, I think I used the Galt name there.

Q. All right.

A. I'm fairly certain.

Q. When you left Atlanta to go to Birmingham now, you were driving the Mustang and Raul was with you.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1910

A. Yes.

Q. Right? Okay. Anyone else come up with you or anyone else appear with you that day that he came up and told you that he wanted to purchase some rifles?

A. No, there wasn't. No.

Q. You don't know how he got there?

A. No.

Q. How he got to the rooming house, you hadn't heard anything from him now for days?

A. Yes, he showed just up, yes.

Q. You don't know where he was staying or living or anything?

A. No, I don't.

Q. Okay. You left Atlanta to go to Birmingham and where were you intending to go in Birmingham?

A. Well, I didn't intend to go anywhere.

He was more or less giving directions, but we went on to Birmingham.

Q. But I mean, did he sound like he knew

where to go in Birmingham?

A. Yes.

Q. To buy rifles?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1911

Q. Did he give you the name of some place?

A. Well, we went to -- when we got there,
we went to a -- I think this was on a Friday.

We went to a diner and I think he checked -- we
checked out the yellow pages. We may have
checked out a newspaper, too, but he may have
already knew in advance. I'm not going to
speculate what he knew. But anyway, he decided
on this Arrow Marine Supply, and he give me,
you know, general directions. And he told me
he wanted to purchase -- he told me -- he told
me he wanted to purchase --

Q. Okay. Well now, did he go with you?

A. No. I recall he went somewhere with me
but he -- I don't know if he went down there
with me or not. We was driving around, but I

don't -- I don't think he ever went -- he didn't go -- I know he didn't go all the way with me to the Arrow Marine Supply where they sold the rifles. He may have took me on the road and showed me where it was at or something of that nature.

Q. You had never been there previously?

A. No, I hadn't.

Q. All right. Did he tell you what type

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1912

of weapon he wanted you to take a look at?

A. No, he didn't specify. If he did, I forgot it. But he was talking about -- when I got there, I asked for a deer rifle I think it was.

Q. Why did you ask for that?

A. Well, that's usually I think, you know, rifle. That's the type of rifles he used. But I don't know too much about rifles so I got it all --

Q. But he had not specified what caliber

rifle to purchase or what type of anything, any brand or anything; is that correct?

A. Yes. I don't recollect him mentioning any specific item. He said something about a rifle and he asked to check on some foreign rifles. But if he mentioned the type of rifles, a specific thing he wanted, I probably have forgotten about it.

Q. Well, did he want a rifle with a scope on it or without a scope or --

A. Yes.

Q. One that had a lever down under it that you used or what kind of rifle did he tell you to look at?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1913

A. Well, I don't know. I don't quite understand why he wasn't more specific about it but he didn't -- you know, on reflection but he didn't. He probably give me some directions but they wasn't good enough to where I could tell the salesman exactly what I wanted.

Q. Did he write them down?

A. I -- did I?

Q. Did he write them down for you?

A. No, he didn't write them down.

Q. And you just presumed that he wanted a rifle with a scope on it like a deer rifle?

A. Yes.

Q. You presume that; is that correct?

A. Yes.

Q. Did he give you any money?

A. Yes. He gave me I think it was about \$750.

Q. Okay. Was that in large bills or small bills?

A. That was in small bills.

Q. All right. And did he tell you to spend \$750 for a rifle?

A. No, he didn't. I think some of it was for expenses.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1914

Q. Okay. And then you drove over to this

Arrow Marine Supply?

A. Yes.

Q. And you had never been there before?

A. Yes.

Q. And was it near the -- was it near some water?

A. I didn't see any water around there.

That was the first time I had been there. I think there may have been an airport around there somewhere.

Q. And you don't recall if Raul rode over there with you or not to this place?

A. I have some recollection of him being in the car. I think maybe he give me -- he took me out there and pointed me off where to go at, but I'm certain he was -- he didn't -- I know he wasn't with me when I purchased the rifle.

Q. Okay. When you went into the place where to purchase the rifle, Mr. Ray, how many people were in there?

A. It didn't seem to be too many people in there.

Q. You're talking about three or four?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1915

A. It was a salesman, a couple of salesmen
and maybe a couple of other people.

Q. And what did you tell him you wanted?

A. Well, I told him I wanted to -- I was
meeting with my brother-in-law and my brother
was going deer hunting, and I would like to get
a deer rifle and also there was a rack of
apparently German mulzer rifles over there and
I went over there and made some inquiries about
them and asked them how much they cost and he
kind of acted like he wanted to discourage me
from purchasing them so I assumed he wanted me
to buy the more expensive rifle.

Q. Did he show you more than one rifle
while you were there?

A. No. He showed me -- I think it was
just one.

Q. Did you tell him what brand you wanted?

A. No. I made it appear like I was buying

it for someone else, my brother-in-law or something.

Q. All right. And what name did you give him?

A. I gave him the name Harvey Lowmeier.

Q. Okay. Where did you come up with that?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1916

A. I think Harley Lowmeier is someone -- I think he's some character in jail with my brother one time, and I just used his name.

Q. Okay. Did you test fire the rifle while you were in there?

A. No, I didn't.

Q. Okay. Did you tell him you wanted some ammunition to go with it?

A. Yes.

Q. Okay. What kind of rifle did he sell you?

A. I don't know. He just showed me one and he said this, you know, is a deer rifle and I said, well, okay. Wrap it up and that was

it.

Q. Okay. How long were you in there,
Mr. Ray, before you purchased the gun?

A. I wasn't in there too long except -- I
think -- I don't know what kind of adjustments
he had to make on the rifle or whether he had
to put the scope on or what. But however long
it took. I didn't hang around there.

Q. Let me ask you something: When he --
when he showed you the rifle, you looked at it,
didn't you?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1917

A. Yes.

Q. I mean, you put it in your hands,
didn't you?

A. Yes.

Q. All right.

A. I may have put it in my hands. I
probably did, yes.

Q. How did -- did he show you how to load
it?

A. I can't remember all the details. He probably showed me something about it. He probably figured I had sense enough to load the rifle.

Q. Tell us about the rifle, what kind -- did it have a lever under it?

A. I don't have no idea what it was. I just -- he showed it to me and it looked like a rifle so I said, you know, wrap it up.

Q. When you first saw it, did it have a scope on it?

A. I don't know if it did or not.

Q. You didn't look through the scope to see what kind of sighting or bearing it had?

A. No.

Q. And did the scope have some little

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1918

rubber tips on the ends -- on each end to keep from getting scratched up, do you remember that?

A. No, I don't remember any of that.

Q. Was it in a box or did he just have it back behind the counter or was it on the glass counter or where did he have the rifle?

A. I can't recall. He just brought it out and showed me. He said, how is this? And I said, okay, wrap it up.

Q. So you walked in and didn't tell him what kind of rifle you wanted, what brand, what caliber, what anything, you just said I want a deer rifle?

A. Yes. I told him I was going to hunt deers with my brother-in-law and I would like to look at some rifles, and he said, this is what you want. This is probably the best thing out. He said words to that effect. I said, okay, that's what I want.

Q. And he never showed you how it had to be loaded or what you do to load it or anything?

A. He may have, but I don't recall it if he did.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1919

Q. Did you specify you wanted one with a scope on it?

A. Yes.

Q. You did?

A. Uh-huh.

Q. All right. And why did you do that?

What was the reasons for wanting one with a scope on it?

A. Well, he -- Raul had asked me to get one with a scope on it.

Q. He had told you that?

A. Yes.

Q. How many guns did Raul tell you to get?

A. He asked me to get one as a display to some buyers and he asked me to check on the prices and the quantity of some foreign made rifles.

Q. Okay. Well, Mr. Ray, did you ever ask Raul why he wanted you to purchase these in Atlanta or Birmingham, why you didn't purchase them in New Orleans?

A. No, I didn't make no inquiries like that.

Q. You didn't make any inquiries?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1920

A. No.

Q. Okay. You purchased a rifle and paid him how much?

A. I don't recall that either.

Q. Okay. Did he write you a receipt for it when you purchased it?

A. Yes. He gave me a receipt for it and some ammunition, yes.

Q. Did you give him your name and your address?

A. Yes. But I picked out a phony address.

Q. Where, in Birmingham or Atlanta or where?

A. In Birmingham. Yes.

Q. All right. And you gave him your name?

A. Yes.

Q. Did you have to show him any

identification?

A. No, I didn't.

Q. Now, what time of the day are we speaking of here that you went in to purchase the rifle?

A. Well, I don't know. It was sometime probably a little bit after lunchtime or -- it wasn't -- eleven, twelve, one, somewhere around

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1921

there.

Q. Now, was Raul sitting in the car waiting on you while you were doing this?

A. No, he wasn't.

Q. He was not doing that. Okay. How long were you in the store roughly to purchase the rifle?

A. I really couldn't say. Just long enough for him to get it ready. I don't know if he put the scope on it. I don't know how long it takes to put a scope on. But it wasn't very long.

Q. You paid him in cash, of course?

A. Yes.

Q. All right. And then you took the rifle. When you left out of the store, was it in a box or wrapped up some way?

A. I believe it was in a box, yes.

Q. And it had a scope on it, you knew that?

A. Yes.

Q. Okay. I had -- it had some ammunition with it?

A. Yes.

Q. How many bullets did it have, did you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1922

purchase?

A. I think it was a couple of clips or whatever they come in. And I also purchased some -- this foreign -- some other type of ammunition, but it's not on the bill of sale.

I don't know. They claim that -- I don't know what they claim.

Q. What was the reason you purchased the other type of ammunition?

A. Well, he told me to purchase some ammunition so I purchased two different types so he could take his choice.

Q. Okay. Were they the same caliber?

A. Yes.

Q. Same size?

A. Yes. Same size, yes.

Q. Just a different brand?

A. Yes.

Q. All right. So you had two boxes of ammunition?

A. Yes.

Q. All right. You left out of the store and where did you go then?

A. I went back to the motel, the Five Points Motel that we were staying in.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1923

Q. Okay. Now, okay. You have lost me now. You had gone from Atlanta to Birmingham.

I thought you said you went to some place and looked to see where there was a diner or something and you looked in a telephone directory and went straight then to the gun store?

A. Yes, we did.

Q. Where was the motel?

A. The motel was -- it was -- it was somewhere on the east side of Atlanta -- not Atlanta but Birmingham. It was a large motel. The Five Points they call it.

Q. Okay. You left for the store where you purchased the gun and went back to your car?

A. Yes.

Q. Parked out near I guess in front of the store?

A. Yes.

Q. Where was Raul?

A. He was at the five -- he was at the motel.

Q. But now, how did you know where to go to a motel? You hadn't gotten a motel at that point.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1924

A. Yes, we checked into the motel when we first got there. I forgot to mention that.

Before we went to the diner grill, we checked in the Five Points Motel.

Q. Did Raul stay at the motel?

A. Yes, he stayed there, yes.

Q. When did you go to the diner when you looked into the telephone directory to purchase a gun?

A. That happened after I had rented the motel room, yes.

Q. But I thought you said he went with you to the diner?

A. He did.

Q. Okay. But now you're saying he stayed at the motel?

A. Well, he stayed at the motel when I went to purchase the rifle.

Q. Okay. So you went to the diner and then you took him back to the motel?

A. Yes.

Q. All right. You drove from the place where you purchased the gun back straight to the motel.

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1925

Q. How far was that roughly?

A. It's quite a ways. I don't remember just --

Q. A mile, five miles?

A. I would say it was about two or three miles, yes.

Q. Okay. You got back to the motel, was he waiting for you?

A. Yes.

Q. Anyone with him?

A. No.

Q. Okay. And did you take the gun in?

A. Yes.

Q. What did he say about it?

A. Well, he just said it was -- he looked

at it briefly and he said it was the wrong kind
then.

Q. What did he mean by that?

A. Well, I don't know what he meant. He
just said it was the wrong kind of rifle.

Q. The wrong caliber, wrong brand, wrong
what?

A. I think he just said it was -- just the
wrong type.

Q. Okay. That was his words?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1926

A. Yes.

Q. Okay. Did you ask him what he meant by
that or what he really wanted?

A. No, I didn't. I had a brochure, the
salesmen give me a brochure. So I just handed
him the brochure and told him to pick out what
he wanted and I would go back and --

Q. You mean a brochure of several rifles?

A. Yes.

Q. Okay. Had you asked him for that?

A. The salesman?

Q. Yes.

A. I think he just give it to me.

Q. Okay. Well, had he given you this brochure before you bought this rifle?

A. No, I think he give it to me after, when I got ready to leave. He probably just handed it to me.

Q. All right. Did -- I gather Raul took the gun out of the box when you got back to the motel?

A. Yes.

Q. Did he look down the scope on it?

A. If he did, I didn't notice it. He seemed just to look at it and checked it out

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1927

briefly and said it was the wrong type. I think it was the wrong caliber.

Q. Did he put any guns in the -- did he put any guns in the clip to see if they fit?

A. No, he didn't do anything with it, no.

Q. He didn't pull the trigger to see if anything would work on it?

A. No.

Q. He didn't do anything?

A. No.

Q. Okay. What did he want you to do then?

A. Well, he wanted me to exchange it and I told him, you know, to pick out what he wanted. So I -- he picked out one and I went down and made a phone call to Arrow Marine and told them that I had purchased the wrong type of rifle and they told me, well, bring it back and they would exchange it. So --

Q. What did you tell them was wrong with it?

A. I don't think I said anything right then. I just told him I think it was the wrong caliber or something.

Q. And they told you to bring it back?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1928

Q. And you had this brochure and Raul had picked out another type rifle he wanted you to exchange for it?

A. Yes.

Q. All right. Did he give you any more money?

A. No.

Q. Okay. Did you go on back then to exchange it?

A. Yes.

Q. That same day?

A. I went back to exchange it the same day and the salesman, he may have told me on the phone, he said that he couldn't do it that day but he could get to me -- he could fix it -- he didn't have time. He could have it ready for me some time the next day, next morning and --

Q. What time of day did you take it back?

A. It must have been getting kind of late because he said he couldn't fix it. He couldn't exchange it that day.

Q. Did Raul ride over there with you when you were going to exchange it?

A. No, he didn't.

Q. He stayed in the motel?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1929

A. Yes.

Q. Did you have separate rooms or one room
at the motel?

A. Well, I rented my own room and he just
stayed in there.

Q. In the same room?

A. Yes.

Q. Okay. All right. When you took it on
back that day to the store or did you --

A. Yes.

Q. -- wait until the next day, same day?

A. I took it back the same day.

Q. Did you leave it?

A. Yes, I left it.

Q. You left it. Okay. And you told him
what kind of rifle you wanted?

A. Yes. I just told him that, you know,
we was going hunting and I think I mentioned we

were going hunting in Wisconsin or somewhere.

And he said, well -- I know there was some conversation about bigger deer in Wisconsin than there are in Alabama.

Q. Was this the same person that you talked to when you --

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1930

Q. Is this the same person that you talked to when you purchased the gun?

A. I believe it was. Yes.

Q. And did you specify when you went back what brand or what caliber of gun you wanted?

A. I just showed him the brochure, yes.

Q. And you told him that's what you wanted?

A. Yes.

Q. Was it the same price as the other or more or less?

A. I believe it was more. It's -- I'm not certain.

Q. Okay. But -- now, at this point Raul had not told you why he wanted a different type of rifle, either brand or caliber or anything. He just said it wasn't the right type?

A. Yes.

Q. That was his words?

A. Yes, that's --

Q. Okay. Did you -- well, you had purchased two boxes of ammunition. Did you take those back, too?

A. Yes.

Q. You took those back, too. Did he want

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1931

you to do that, to take the ammunition back or was that your idea?

A. Well, I think -- I don't think I -- I don't have a recollection of taking the ammunition out of the car. I may have, but naturally you take the ammunition out for a different caliber rifle.

Q. Okay. What caliber rifle was this, the

first one that was purchased?

A. I don't know.

Q. What brand was it?

A. I don't know that either.

Q. Okay. All right. When you went back then, you left the rifle and you took the ammunition back and left it, too.

A. Yes.

Q. Is that correct?

A. I left all of it, yes.

Q. And then you went back to the motel?

A. Yes. After -- after I made the arrangements, yes.

Q. You went back to the motel. Was Raul there at the motel?

A. Yes, he was there.

Q. Okay. What did you do when you got

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(901) 529-1999

1932

back?

A. Well, I told him that I had made the arrangements to exchange the rifle. I may have

told him beforehand based on the telephone call I got, but I know I told him. One time he wanted me to come back when I made the phone call they were going to have the rifle exchanged and then he told me, you know, he said okay. So he gave me an address to meet him in Memphis and he said he was going somewhere else.

MR. BLEDSOE: Okay. At this point Mr. Garrison stated, Doctor Pepper, is this a good place for us to stop? It's almost five. At which point Mr. Pepper said, sure, this is fine.

And that was the end of the first day of the deposition. The end of this volume. And Mr. Garrison has the second volume.

MR. GARRISON: You want to continue?

THE COURT: Another volume?

MR. GARRISON: We are going to read it all.

THE COURT: Well, we had all the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1933

excitement we can stand today. Ten o'clock,

Sheriff.

(Proceedings adjourned at 4:30 p.m.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

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1942

IN THE CIRCUIT COURT OF SHELBY COUNTY,
TENNESSEE FOR THE THIRTIETH JUDICIAL
DISTRICT AT MEMPHIS

CORETTA SCOTT KING, et al,

Plaintiffs,

Vs. Case No. 97242

LOYD JOWERS, et al,

Defendants.

PROCEEDINGS

December 7th, 1999

VOLUME XIII

Before the Honorable James E. Swearngen,

Division 4, judge presiding.

DANIEL, DILLINGER, DOMINSKI,

RICHBERGER, WEATHERFORD

COURT REPORTERS

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Memphis, Tennessee 38103

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DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

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1943

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DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1944

- INDEX -

WITNESS: PAGE/LINE NUMBER

JAMES EARL RAY

DEPOSITION EXCERPTS READ.....1945, 10

BETTY JEAN SPATES

DEPOSITION EXCERPTS READ.....2105, 10

MOTION FOR DIRECTED

VERDICT..... 2131, 1

EXHIBIT PAGE/LINE

Exhibit 37..... 2103, 12

Exhibit 38..... 2104, 19

Exhibit 39..... 2130, 6

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1945

THE COURT: We're ready for the
jury.

(Jury in.)

THE COURT: Good morning. We

have some more excitement in store for you.

Mr. --

MR. GARRISON: Your Honor, we'd like to read the latter part of Mr. Ray's deposition at this time.

THE COURT: All right.

(The conclusion of the March 12th, 1995, deposition of James Earl Ray was read in its entirety to the jury with the excerpts as noted as follows:)

MR. BLEDSOE: "James Earl Ray, having been first duly sworn, was examined and testified as follows, direct examination, by Mr. Garrison.

Q. Mr. Ray, when we adjourned the deposition yesterday, we had gotten to the point where you had gone in, I believe, to look at some rifles. I want to back up just a bit before we start back with that and let

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1946

me ask you something.

Have you ever been known as

G-e-r-r-y, Gerry Ray? Have you ever used that alias?

A. No, that's my brother's name.

Q. Okay. What about George Ray, have you ever used that alias?

A. No, that's my father's name.

Q. Okay. What about Gery, Rayn, R-a-y-n?

A. R-a-y-n? R-a-y-n-s -- you're not talking about Ryan, R-y-a-n, are you?

Q. No, sir. I'm asking if you have ever used the name of G-e-r-r-y, R-a-y-n?

A. No. That's another one -- that's my brother's alias.

Q. Okay. And what about G-e-r-r-y, Gerry Raynes, R-a-y-n-e-s?

A. No, I have never heard of that name.

Q. How about G-e-r-r-y, R-a-i-n-e-s, have you ever used that alias?

A. No.

Q. Okay. What about Gerry Ryan,

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(901) 529-1999

1947

R-y-a-n, have you ever used that alias?

A. No, I have never used that name.

Q. Okay. Going back just a bit

before we get back to where we were

yesterday. You came through Selma, Alabama

from New Orleans; am I right, sir?

A. Yes.

Q. And you spent the night there,

didn't you?

A. Yes.

Q. At the Mango (Phonetic) Hotel --

Motel?

A. Yes. It was on -- it was on a

road. It wasn't in no city or town. It was

just a motel on the road.

Q. And, in fact, Dr. King was there

at the same time, wasn't he?

A. No, he wasn't.

Q. You're sure about that?

A. Well, I have checked the

records, and he was somewhere -- 100 miles

from there or somewhere.

Q. Okay. Then from Selma you went

on to Birmingham, did you not, sir?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1948

A Yes.

Q. Okay. And Raul had told you he

would meet you in Birmingham?

A. At the Starlight, yes.

Q. Okay. And what was the purpose

of going to Birmingham first?

A. Well, I was supposed to meet him

in New Orleans. When I got there, I called

his contact number, and he told me to go

ahead and meet him in Birmingham, that he had

done went to Birmingham.

Q. Okay. And you were going to

meet at the Starlight in Birmingham?

A. Yes.

Q. Did you meet him?

A. Yes.

Q. Okay. And then where did you go

from there?

A. We went from there to Atlanta.

Q. Okay. At this point had he mentioned anything to you about any guns?

A. Yes. He mentioned them previously, but I don't know just when all he mentioned it. I know he mentioned it in New

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(901) 529-1999

1949

Orleans. He may have mentioned it in December of '67. He may have mentioned them before that, but I know there was guns mentioned in Mexico.

Q. What I'm wondering, Mr. Ray, is this: If he had mentioned to you about guns in New Orleans and Birmingham, what was the reason you went to Atlanta and then back to Birmingham to buy a gun?

A. Well, I don't know. He wanted to go to Atlanta. I didn't ask him why he wanted to go there.

Q. Okay. Did he ride with you to

Atlanta from Birmingham?

A. Yes.

Q. Okay. Did you spend the night
in Birmingham?

A. No. We left there -- I met him
at the Starlight, and we left there probably
10 or 15 minutes after I got there.

Q. To go on to Atlanta?

A. Yes.

Q. All right. Now, you were in
Atlanta, and you stayed there. I believe you

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(901) 529-1999

1950

said the person that you -- at the place
where you were staying was intoxicated?

A. Yes.

Q. And did he ever see you with

Raul--

A. Yes.

Q. -- this gentleman?

He did see you with Raul?

A. Yes.

Q. Okay. Other than that gentleman there at this location do you know if anyone ever saw you with Raul at any point that you know now who those people would have been?

A. Well, of course, these documents are all classified. I think probably the barmaid at the Starlight Lounge probably seen us together because we was in there several times, and also there was some people there at the -- at this place where the intoxicated landlord was in Atlanta.

Q. Uh-huh.

A. Someone apparently gave a statement to the FBI that they saw me with someone else. But I give that to a reporter

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1951

named McClellan, WSM Television in about 1979. I give the document to him, and I never did get it back.

Q. Well, according to the FBI report, the gentleman who operated the

rooming house in Atlanta says he never saw you with anyone else.

A. Well, I don't know. He stayed drunk all the time, so it's difficult -- what he saw and what he didn't see.

Q. Okay. Now, were getting back to the gun. You had gone to the place, the Aeromarine Supply, to buy a gun. And when you got there, what time of day was it roughly?

A. It must have been sometime around -- between eleven and one o'clock.

Q. Okay. And what day of the -- was this April date the 2nd, 3rd, 4th? When was this that you --

A. Well, this apparently was March the 28th or 29th, and I know it was on a Friday.

Q. When you went in there, did

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(901) 529-1999

1952

someone say, can I wait on you or can I help

you? What was done?

A. Yes. Well, the salesman, you know, he just asked me what I wanted and what he could do for me, and --

Q. Okay. What did you later learn his name to be?

A. I've forgotten now. There was a salesman there, and I think there was also a co-owner there, but I can't recall either one of them's name.

Q. Okay. All right. You just -- you told him you wanted to purchase a gun for deer hunting?

A. I think something about a large bore deer rifle. I believe that was the --

Q. And did he have one behind the counter or where did he get the gun from?

A. I really don't recall. It's kind of a big -- well, it wasn't a warehouse, but it was a fairly big place, and I don't know where he got it at.

Q. Did he put the gun in your hands and let you look at it and feel of it and see

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1953

how heavy it was?

A. I really can't recall. I think

he probably did show it -- hand it to me or

something like that. I wanted to make it

appear like I knew something about it

probably.

Q. And how long did you look at it

before you decided to purchase it?

A. Well, not very long.

Q. Well, five minutes, ten minutes,

fifteen?

A. Probably less than that,

probably a couple of minutes.

Q. Did you look at any mechanism on

the gun to see how it operated?

A. No, I didn't.

Q. All right. And did you look at

any other guns where you actually were shown

some other guns?

A. I looked at some guns on a rack

up over on the -- on the -- not on his side
of the counter, on my side of the counter.

They were -- I believe they were Mausers. It
was a foreign gun -- foreign made rifles, and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1954

I asked him about the price of them, and --

Q. Did you actually handle those
guns?

A. I doubt it. I may have touched
one of them or something, but I don't believe
I handled them. No, I don't think so.

Q. Okay. How much did you pay for
this gun?

A. I really can't recall. It's
probably over \$200 or somewhere around there,
I suppose.

Q. Okay. Now, you were in
Birmingham. And had Raul ridden from
Atlanta back to Birmingham with you?

A. From Birmingham -- how is --

Q. From Atlanta back to Birmingham.

You had gone back to Birmingham from
Atlanta to buy a gun?

A. Yes. He had ridden with me.

Q. He had waited where?

A. Where did he wait?

Q. Yes, sir.

A. He waited in the -- I'm kind of
inclined to think he waited in the Starlight

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1955

Club. And then I went and rented the motel,
the Five Points, and I think I picked him up.

I think he had something to do or

something. I'm not --- my memory is not too
well on this.

Q. Okay. When you purchased the
gun, then you had gone back to meet him?

A. Yes.

Q. And did he take the gun and
examine it and look down the scope and check
the mechanism and so forth?

A. Well, he looked it over, and I

don't know how close he looked it over, but he just said it was the wrong type or the wrong bore or something. And so that's when I -- I had the brochure. So I just gave him the brochure and, you know, just told him to pick one out and I would exchange it.

Q. Mr. Ray, when you were in the -- the times you were in New Orleans, did you ever go to where Raul lived?

A. No, I never did. I don't know where he lived. I did contact him by telephone.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1956

Q. Okay. Now, he gave you \$700?

A. I think somewhere around \$700, yes. I think that -- I don't -- I think the \$700 wasn't just to purchase the gun. It was for other things, but he didn't specify what other things.

Q. Had you already purchased the camera equipment then?

A. Yes, I had the camera equipment.

Q. Where did you purchase that?

A. I purchased all of it in

Birmingham except for one item, and I

couldn't get -- there was one item I couldn't

get. I think they ordered it from Chicago,

but I had to leave Birmingham before it

arrived.

Q. Okay. You left New Orleans and

had gone to Birmingham and then on to

Atlanta. How many times had you been in

Birmingham before this time?

A. Well, just the one time when I

was there in September -- no -- yes,

September, in the latter part of August, '67.

Q. Okay. And how many times had

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1957

you been in Atlanta before this time?

A. That's the only time I had ever

been there.

Q. And you hail never been in

Memphis other than just coming through maybe
up until --

A. Right. As I mentioned -- I
think I mentioned yesterday in 1955 I went
with my uncle to Florida, and he may have
went through some of those towns, but I don't
have any recollection of which towns he went
through.

Q. Okay. Mr. Ray, let me ask you
something. As you know, there was a map
found in Atlanta after the assassination.

You know that, don't you?

A. Yes.

Q. It had some circles on it,
didn't it?

A. Yes.

Q. Did you ever make a map of New
Orleans where you circled anything?

A. I circled some maps and made
marks on some maps, but I don't know just

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(901) 529-1999

1958

which ones they were. I think Attorney Pepper, he has some of the maps.

Q. What about a map of Birmingham, did you ever make a map there and circle any locations?

A. I really don't -- I really can't recall.

Q. What about Memphis, did you ever make one of it and circle any locations?

A. I didn't -- I don't think I had a map of Memphis.

Q. Okay. You took the gun back to Raul, and he said he wasn't satisfied with it, and you called the Aeromarine Supply back and told them you wanted to exchange it?

A. Yes.

Q. Did you go back over the same day?

A. Yes. I took the rifle -- I took the rifle back the same day, yes.

Q. Okay. And they told you to come back and get another -- the next day when you picked it up?

A. Yes, sometime the next morning.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1959

Q. Where did you stay that night in
Birmingham?

A. I stayed at the Five Points.

Q. Did Raul stay there with you?

A. No, he didn't.

Q. Do you know where he stayed?

A. No. I think I took him down to
the -- to the post office. That was right
across the street from the Starlight, and I
don't know where he went.

Q. What time did you take him to
the post office?

A. That would be on Friday. Well,
it was after I came back from there. I
imagine it would be about three or four
o'clock.

Q. Then how did you know to meet
him the next day? Where did you know --

A. Where did I know where to --

Q. To meet Raul the next day. You were going to meet him the next day or --

A. No, no. He give -- he give me an address in Memphis, the New Rebel Motel.

Q. So you weren't going to meet him

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1960

anymore?

A. No, that was it. He said he was going somewhere else.

Q. Now, we're at the point where you haven't picked the gun up yet. Now, did he see the gun anymore after -- I'm talking about the second gun -- did he see it anymore before you arrived in Memphis?

A. No.

Q. He never saw it anymore?

A. No, not after that.

Q. All right. Now, we're talking about March the 28th or 29th. How long did you stay in Birmingham before you left?

A. Well, I left there sometime the

next day after I got the rifle, which would have either been the 29th or 30th.

Q. Of March?

A. Yes.

Q. And you left Birmingham and drove toward Memphis?

A. Yes.

Q. Okay. Where did you stop at?

Where is the first stop you made after you

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(901) 529-1999

1961

left Birmingham?

A. I'm almost certain it was

Decatur.

Q. Stayed there one night?

A. Yes.

Q. When did he tell you to meet him in Memphis?

A. That was on April 3rd.

Q. Okay. And then after -- you stayed in Decatur one night, and where did you stay there?

A. I don't know the name of the motel.

Q. What was the next place you stayed?

A. The next place I stayed would have been the -- there is two towns up there.

One of them is Tuscumbia, and I don't --

Q. Florence and Muscle Shoals, they're all three together there.

A. Well, Tuscumbia is right across the -- right across the way from another town. It's not Muscle Shoals. It's --

Q. It's not Florence --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1962

A. Tuscumbia is on the right-hand side, and the other town is on the left-hand side. I stayed in the town on the left-hand side.

Q. Okay.

A. I don't know --

Q. Okay. You stayed there one

night?

A. Yes.

Q. All right. You were driving the Mustang?

A. Yes.

Q. And had the -- where was the gun in the car? Was it in the trunk or up in the seat, back seat or where?

A. No. It was in the trunk.

Q. Did you have any other gun?

A. I had another gun, but I didn't have it with me.

Q. What kind of other gun did you have?

A. Well, I had the .38 that I had purchased in Birmingham, but I left it in the rooming house. I had it buried downstairs.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1963

Q. Okay. When did you purchase it in Birmingham?

A. The .38?

Q. The .38.

A. Well, sometimes -- when I arrived there in August, the latter part of August, I must have purchased it sometime in September.

Q. And how did you do that?

A. I -- there was a want ad, classifieds, from a private party.

Q. Okay. How much did you pay for it?

A. I believe it was \$75.

Q. Okay. You left then. Where was the next stop you made after the stop in -- somewhere near Tuscumbia, Alabama?

A. I went to Corinth, Mississippi.

Q. And where did you stay there, Mr. Ray?

A. I thought it was the Southern Motel, but we have never been able to establish it one way or another. Most of these records have been -- some records have

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(901) 529-1999

1964

been destroyed after we started checking on them, the hotel registration cards.

Q. What day did Raul tell you to meet him in Memphis at the Rebel --

A. It was on April 3rd.

Q. What time?

A. Well, he didn't give me a specific time. He just told me to check in there, and he would -- you know, he would meet me there.

Q. And what name did he tell you to check in under?

A. Well, I assumed -- he didn't tell me any name. I assumed it would be Eric Galt because I never checked in a motel under, you know, a different name because the police usually check your license plates at the motels.

Q. Now, the car you were driving was registered to Eric Galt, and you had an Alabama driver's license?

A. Yes.

Q. Okay. You left Corinth,
Mississippi what date?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1965

A. Well, that would have been April
the 2nd.

Q. And drove on where from there?

A. I drove on to Memphis.

Q. Okay. How did you find the New
Rebel Motel?

A. Well, I didn't find it at that
time. I -- on April 2nd I checked into the
Desoto Motel, which is right across the line
from a -- from the -- from Memphis.

Q. Okay. And you spent the night
of April the 2nd there?

A. Yes.

Q. Okay. Why did you go there?

A. Well, it wasn't April 3rd yet.

I was going to the New Rebel April 3rd.

Q. But why did you choose this one
in Mississippi?

A. Well, there is no specific reason. I didn't want to stay downtown, and so I just --

Q. But the New Rebel wasn't downtown?

A. Well, it wasn't, but at that

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(901) 529-1999

1966

time I don't believe I knew where it was. I think I found out the address the next day.

Q. Okay. Did you have any kind of a map where you were using to get your directions since you had never been in Memphis?

A. I probably had a map of Mississippi and Alabama, but I don't know. I had so many maps. I had 20 or 30. I don't recall just exactly. There is a list of all the maps that I had, and the FBI has them, but I can't recall, you know, maps of foreign countries and whatever.

Q. Okay. Mr. Ray, when did you

find out Dr. King would be in Memphis?

A. When did I find out?

Q. Yes, sir.

A. Well, I found out, I guess,

about April the -- April 4th. I would say

about 6:30.

Q. You didn't find out on April the

3rd he would be in Memphis or April the 2nd

he was planning to be in Memphis?

A. No, I didn't. I didn't know

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(901) 529-1999

1967

anything about it.

Q. Well, now, you know the FBI

found a Memphis paper where it had a detailed

account of where he was going to be. You

know that, don't you?

A. That I had a Memphis paper?

Q. Yes, sir.

A. Yes. I always buy a paper when

I go into town.

Q. Well, Mr. Ray, I was practicing

law back then right downtown, and there were headlines every day where he was going to be. Now, you knew he was going to be there, didn't you?

A. No, I didn't. There is all kinds of headlines in newspapers. They don't particularly interest me, what the headlines are.

Q. You didn't read the headlines -- it was all on the news, on the tv, all in the headlines because I saw it every day and was part of all this, and it was headlines -- everybody knew he was going to be there, all the trouble they had. Now, you knew about

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(901) 529-1999

1968
that, didn't you?

A. No, I had no idea about it. I mean I probably knew about it if I read the paper, but it didn't stick in my mind. If the President would have been there, it wouldn't have any -- you know, I wouldn't

have been interested in it.

Q. But you didn't know about all the riots they were having down in downtown that they had had a day or two before, and it was kind of dangerous to be downtown and everybody knew that? You didn't know about that?

A. No. I just come into town.

Q. Well, it was all in the newspapers. It was all on the news. Everybody knew about it, on the national news.

A. Everyone knew. I don't think everyone knew about it. There is 250 million people in the country. I doubt if --

Q. I doubt if there was very many if they watched the news that didn't know about it. And you're telling us you didn't

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1969

know about that?

A. No, I didn't. I may have knew

about it, but it didn't stick -- you know, it didn't hang up in my memory or anything.

Q. Okay. Did you ever stay in the Pontotoc Hotel?

A. Pontotoc in Memphis? No.

Q. You never did?

A. No.

Q. Okay. You left Alabama, arrived at the Desoto Motel down in -- just across the state line and stayed there one night?

A. Yes.

Q. What time did you get there?

A. It would have been sometime in the afternoon because I was driving real slow from Birmingham to Memphis. And I had estimated it was sometime in the afternoon.

I didn't even -- I didn't even go into Memphis proper that day. I just stayed on the edge of town, and --

Q. Okay. Well, let me ask you something. If you were in Corinth, Mississippi -- there's a highway called

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1970

Highway 72. It's the only highway leading toward Memphis, the main highway.

A. Yes.

Q. Did you take that?

A. That's apparently the one I took, yes.

Q. Where did you get off of that to go to Mississippi because you had to make a detour off of that somewhere?

A. Well, I'm not familiar with Memphis at that time. I'm still not, but I just -- there was no reason for me to go downtown.

Q. Did you drive into Tennessee?

A. Yes. I was in Memphis, yes.

Q. You actually drove into Memphis before you went to the Desoto Motel?

A. Yes, the outskirts, yes.

Q. All right. You had gone on then to the Desoto Motel, and what time did you check out of there?

A. Well, whatever the time --

usually I stayed until they -- you have to

leave. It probably would have been twelve or

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1971

one o'clock whenever they --

Q. Okay. And then you proceeded

from there to the New Rebel Motel?

A. Yes.

Q. Out on Lamar?

A. Yes.

Q. Okay. Then how long were you

there before Raul appeared?

A. Well, I would say I got there

maybe one or two o'clock, and he appeared

sometime that night. I know it was raining,

and it must have been nine o'clock.

Q. You had a room there and had

your car parked close to it?

A. Yes, right in front of it.

Q. He just came and appeared?

A. Yes.

Q. Okay. What was the extent of your conversation with him?

A. Well, he just came in. It had been raining, and I think he had a raincoat on, and we started talking. And he asked me if I had brought the rifle up, and I said, yes. And I don't remember all the small

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1972

talk. And then subsequently he told me to -- you know, he wanted me to meet him at a Jim's Grill the next day at I think it was three o'clock.

Q. Did he tell you where Jim's Grill was located?

A. Yes. I think he had it wrote down, the name and the street, but I don't --

Q. You still had the gun in your possession in the car at that time?

A. No. I had -- the gun was in the motel.

Q. Okay. Did he look at it?

A. Yes. He took it with him, yes.

Q. He said, this is the gun I want?

He had never seen it up to that point?

A. Well, he knew what it was

because he picked it out of the brochure.

Q. But he had never seen it up to

that point as far as you know up until this
time?

A. No. He had never seen it, not

that one, no.

Q. All right. And did he indicate

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(901) 529-1999

1973

to you why he wanted to take the gun with him

since you had had it in your possession?

A. I assumed he wanted to show it

to someone.

Q. All right. Who did he say he

was going to show it to?

A. He didn't say. I just assumed

that because he was supposed to meet some,

you know, gun dealers.

Q. Okay. And he told you to meet him at Jim's Grill the next day?

A. Yes.

Q. What time was it that he appeared roughly?

A. Did I -- what time did I appear there?

Q. What time did Raul appear at the New Rebel Motel to see you?

A. Well, I would say it was around nine o'clock.

Q. At night?

A. It was nighttime, yes.

Q. Okay. How did he get there?

A. I really don't know.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1974

Q. Okay. How long did he stay?

A. I don't think he stayed over 15 minutes at the most.

Q. He just told you to meet him the next day at Jim's Grill?

A. Yes.

Q. All right. And when he left,
how did he leave?

A. I really don't know. I didn't
pay no attention after he left. It was
raining, so I really wasn't interested in
knowing how he left.

Q. Mr. Ray, did you not find it
strange after all these months that this man
would just simply appear out of nowhere and
then vanish into nowhere? You never did see
him come up with anybody. You never saw
where he stayed all these months.

A. Well, I assume when someone is
involved in criminal activities, they don't,
you know, tell their associates everything
they're doing. I never saw him with anyone
except the individual in Nuevo Laredo,
Mexico, and I just never made any inquiries.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1975

I have had, you know, experience

with criminals, and usually if they're paying you, you don't make any inquiries. I know if I was paying someone, I wouldn't, you know, be telling him all my personal business.

Q. All right. Then you stayed in the New Rebel Motel that night, and left then the next day at what time?

A. Well, whenever I checked out. I think -- I would say it was about twelve or one o'clock. I'm just estimating that.

Q. And where did you go then?

A. Well, I just drove around. I just stalled around more or less until 3:00 o'clock or 3:30, and I don't know exactly where I drove at. I know I was driving around the edge of town. I think I went across the Mississippi line or near the Mississippi line. And subsequently I had a flat tire, and I changed tires on the car.

Q. Where did you have a flat tire?

A. It was along the edge of Memphis. It was -- it wasn't, you know, downtown. I think it was -- it could have

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1976

been across the line of Mississippi, but it was right on the edge of it. It wasn't no residential district.

Q. Okay. Did you change the tire?

A. Yes. I just took the wheel off and put another one on, yes.

Q. All right. Then where did you go?

A. From there I intended to have a meeting with Raul at the Jim's Grill. So I drove to a commercial parking lot, which is -- it's not downtown. I would say it's about 10 or 12 blocks from downtown because I could see the Memphis skyline. And I checked in there, and I think I asked the attendant something about Main Street or something, and anyway -- I can't recall just exactly. So I left and started walking toward downtown Memphis.

Q. How did you know it was towards

downtown since you had never been there?

A. Well, I could see the tall

buildings in the general area down there, so

I assumed that was --

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(901) 529-1999

1977

Q. Okay. There are several streets

downtown with tall buildings. How did you

know which street to get on?

A. How did I know? I don't -- I

didn't particularly know. I just walked down

toward the -- is what you call the

residential -- the high rise --

Q. Okay.

A. I may have asked the attendant.

I don't know. I probably asked him something

about it.

Q. What was the weather like that

day?

A. It seemed to be all right. I

don't know whether --

Q. Was it raining or sun shining?

A. No, I don't believe it was raining. I think the sun was shining as far as I know.

Q. Okay. All right. Did you then eventually arrive at Jim's Grill?

A. No, I didn't know where it was at. I think I got -- when I got downtown, I asked a policeman for directions about -- I

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(901) 529-1999

1978

think I asked him where South Main Street was. I don't think I asked him where Jim's Grill was. And he give me directions, and then -- anyway, when I got on Main Street, then I located Jim's Grill then.

Q. Okay. When you asked the policeman for directions, how far was that from Jim's Grill? I mean are we looking at a block, half a block, ten blocks?

A. No. I think it was a little -- I would just guess it was eight or ten blocks. I wasn't --

Q. Okay. Were you -- were you on Main Street then?

A. I don't believe I was. I'm not positive.

Q. And did you go to Jim's Grill?

A. No. I went -- I got on Main, and I was going south on Main, and I stopped at a -- it was a -- some type of a bar that sold alcohol there, and I asked the lady -- now, this is on the right-hand side of Main Street going south -- and I asked the barmaid where Jim's Grill was. Now, I ordered a beer

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1979

while I was in there. And she told me it was -- it was a couple -- a couple of blocks -- a block and a half or so down the street on the other side of the street.

And I also -- it's just -- at

this time I also saw -- mentioned I saw the two individuals that I mentioned yesterday that I thought perhaps were -- well, you get

kind of -- you know, you're kind of nervous under those conditions. Anyway, I thought maybe they were -- they appeared to be watching me or something.

Q. How were you dressed?

A. I just had a dark suit on.

Q. With a tie?

A. Yes.

Q. White shirt?

A. Yes.

Q. Did you have a coat with you, overcoat?

A. No.

Q. It wasn't cold enough that day to have an overcoat?

A. No, I don't believe it was.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1980

Q. Okay. Then where did you go?

Okay. Let me back up. You were in this place, and you saw two individuals.

Were they the only ones in there -- only

customers in this place?

A. No, they weren't.

Q. There were other customers?

A. Yes.

Q. They were -- and they were looking at you for some reason, and you were suspicious of them?

A. Yes.

Q. How long did you stay in there?

A. I imagine four or five minutes at the most.

Q. Did these individuals leave before you did or did you leave first?

A. They apparently left before I did.

Q. Did you watch them the whole time you were in there?

A. No, I didn't stare at them. I just got the feeling they was watching me, and so --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1981

Q. Okay. Then you left, and where did you go then?

A. I went to Jim's Grill then.

Q. Okay. How far was Jim's Grill from this location where you were?

A. I don't think it was over a block and a half or two blocks. I couldn't be more specific than that. It was on the other side of the street.

Q. Okay. How did you recognize Jim's Grill?

A. I think there was a sign there or something, you know.

Q. Where was it?

A. Where was the sign?

Q. Yes, sir.

A. I don't have no idea now at this time.

Q. Was there any lettering on the windows or on the door that you recall saying, Jim's Grill?

A. No, I can't recall that at all.

There was something on there.

Q. So you entered Jim's Grill off

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(901) 529-1999

1982

of Main Street?

A. Yes.

Q. And did you have anything with you in your hands? Were you carrying anything, briefcase or anything?

A. No, I wasn't carrying anything, no.

Q. You walked into Jim's Grill, and what did you see in there?

A. Well, these two individuals were in there, and Raul wasn't in there, so I just -- I think I ordered a beer in there. I'm not 100 percent certain, but I may have.

Q. Can you tell us something about Jim's Grill, what you remember seeing about it when you first entered? Was it a place where there was just a bar or were there tables or tell us what you remember.

A. Well, my recollection was --

and, of course, I found out subsequently my recollection is wrong -- it was on -- on the left-hand side there was a bar, and on the right-hand side there was sort of booths.

And subsequently I learned it was just the

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(901) 529-1999

1983

opposite. The bar was on the right-hand side, and the booths was on the left-hand side. I think the -- the back part of the bar seemed to be a -- it might have been lower than the front part.

Q. Lower?

A. Yes, I believe it was. I think they might have served food back there.

That's what my recollection is.

Q. Were you seated?

A. Pardon?

Q. Were you seated at any time?

A. No, I was up in the front.

Q. At the bar?

A. Yes.

Q. Who waited on you?

A. Well, some young lady. She was

black or white. I can't recall just --

Q. About what time did you arrive

at the bar roughly, Mr. -- I mean Jim's Grill

roughly, Mr. Ray? Are we looking at two

o'clock, three o'clock, four o'clock, what?

A. No. It was sometime after

three. I don't think it was a whole lot

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1984

after three.

Q. How many customers did they have

in there?

A. There didn't appear to be many

in there at all from what I could see.

Q. You saw these other two

individuals you had seen earlier in there.

Where were they seated, up at the bar or were

they at a table?

A. No. They were down further from

where I was, and there was -- I think there

was a bar. They just glanced up.

Q. These two individuals, were they black or white?

A. They were white.

Q. Okay. And did they have any rings in their ear or anything like that?

A. I don't recall what -- I don't recall anything about one of them. The one I do recall appeared to be -- looked to me -- seemed to be out of place. He had a coat on.

He was about five foot eight or nine, and he looked like he weighed about a hundred and -- kind of a fairly strong build -- a

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(901) 529-1999

1985

hundred and seventy pounds or something like that.

Q. And did he have long hair, short hair?

A. No. I think he just looked normal.

Q. Okay. When you went into Jim's

Grill, did they seem to be looking at you
some more?

A. Yes. I think he did -- I think
I seen them, and they just glanced up. And I
was just in there a few minutes and that was
--

Q. Did you leave?

A. Yes.

Q. Okay. Where did you go from
there?

A. Well, I intended then to go down
and pick up the Mustang at the commercial
parking lot and park in the general area of
Jim's Grill.

Q. Now, the Mustang is, what, seven
or eight blocks away, something like that?

A. Yes. It was at least seven or

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(901) 529-1999

1986

eight blocks away.

Q. Okay.

A. It could have been a little bit

farther.

Q. You stayed in Jim's Grill about
15 minutes?

A. No, I wasn't there -- I believe
it was two or three minutes.

Q. I thought you said you ordered a
beer.

A. I did. I probably just left it
sitting there.

Q. All right. Did you order
anything else besides a beer?

A. No, I didn't.

Q. And these individuals were there
when you left?

A. Yes.

Q. All right. You walked out, and
when you walked out on Main Street, did you
go north or south to go get your Mustang?

A. I think I -- I think I went
north, the same way I came in.

Q. Okay. Did you go back and get

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1987

the Mustang?

A. Yes.

Q. Okay. And where did you park it when you came back?

A. I parked it, I would estimate, about 15 or 20 feet from Jim's Grill, probably in front of the front door. I know I didn't park right in front of the -- right in front of the place.

Q. Now, was it facing north or south on Main?

A. It was facing north.

Q. And after you parked the car what did you do then?

A. Well, I went back in Jim's Grill.

Q. Okay. And who did you see in there then?

A. Well, Raul was in there at that

--

Q. He was in there?

A. Yes, he was in there.

Q. Where was he?

A. Well, he was up at the bar

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1988

section.

Q. In the bar?

A. Yes.

Q. Sitting at the bar?

A. Yes.

Q. What was he -- how was he

dressed? Do you remember how he was dressed?

A. Well, he had a dark suit on. I

don't know if it was a suit, but -- and he

had a shirt on, and he didn't have no tie on,

and that's about it.

Q. Okay. When you entered Jim's

Grill, did you, again, go up to the bar and

have a seat?

A. Yes.

Q. Did you order anything?

A. I may have ordered a beer. I'm

not 100 percent certain.

Q. Who waited on you that time?

A. Well, it would have been the --

well, it would have been the young waitress,

but it's my recollection that when I went in

one time, she was white, and when I went in

the next time, she was black. But I don't

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1989

know which sequence --

Q. Did you ever see any male

employees of that grill either time you were

in there, anyone?

A. No, I really wasn't in there

very -- long enough to pay much -- I usually

don't pay too much attention to people when I

go into bars anyway, I mean unless there is

some reason to pay attention to them. So I

wouldn't have --

Q. I thought you told me earlier

you had been to some place -- an ice cream

place, and you noticed that the girl didn't

seem to know how to operate the cash

register.

A. Yes.

Q. So you did notice sometimes --

A. Well, I was interested in the cash register because I was -- well, I just -- you know, when you are robbing --

Q. But you don't recall seeing if there was men or women in the grill this time?

A. No. I don't recall how many was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1990

in there or anything of that nature. I wasn't -- I was just interested in him, and that was it. I was interested in getting in and getting out.

Q. All right. What did he tell you when you entered the grill?

A. Well, I can't recall all the conversation, but he seemed to be interested in the Mustang, and subsequently --

Q. What did he tell you that made

you think he was interested in the Mustang?

A. He asked me if I had it, and so

I said, yes. And when we went out the door,

I said, you know, there it is. It's parked

there.

Q. Had he ever driven the Mustang

before?

A. Had he?

Q. Yes, sir. Up to this point had

he ever driven it any time since you had had

it?

A. If he had, I hadn't -- I didn't

know about it.

Q. Okay. I mean, what was his

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(901) 529-1999

1991

interest in the Mustang? Why was he

interested in that as far as you could tell?

A. Well, he wanted to know if I had

it, you know, if I had brought it with me.

Q. Well, I mean wouldn't he have

known that because you had been driving it?

How did he think you would have gotten there without the Mustang? I mean didn't he buy the Mustang or give you the money to buy it so you could drive it?

A. Yes.

Q. All right. Did you not find it strange that he asked you -- inquired about the Mustang all of a sudden as to where it was and whether or not you had it?

A. Well, I didn't -- I didn't consider it strange since he paid for it. Of course, I had some equity in it because I sold the Plymouth. I considered I had equity in it, but it's not strange to me at all if he wanted to possibly use it or something.

Q. All right. But he had never driven it before that as far as you know?

A. He had never been in it?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1992

Q. He had never driven it before that?

A. He had a set of keys, but if he did, I didn't know about it.

Q. Okay. Other than asking you about the Mustang, what else did he ask you or mention to you?

A. Well, he wanted me to rent a room upstairs at the rooming house over Jim's Grill.

Q. Did you notice there was a rooming house up there when you drove up to Jim's Grill in the Mustang or when you came there the first time?

A. I don't believe I did. No, I don't think so.

Q. Okay. Mr. Ray, let me ask you something. Why had you checked out of the New Rebel Motel? What was the reason for checking out there when you checked out?

A. You mean the next day at twelve o'clock?

Q. The day you checked out, yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1993

A. Well, I was going to have a meeting with Raul, and I had until three o'clock, and I had to get out of there a certain time, so I checked out.

Q. But how did you know where you were going to stay that night?

A. Well, I really didn't know where I was going to stay, but, you know, it was no problem finding some place to stay.

Q. Did he tell you to check out of the motel or was that just your idea?

A. Well, no, he didn't tell me to check out, but he told me to meet him there. And as I mentioned, I had to check out by a certain hour.

Q. Did you think you would be leaving Memphis that day?

A. I had no idea at that time.

Q. You had all your belongings with -- what did I leave there?

Q. Yes, sir.

A. I didn't leave anything there.

I took -- yes, I took all of my -- I thought
you was talking about my belongings from

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1994

Atlanta.

Q. I'm talking about all the things
you brought to Memphis with you.

A. No. Everything -- when I left
the New Rebel, took everything out of it I
had and, you know, put them in the car.

Q. All right. Now, he told you to
rent a room up in the rooming house over
Jim's Grill?

A. Yes.

Q. Okay. Did he give you some
money?

A. No, he didn't.

Q. All right. Did you proceed to
do that?

A. Yes, I did.

Q. Okay. How did you know where to

go to the stairway to go to this rooming house? Did he show you?

A. I don't know -- I don't think he showed me. I think -- or he might have pointed it out, but there is -- I know I was right close by the stairway that led up there, and he just -- he was the one that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1995

suggested I go up there. So he might have pointed it out or something. He might have been --

Q. Did he go up there with you?

A. Not at that time, no, I went up alone.

Q. All right. Well, was he still in Jim's Grill when you left?

A. I really don't know where he went. After I left -- when I went up to the rooming house and rented the room, he may have went back to the grill or he may have sat in the car. I don't know where he was.

Q. My question is, when you left Jim's Grill, did he leave with you or had he already left?

A. Yes. He -- we went out the door at the same time.

Q. Which direction did he go on Main Street when you went out?

A. Well, we both turned left and, you know, walked over toward the car.

Q. Was the car parked north or south of the front door of Jim's Grill?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1996

A. The car would have been south of Jim's Grill, not too far south.

Q. And when you walked out of the Jim's Grill to go up to the stairs, did you go north or south on Main Street?

A. Well, when I came out, I went south, and as I mentioned, toward the Mustang.

Q. Okay.

A. And then when I went to the -- I went upstairs to the rooming house, I'm not certain just what location -- whether I went three or four steps north or three or four steps south, but it's right in that general area.

Q. Okay. Did you have to enter through a door to go to the stairs to go up to the rooming house?

A. Yes, there was a door there.

Q. Okay. And you left the street and went through the door up to the top of the stairs, right?

A. It's my recollection that, yes, I went to the stairs, and then I -- I think I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1997

turned right and went down a slight incline, and I went up some more stairs, and the office is there.

Q. And where was Raul during this time?

A. Well, he was either in Jim's Grill or in the car, just standing down there somewhere.

Q. Okay.

A. I have no idea specifically where he was at.

Q. And you reached the top of the stairs at the location there, and what did you -- who did you see or who did you talk to?

A. Well, I talked to some lady there. She was apparently the landlady, and I just inquired -- made inquiry about a room, and she told me she had two. She showed me two rooms. One was a sleeping room, and one was a room I think they cook in. And I told her I just wanted a sleeping room. So she said okay. She showed me -- but she showed me both of them, and then when we got back to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1998

the office, I think I gave her 10 or \$20, and

she gave me some change.

Q. Okay. What name did you use?

A. At that point -- I think I used the name John Willard at that place.

Q. Had you ever used that alias before?

A. I don't know. I possibly had heard it before or something. I have some recollection of hearing the name before, but I'm not, certain. I probably did.

Q. Mr. Ray, what I find strange is you used Eric Galt two nights before this, and all of a sudden on the night Dr. King was assassinated you use another alias. What was the reason for that?

A. When I go in a motel, I always use my -- the car I'm registered under because the police check on these -- on these -- you know, they drive by and check your license plates and see if it matches up with your room.

Anyway, whenever I go in a hotel or a rooming house, I always use an alias

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1999

because, you know, the police don't --

they're not checking license plates.

Q. But you didn't use an alias down
in Birmingham when you stayed there?

A. Well, I was going to stay there
quite a while. I had my car parked down
there, and I was trying to get
identification.

Q. How long -- how did you know how
long you were going to be in this rooming
house in Memphis?

A. I didn't know. Raul, when he
met me up in the room, he said we might be
there two or three days, and he suggested I
bring my clothing up. But I had no idea how
long I was going to be there, but I didn't
think it would be over a couple of days.

Q. Had you ever known anyone by the
name of John Willard?

A. I may have heard that name

somewhere. Usually when I use an alias -- if I have heard of someone or something, sometimes I'll use the name. But I can't recall just where the name originated from.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2000

Q. And also in Atlanta you were there under the name of Eric Galt too, weren't you?

A. Yes.

Q. And you weren't in a motel there where the police were checking your license, were you?

A. No, no, I wasn't. I was receiving criminal correspondence there too.

Q. The Mustang was still parked downstairs some 15 or 20 feet away from the front of the grill door, right?

A. Yes.

Q. All right. About what time was it that you went upstairs to get the room?

A. It's really difficult to

estimate that. I would say -- I know I was late when I got there. It could have been four o'clock or fifteen after four. It was somewhere -- it was after 3:30 because I was supposed to have been up there, I think, at 3:30. And then I had -- I think I was on time the first time, and then how long it took me to walk down there and pick up the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2001

Mustang and drive back, that's probably how late it was. I would guess it was somewhere -- four -- maybe after four o'clock.

Q. You said you were supposed to get there at 3:30?

A. I believe it was about 3:30. He give me a -- 3:00 or 3:30. He gave me a time to be up there.

Q. Had you driven very far south on Main Street past Jim's Grill before parking the Mustang, say a block or two?

A. Had I driven south?

Q. Yes, sir. You said you were facing north, so you must have driven south and turned around and parked on -- you're saying you were parked on the same side as Jim's Grill, weren't you?

A. Yes, but I think I believe I came in on the south side. I may have -- I may have come down on the north side and turned around and come back and parked on the -- the front of Jim's Grill or I may have come in from the south side. But I don't -- I don't have no clear recollection of that at

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2002

all, but it seems to me like I came in from the south.

Q. Do you remember passing a fire station just a -- almost within sight of Jim's Grill, just a short distance away?

A. I know the fire station you're talking about, but I don't recall passing it, no.

Q. Okay. How long did you stay in the room after you rented the room? After you paid her for the room, how long did you stay there before you left?

A. Well, I hadn't been up there over three or four minutes, and then Raul came up there. He --

Q. Now, you said -- I'm sorry. Go ahead. I didn't mean to cut you off.

A. No. He entered the room. He came up there.

Q. You said she showed you a sleeping room and a cooking room, right?

A. Yes.

Q. And were they on the same side of the building? Was one on the north side

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2003

and one on the south side -- I'm sorry -- east and west side?

A. I don't know just where they was at, but they weren't close together. One of

them was on, I think, one side of the building, and one side was the other.

Q. They weren't side by side?

A. No, they weren't.

Q. You had to walk in one direction to go to one and one direction to the other, right?

A. Yes, they were --

Q. All right. This room that you paid her for, can you describe it for me, what you -- what it looked like? What did it have in it?

A. Well, there was a bed in it and a dresser, and I think there was a chair, and that's about all I recall.

Q. Okay. You didn't have any of your personal belongings such as any clothing or anything with you then?

A. Not at that time. Raul, he -- later he suggested I bring my clothing up

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2004

there, but when I first went up, no, I didn't have anything.

Q. Okay. It was in your car?

A. Yes.

Q. Did it have a window?

A. Yes. I think there were a couple of windows, yes.

Q. Did you look out the window to see what the -- which direction they were facing or what kind of a view you had?

A. I don't have any clear recollection, but I know I always look out the back window, you know, in case the police run in, and I need an exit or something.

Q. You were on a second story building?

A. Yes.

Q. Okay. What did you see in looking out the window?

A. I don't have no recollection, but I know I usually always check out, you know, windows when I check into a place like that.

Q. Well, let me ask you this: The

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(901) 529-1999

2005

window you were looking out, were you looking

in a generally east direction or west

direction?

A. Well, one of the windows would

have faced -- let's see -- south. If you are

going south, west is on your -- let me see.

Here is north and south.

For the record, I'm putting this

on a piece of paper trying to get it

straightened out.

When you are on the south --

well, it would have been facing east.

Q. Could you see the Lorraine

Motel?

A. I didn't have no recollection of

seeing it. You can see it from -- I have

seen -- I have subsequently seen diagrams of

the place. It would have been easy to see.

Q. Did you see any vegetation, such

as trees, immediately behind the place where
you were staying?

A. I don't have no recollection. I
was just looking at it for a quick exit. I
wasn't interested in, you know, any

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2006

particular trees or whatever.

Q. Okay. Raul came on up and came
in your room and told you what?

A. Well, we just had a brief
conversation, and he said we might be a
couple of days or three, and he suggested I
bring my clothing up. And then I didn't want
to do that because of the type place it was.
It was a wino place, and they come in and
carry off your things of that nature. But
subsequently I did bring some articles up
there.

Q. What did you bring up there?

A. I brought a case up there,
overnight case, and some shaving --

Q. Talking about a piece of luggage
or a suitcase or something like that?

A. Yes. It was kind of a small, I
would say -- well, just a small -- about the
size of a large attache case.

Q. All right. Now, that was the
first time Raul had been up there after you
had checked -- after you had paid for the
room, right?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2007

A. Well, I don't know if he had
been there before I had or not.

Q. Since you had been --

A. But with me, yes, that was the
first time.

Q. Did he have this rifle with him?

A. I don't know if he did or not.

He didn't have it with him when he came into
the room.

Q. Okay. Did he have anything with
him? Did you see him with any kind of an

attache case or luggage or anything that you saw?

A. Well, subsequently not -- at that particular time I noticed he turned his back on me once, and he raised his arm or something, and, you know, I think he -- I thought he had a small transistor radio in his pocket, but other than that, he didn't have anything.

Q. All right. Did he have on a coat or just a shirt and pants?

A. He had on a coat and a shirt and pants, I think.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2008

Q. Now, you had no idea at that time what he wanted you to do, am I correct, I mean why you were there or what he wanted you to do?

A. Yes. I knew it was something about displaying guns, and, you know --

Q. What made you think that?

A. Well, he generally referred to that. He didn't make any specific -- but he just generally --

Q. Well, what did he say to generally refer to that? What words did he use?

A. Well, he was going to meet gun dealers in Memphis, and, you know, the -- he was never specific about anything, and --

Q. Who was he going to make a gun deal in Memphis with?

A. He didn't say anything about -- any names or anything of that nature.

Q. Okay. He came up and told you he thought you should bring your personal belongings up to the room, right?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2009

Q. He said you might be there three or four days?

A. Yes, two or three days.

Q. Did he stay in the room while
you had gone down and got those things?

A. I don't believe I got them right
then. I think I may have got them like -- I
may have got them then, but I think I got
them the next time. He had me run an errand
at that time, and --

Q. Where did he have you go and run
an errand?

A. Well, that's when he wanted me
to purchase the pair of binoculars with
infrared attachments on them, and he gave me
general directions to a sporting goods store
where I could get them at.

Q. Okay. How much money did you
have on you then, Mr. Ray, roughly?

A. Well, I had --

Q. He had given you \$700 to buy
this gun a few days earlier. You spent part
of it for the gun.

A. I don't know. I had 15 or

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2010

\$1,600, I guess, altogether.

Q. How can you account for that because you said you were running low on money before he gave you this \$700.

A. Well, I used to tell him I was running low on money, but I wasn't -- I don't think I have testified here I was running low on money. I don't know what you would consider low, but --

Q. I'm just using your words. You said you had asked him for money, and he gave you \$700 when he told you to purchase this --

A. No. I didn't ask him for no money. He just volunteered that. I asked him for some money in -- excuse me -- in New Orleans, but I didn't ask him for any money when I purchased the rifle.

Q. How did you come up with 16 or \$1,700? Where did you get that money from? Was that another robbery?

A. No. That's money he gave me, and I saved it. And I hadn't been robbing --

I hadn't been committing any robberies at that time.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2011

Q. Well, Mr. Ray, I'm having trouble with some things. You asked him for the money in New Orleans. You had left there and had gone to Birmingham, on to Atlanta, back to Birmingham, then to all these other stops you had made, and he only gave you \$700. And I'm having trouble understanding how you had this much money on you.

A. Well, that's the way I have got it figured out based on what he's given me altogether, and what I worked for and what I escaped with. The reason I come up with the money --

Q. You had escaped months before.

A. Yes. But I'm talking about -- I'm trying to -- you know, all the money I'm accumulating all the time I was out there, and I don't recall just how much money. The

way I calculate my money is how much I was arrested with and how much I had here and how much I spent. I don't -- you know, I wasn't counting my money all the time, but I knew generally what I had. Of course, the record supports how much I spent.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2012

Q. But you think you had 15 or \$1,600 when you arrived in Memphis?

A. I believe after he gave me this -- the \$700, think I had 15 or \$1,600.

Q. All right. Including that?

A. Well, minus what was used to purchase the rifle with.

Q. In other words, when he gave you \$700 after you purchased the rifle, you had 15 or 1,600 left; is that correct?

A. Yes, I -- yes, I'm certain of that.

Q. All right. Of course, you had used some of the money for motels and food

and gasoline along the way, right?

A. Well, I wouldn't have used too

much on that. I mean after -- I wouldn't use

70 or \$80 for the motels and the gasoline.

Q. Okay. All right. He told you

then -- now, he came up to your room, and he

wanted you to run an errand, and what was the

purpose of that?

A. That was to check on the

infrared attachments on the binoculars.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2013

Q. Okay. Were you familiar with

infrared?

A. No. I had heard of them, but I

hadn't -- I wasn't familiar with them at all.

Q. All right. And do you know --

did you know what -- in other words, what

would people use infrared for?

A. I believe they use them to see

in the night.

Q. And did he tell you where to go

get some infrared binoculars?

A. Well, he gave me directions

where I could check on them at this sporting goods store, which was the binoculars or whatever it was. He gave me directions down the street. It was on the right-hand side of the street going north on Main Street, and I went in that general direction, and I couldn't find it. I apparently didn't go down far enough. So I went back and explained to him I couldn't locate the place, and he gave me more specific directions.

Q. Okay. Did you find it?

A. The second time, yes, I found

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2014

it.

Q. Now, what time are we talking

about now roughly? You said you were supposed to meet him at 3:30 and you were late. So we're looking at, what, 4:30 or 5:00 o'clock in the afternoon on --

A. Yes. I would say a quarter --
maybe a quarter til five or somewhere like
that, yes.

Q. On April 4, 1968?

A. Yes.

Q. Okay. And you wandered down
Main Street to look for this place called,
which we know is York Arms, right?

A. Yes, that's it.

Q. And you didn't find it the first
time. You went -- did you go as much as two
or three blocks?

A. I think I had probably went
three or four blocks. I may have walked past
it, but I'm inclined to think I didn't go far
enough.

Q. Had he told you how much money
to spend for them?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2015

A. No, he didn't mention that.

Q. Okay. Then you couldn't find

it. You then went back to the rooming house?

A. Yes.

Q. And then he gave you more directions, and then you went back again?

A. Yes.

Q. Okay. And, then you did go back to York Arms and find some binoculars; am I correct?

A. Yes.

Q. And were they infrared?

A. No. The salesman told me I would have to check with the Army Surplus to get those.

Q. Okay. Did he tell you where there was an Army Surplus located?

A. No, he didn't.

Q. There was one within a block or two of there, wasn't it?

A. He didn't --

Q. He didn't tell you that?

A. No, he didn't.

Q. All right. You bought some

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2016

binoculars, and were they in a case or describe them for me.

A. Well, I can't describe them. I think he just put them in a box, and they weren't --

Q. Did he show them to you or did you look through them and try to adjust them?

A. I think he handed them to me and asked me if these were all right, and I handed them back and said, Okay, and --

Q. Then you did what then?

A. Well, I just purchased them, and I asked him some other question, but I can't recall just exactly what that was.

Q. Do you know what you paid for them?

A. It wasn't very much.

Q. Ten dollars, fifteen, forty, fifty?

A. No. It was more than that. It was \$30, I would just guess, 30 or 35.

Q. Where did you go then?

A. I went back to the rooming

house, and Raul, he was still up there. And

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2017

I just told him that I couldn't get the

infrared attachment, and he would have to get

them at an Army facility. And I just threw

the binoculars down on the bed, and that was

it. And then we had a brief conversation. I

hadn't eaten since about, I guess, twelve or

one o'clock. So I --

Q. Now, we're looking at 5:00 p.m.

Or something like that now or 5:15 roughly,

aren't we?

A. Yes. We're coming in there,

yes.

Q. Okay. When you got back to the

room, Mr. Ray, what was Raul doing? Was he

drinking anything, eating anything, watching

-- just what was he doing that you recall?

A. He was just sitting or standing

around. I don't recall specifically what he was doing. He wasn't doing anything unusual.

Q. Okay. You still hadn't seen any rifle at that point?

A. No, I hadn't.

Q. Did he have a room up there or do you know?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2018

A. I really don't know. I assumed that -- well, I assumed he did, but I don't know that for certain.

Q. All right. And how long did you stay in the room when you went back out there?

A. Not too long. I mentioned the fact that, you know, I hadn't eaten since twelve o'clock or somewhere around there.

Q. Okay. Now, we're looking at around 5:00, 6:15 or something like that, 5:20, right?

A. Yes.

Q. Okay. And how long would you say you stayed in the room, five minutes, ten, fifteen, twenty, what --

A. Yes. It wouldn't have been any longer than five or ten minutes.

Q. Okay. And what did you tell him you were going to do?

A. I told him I was going to have some lunch.

Q. Did you do that?

A. Yes. I went to a place called

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2019

the Chickasaw -- it was a drug store, and they sold sandwiches. I didn't know the name of this place. The policeman in the Memphis Jail told me the name of it. I described it to him, so I assume that's the same one. I believe he said underneath the hotel on the corner was the Chickasaw Bar or restaurant or something.

Q. Now, did you go north or south

on Main Street when you left?

A. North.

Q. Did you walk or drive?

A. I walked.

Q. Was that a block or two, two or three blocks or what?

A. From Jim's Grill? I don't know how far this place is. I don't think it's very far, a couple or three blocks.

Q. Okay. Now, you walked there and purchased a sandwich?

A. I think I got some ice cream.

Q. Okay. Is this where you saw the young lady who seemed to not know how to operate the cash register?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2020

A. Yes. I was sitting right up at the cash register, and the manager come up, and he was telling her how to operate it.

And I was just generally looking at it to see if it was -- about the money angle. I was

interested in the money.

Q. Okay. How long did you stay in there would you say?

A. I don't think I was in there -- maybe 10 minutes at the most.

Q. Okay. And what did you do after that?

A. Well, I went back to the rooming house up above Jim's Grill. Sometime during this point I think sat in the Mustang, but I'm not certain just when I sat in the Mustang, whether it was that time or when I left the next time, when I left the rooming house the next time. But I know at one time there I was sitting in the Mustang briefly, and I was just sitting there thinking.

Q. Okay. Well, was -- did you go back up to the room then?

A. Yes, I did.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2021

Q. And who was there?

A. Raul.

Q. And what did he tell you then?

A. Well, we just had another brief conversation. He said he was going to meet some dealers there that evening or night.

Q. There where?

A. Pardon?

Q. Where did he say he was going to meet them?

A. He was going to meet them there in the room.

Q. In the room you were in?

A. Yes.

Q. Okay. And then what?

A. Well, he asked me if I would, you know, go somewhere else until the meeting was over, and then a couple or three hours and go to a movie and wherever. And he asked me to leave the car out front, you know, leave the car there. So I left -- I left there about --

Q. Now, what time are we talking about now? We're down to about 5:20 when you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2022

-- 5:15 or 5:20 when you went to get the ice cream. You had ten more minutes or so, which would have made it around 5:30. Then you walked back. Are we looking at, what, 5:30 or a quarter of 6:00?

A. It was somewhere around -- yes, 5:40 or a quarter til 6:00, somewhere around that time.

Q. All right. You walked back up to the room, and he told you he was going to meet some people there for what purpose?

A. Well, he referred to the gun transactions.

Q. But you hadn't seen the gun, had you?

A. No, I hadn't seen it.

Q. You didn't, have it in your possession?

A. No. I didn't look under the bed or in the closet or anything. It could have

been in the other room, but I didn't see it.

The last I saw it was the New Rebel Motel.

Q. Okay. And what did he tell you
to do then?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2023

A. Well, he just asked me to go to
a movie or something and come back, you know,
in a couple of hours, and he wanted -- three
hours -- and he wanted to -- he was going to
have a meeting with these individuals.

Q. All right. Did you leave the
room?

A. Yes, I did.

Q. And which way did you go on Main
Street that time?

A. I crossed the street. Now, at
that time I may have sat in the Mustang for
five or ten minutes. I don't know, but as I
mentioned in previous testimony, at one time
I know I sat in the Mustang for a brief
period of time. I don't think it was ten

minutes.

Anyway, when I left there, when I went to -- went to a -- regardless of whether I sat in the Mustang, I went across the street, and I went -- I walked about a couple of blocks, I guess, and I went into a -- I think it was a bar. And I think they had chairs in there where you -- where you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2024

could sit down, tables and chairs.

Q. Uh-huh. Did you stay in there?

A. Yes. I stayed in there. I was

just sitting there thinking.

Q. Now, we're getting close to 6:00

p.m., very close?

A. We're fairly close to it, I

guess, yes.

Q. And you had -- it was a block or

two away?

A. I would say a couple of blocks,

yes.

Q. Okay. How long would you estimate you stayed there, Mr. Ray?

A. Not really too long, maybe -- I think I may have ordered a beer. I may have ordered a sandwich and not ate it. I don't know just what -- I was thinking about, you know, what to do for two or three hours. And at that time I recalled I had a flat tire earlier in the morning.

Q. When you left this place, where did you go then?

A. Well, I went back. I was going

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(901) 529-1999

2025

back to pick up the Mustang and get the tire fixed and park back, you know, at the same location that I was at.

Q. Okay. Well, did you go back and get the Mustang?

A. Yes, I did.

Q. Okay. Was it ever parked back in front of Jim's Grill anymore?

A. Did I ever park it back in front of Jim's Grill? No, no. I left Memphis.

Q. Well, let me ask you something.

How can you account for the fact that the Mustang was parked right in front of Jim's Grill, in front of the door, and there was two cars parked bumper to bumper, one in front and one in back? How can you account for that? We have several witnesses that said they saw it.

A. I believe you have different witnesses testifying to different things.

Q. No, sir, I don't. Several witnesses told this same thing, many of them.

They all saw it sitting right in front of the door. Mr. Jowers drove up and parked

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2026

right behind your car --

A. Not my Mustang.

Q. -- bumper to bumper. You were in his parking place there.

A. Well, that's his testimony. Of course, I have testified differently.

Q. Many others too.

A. Yes.

Q. Was it ever in front of the door of the grill -- directly in front of the door where there was another one parked behind it and directly in front of it?

A. I don't believe it was ever in front of the directly in front of the door, no. This is my recollection. No, I didn't you know, I didn't -- when I parked there, I didn't have no intention of trying to remember subsequently just where I parked at, but I know it was very close to the grill.

Q. Okay. Okay. You walked back to the Mustang. It was some 10 to 15 feet south of the grill -- the front door of the grill, is that your testimony, where you parked it earlier?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2027

A. Yes, I believe it was.

Q. All right. Any cars parked in front of it or behind it then that you remember where you had trouble getting out?

A. I don't recall having had any problem getting out.

Q. Okay. And when you left, you traveled, what, north on Main Street?

A. Yes.

Q. Okay. And how far did you go before you turned off of Main Street?

A. I can't be certain. It could have been three blocks or it could have been five or six. But I did go several blocks up the street, and I turned right, and I think when I turned right, I went -- I didn't go very far when I turned right, maybe just one or two blocks at the most, and turned -- I made another right turn.

Q. Okay. So you made a right turn off of Main Street?

A. Yes.

Q. And how far did you go before

you turned again?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2028

A. Not very far. It was either one

or two blocks, but it was not as far as --

Q. Okay. Mr. Ray, just a short

distance would have been a pretty heavy

business district. Had you gotten up in that

area when you turned off?

A. I have no recollection of just

-- I really don't know-- have no strong

recollection of where I turned off right the

first time. I'm just estimating this.

Q. Okay. And what were you looking

for?

A. A service station.

Q. All right. Did you find a

service station?

A. Yes, I did.

Q. Okay. And did you stop there?

A. Yes.

Q. And did you stay there very

long?

A. No. I just asked him if he could fix the tire, and the attendant said that, you know, he was busy or it was a busy time of day or something of that nature.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2029

Q. Okay. And, we're looking at what time?

A. Well, I guess around six o'clock. I wasn't checking my watch, but I based that on the reports.

Q. When you left the room, you had all of your belongings there, your -- did you have any clothing with you, any other clothing with you besides what you had on?

A. Yes. I had it out in the car, yes.

Q. I thought you said you had taken it all up to the room?

A. No, I hadn't. I was concerned about it being stolen. The only thing I took

to the room was an overnight case, I think it was, and I think I took something to put on the bed to sleep on.

Q. Okay. Did you take what we call a bedspread up there with you?

A. Yes. I took -- I may have took a bedspread or sheet up there. I'm not certain just what -- I know I took something up there to cover up the bed with.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2030

Q. Where did you get the bedspread?

A. I really don't know where it came from.

Q. How long had you had it?

A. I don't know that either.

Q. Okay. When you were in the rooming house either time you were up there, did you see anyone else besides the lady that you paid the money to? Did you see anyone else that appeared to be walking around up there or someone who was a resident of that

place?

A. No. I didn't see anyone all the time I was up there.

Q. Okay. Mr. Ray, after you paid her for the money to rent the room, did you ever go into the bathroom?

A. I may have, but I don't have no recollection of it.

Q. Where was the bathroom in relation to the room that you rented?

A. Well, I subsequently discovered that it was across -- across the hall and further back down -- back down the hall.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2031

Q. It was on the same side of the building as your room?

A. Yes.

Q. Okay. Can you describe the bathroom for me?

A. No, I can't.

Q. You don't remember what --

A. Well, I have seen pictures of
it. I can describe it now, yes.

Q. Did the bathroom have a window
in it?

A. Yes. The pictures I saw, it had
a bathtub in it, and it had windows in it and
a toilet bowl, and I believe that was it.

Q. Okay. Did you ever look out the
window in the bathroom?

A. No, I didn't.

Q. When you were in the bathroom,
was that the first time you were up there,
the second time you were up there, the third
time you were up there?

A. I don't know if I was in the
bathroom. I said I may have been in it, but
I don't have any kind of recollection of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2032

being in it.

Q. Let me ask you something. You
first paid her the rent for the room, and how

long were you there before Raul came up roughly?

A. Not very long. Once I got back

-- I was in the room, I don't think it was over five minutes at the most, probably more like three or four.

Q. And that's when he suggested you go get the binoculars; is that right?

A. Yes. There was also a -- a suggestion I bring my clothing up there too.

Q. All right. Was that the first time -- in other words, when he came up first, is that when he suggested you bring your clothing up, the first time he came up?

A. Yes. He mentioned that early on when we first got there.

Q. Okay. So the first time you were there some five minutes when Raul came up, and he suggested you go get your personal articles, whatever it might be, and bring it up to the room; is that right?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2033

A. Yes. He mentioned we might be there two or three days during the conversation.

Q. Did you tell him you had checked in under the name of Willard -- used the name Willard?

A. No. We had had a conversation before about what -- my name. He wanted me -- he suggested I check in under the name of Galt when we -- when I met him at the New Rebel Motel. And I told him I didn't want to do that. I thought it would be a mistake if there was going to be guns around there. So --

Q. But you did do that, didn't you?

A. Pardon?

Q. You did do that, didn't you?

A. No, I didn't.

Q. In the New Rebel Motel, you didn't check in under the name of Galt?

A. Yes, I did there, but when we was talking about renting a room at the --

subsequently at Jim's Grill or something, it
was some conversation about renting a room

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2034

there. But I don't think there was any -- it
was a -- I can't recall just exactly what it
was, but there was some -- somewhere I got
some recollection about using my name for
renting rooms. And so I just used the name
Willard.

Q. Okay. You, were there some five
minutes when he came up and suggested you go
get your personal articles out of your car.

You did that; is that correct?

A. Yes, that's correct.

Q. You were back up there, and how

--

A. I don't know when I got the
articles. I got them sometime during that
first -- one of them trips. I brought the
overnight case up there and a sheet or a
bedspread.

Q. Had you brought it up there
before you purchased the binoculars and
brought those up there?

A. I really don't know, but I know
I brought them up there. But I don't know
just when I brought them up there.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2035

Q. All right. About what time did
you go get the room roughly? You were
supposed to meet him at 3:30, and you were a
little late. What time -- would it have been
4:00 o'clock, 4:30?

A. When I rented the room? Yes, I
think it would have been -- it's really just
hard to say. I think it would have been
somewhere between 4:00 and 4:30, in that
general area because I know I was late when I
got up there. It wasn't no 3:00 or 3:30.

Q. Okay. All right. You had got
in the Mustang and left and gone to look for
a service station. What happened then?

A. Well, as I mentioned, the attendant at the service station I stopped at, he said that it was either a busy time of day or he couldn't get it right away. I wanted to get it fixed right away. And then I think it was another service station across from it or across the street or maybe on the same side of the street. One time I thought maybe I would stop there, but I'm not -- I can't swear to that. I really don't think I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2036

did.

Anyway, I left there, and after -- I couldn't get the tire fixed, and I kept on going south, and then turned right, which would have brought me onto Main Street. And then when I got to Main Street, I looked --

Q. Were you going north or south on Main Street?

A. Pardon?

Q. Were you going north or south on

Main Street?

A. I wasn't on Main Street then.

Q. I thought you said you got on
Main Street.

A. I was going to get on -- try to
get on Main Street.

Q. Okay.

A. I don't know what the street was
I was going south on, but I turned right in
order to get on Main Street because I had
been -- I had made the square then. When I
got to Main Street, I looked right, and there
appeared to be some policemen there or people
running around down there.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2037

Q. Were you going north or south on
Main then?

A. I wasn't going south. I was
coming to the intersection. I was going
west.

Q. You were not on Main Street?

A. No, I wasn't on Main Street at that time.

Q. Okay.

A. I was right at the intersection.

Q. All right.

A. It appeared to be this policeman or someone running around down there, and there was also -- I saw a squad car down there. He was parked either at the intersection or near the intersection. It looked like he was blocking off the street to me. So instead of turning right and going back in front of Jim's Grill, I turned left in the direction out of town.

Q. Okay. Where did you go from there?

A. Well, I drove through -- the neighborhood I drove through looked like it

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2038

was kind of a -- well, it was a run down neighborhood. It was a black neighborhood,

and I drove kind of slow through there. And finally I got on one of the main streets. I think was veering off to the left where I could, you know, get on one of the main streets. And then when I got on one of the main streets, I just kept driving slow.

And somewhere -- it was my intentions -- I was going -- I had Raul's phone number, and I was going to talk to his intermediary and ask him what, if anything, was going on there. So I didn't want to room at a place where, you know, the police just raided or something. So anyway, after --

Q. Where was his intermediary supposed to be?

A. I don't know his name.

Q. Where was he supposed -- you don't know where was it in the same area code as Memphis or a different area?

A. No, it was New Orleans.

Q. Okay. And what time are we talking about here roughly?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2039

A. Well, it was -- I imagine it would be a little after six o'clock.

Q. How did you try to call him?

A. I didn't call him.

Q. You did not call him?

A. No. I was going -- I intended to call him, but on the way out of town, I think I was -- I got to -- about 10 or 15 minutes, there was a report on the radio that Martin Luther King had been shot. And then wasn't paying much attention to that, but subsequently I -- there was another report, and they said they was looking for a white man in a white Mustang and --

Q. Why did you think that might be you?

A. Well, I was a white man in a white Mustang, and, you know, I was driving a -- there is not too many, you know, white man in a white Mustang driving around town.

So --

Q. How do you account for that, Mr.

Ray?

A. How do I account for it?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2040

Q. That there are not many white men driving white Mustangs?

A. Well, I assume there is not many white Mustangs around.

Q. What makes you think that?

A. Well, that would be involved in crimes. Of course, they wouldn't. Have had to have been. The only thing is the car fit my description. I would assume -- I would have had to assume that they would probably have been looking for me.

Q. You know there was a report that there were two white Mustangs parked out there that day, don't you?

A. Yes.

Q. And did you see another white Mustang besides yours?

A. I don't have any -- I don't have any recollection of that, no. I seen that -- there was several white cars parked along there, that's the only recollection I have, in that general area there on the other side of the street.

Q. Did you call this number that

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(901) 529-1999

2041

you had for Raul?

A. No. After I -- after I got the

second report about the white man in the white Mustang, then I decided, you know, not

to contact him. Instead of -- I think I --

by that time I was probably in Mississippi.

So the first opportunity I had I turned left

and got on the -- got on another highway

going towards Birmingham.

Q. Okay. So you intended to leave?

A. Yes.

Q. Okay. Did you contact Raul

then any time that day or the next day?

A. No. I never had any more contacts with anyone after that, with him or anyone else.

Q. Well, why did you not contact Raul because you had left your personal belongings back there? You knew he had the gun that you had purchased back there. I mean why did you not contact him?

A. I could contact his intermediary, but I certainly wouldn't want to contact him if someone has been murdered

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2042

or a major crime had taken place. I just assumed I had been had or something.

Q. Well, you had no reason to contact him several months before that.

A. Well, there hadn't been any serious crimes taken place where I was a suspect.

Q. But what made you think you would be involved in this, Mr. Ray, if you

hadn't actually done it?

A. What makes me think I would be involved in it?

Q. Yes, sir. What made you think that any police officer or any law enforcement official would think you were involved in this if you weren't actually involved in it?

A. Well, they were stopping a white man in a white Mustang.

Q. How did you know that?

A. Well, they had the report on the radio, so they must have been stopping them.

Q. Did you know of anyone they stopped in a white Mustang? Did you hear them

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2043

say, we stopped X number of people in a white Mustang -- white men in white Mustangs?

A. No. But they had a report out on the police radios to look for a white man in a white Mustang as a suspect in the

shooting of some individual. You have to --
it was more to it than just the Martin Luther
King case. I had 20 years in the Missouri
prison, and didn't want to get, you know,
stopped for anything.

Q. Okay. Well, now, we're looking
at about six o'clock, and you left and you
entered the state of Mississippi you think?

A Yes.

Q. All right. And where did you go
from there?

A. Well, I turned left and went to
Birmingham, and on the way to Birmingham it
started raining slightly, and I threw
everything -- all the camera equipment --
Raul never did pick it up in Mexico. He
told me to just hold on to it. I threw all
the camera equipment in a ditch and wiped my
prints off the Mustang, and then I went on --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2044

and then I drove on into Atlanta.

Q. But, now, let me make sure I understand something. Simply because you heard that Dr. King had been shot and there was a white man in a white Mustang they were looking for, you assumed it was you?

A. Yes.

Q. Is that right? You had no other reason to --

A. Well, I assumed it was possible -- a strong possibility that they were looking for me just based on what I had heard on the radio.

Q. Well, Mr. Ray, were they looking for you because you actually did it?

A. No, I don't think they were.

Q. You wound up in Birmingham at what time?

A. I wound up in Birmingham about -- sometime during the night. I don't know what time it was.

Q. Okay. That, same night or the next day?

A. No. It would have been the same

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2045

night. I would say it was about one or two
o'clock.

Q. All right. Did you try to call
Raul or his intermediary then?

A. No. Once I left, I didn't have
no further contact with Raul or his
intermediary or anyone else after I left
Memphis.

Q. You never did try to contact
him?

A. No, I never did.

Q. Well, I mean is there some
reason for that because you had been
contacting him pretty regularly the last few
months before that.

A. Well, I had, but the situation
was different. Before that we hadn't had --
I hadn't -- you know, I hadn't been -- any
indications that there was any crimes
committed. And the radio report, you know,

they changed that altogether.

Q. I thought you had been sitting

here telling me yesterday and today you knew

he was into crime all the time. You knew he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2046

was doing criminal activities or thought he

was.

A. Yeah, but we wasn't -- it wasn't

-- it was a different situation. If you

commit a crime and you get away with it more

or less, taking something across the border,

you don't just -- there is no reason then to

cut off all contacts with some individual.

However, if you are involved in something,

and the police are going to connect you with

some, type of serious crime, then you -- I

know that's the way my thinking is, get away

from them and --

Q. Well, did you think Raul had

committed this crime?

A. Well, I really didn't know. I

think it's a possibility of it. Someone --
of course, someone had been up there with
him. I didn't know.

Q. What made you think he committed
it?

A. Well, I didn't necessarily think
he committed it, but he was up there, and he
was interested in the rifle, and you had to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2047

come to that conclusion.

Q. Well, you knew Dr. King was in
Memphis and knew where he was staying, didn't
you?

A. I didn't know anything about Dr.
King, no.

Q. All right. You -- how long did
you stay in Birmingham?

A. I just went -- I just drove
through there.

Q. All right. And where did you go
from there?

A. I went to Atlanta.

Q. And how long did you stay in Atlanta?

A. Well, I arrived there, I would say, in -- I would say it was daylight, seven or eight o'clock, and stayed there about-- I caught a bus out of Atlanta about four o'clock. So I stayed there from about eight o'clock until four o'clock.

Q. All right. And where did you go on the bus ride?

A. I went to, I believe it was,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2048

Indianapolis, Indiana. I'm not certain.

Q. Did you Stay all night there or did you leave there and go on somewhere else?

A. No. I think we got there about two or three o'clock in the morning, and it was a layover there. And from -- and then from there I went to Detroit on the bus.

Q. Okay. Where had you left the

Mustang?

A. I left it in Atlanta.

Q. Where in Atlanta?

A. I left it in a private parking lot.

Q. At that time, Mr. Ray, when you left the Mustang, did you think you were a suspect in this assassination?

A. Well, I thought it was a possibility of it, yes.

Q. Other than the fact you had a -- you were a white man in a white Mustang, what else led you to think that?

A. Well, just our whole actions before that. We had been involved in criminal activities and drug smuggling

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2049

apparently, and then he asked me to purchase the rifle. And I just more or less had to assume based on my situation at the time, you know, the police were after me on other

charges, that I could very well have been involved indirectly in the Martin Luther King murder.

Q. Well, were you involved indirectly?

A. Indirectly?

Q. Yes, sir.

A. I probably was, yes.

Q. To what extent?

A. Well, I was hauling Raul around the country and doing things for him. I didn't have any was involved indirectly, but I didn't necessarily know what he was doing.

Q. Okay. Did he ever mention Dr.

King to you?

A. No, he didn't.

Q. Did you ever see him with a newspaper or reading anything about the accounts of Dr. King's activities?

A. I never seen him reading any

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2050

newspaper.

Q. Okay.

A. The only time he read a newspaper or anything was when we -- when we was, I think, looking for the Aeromarine Supply when we was trying to purchase the rifle.

Q. But let me ask you something.

You said you hadn't listened to the news, you told me earlier, because you didn't know anything Dr. King's accounts. Why were you listening to the news on this particular night after the assassination? You happened to be listening to it?

A. I always leave the radio on when I'm driving because it's kind of boring.

Q. But you took note of the news this night?

A. Yes.

Q. You hadn't taken the news of any of the events before that, but you did this night?

A. Yes.

Q. That's a true statement?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2051

A. Well, I don't know what you're

suggesting. I turned the radio on. Whatever

comes on the radio, that's what I listen to.

Q. I asked you earlier if you had

seen newspapers. We were having tremendous

riots in Memphis. People had been killed.

Dr. King was there, and you said you didn't

know a thing about any of this, and now all

of a sudden after he's assassinated, within

ten minutes, you know he's been assassinated?

A. Well, it was on the radio, and,

of course, there was riots all over the

United States at that time.

Q. Yes, sir. That was on the radio

and tv and the newspaper, the riots too, all

the headlines.

A. Yeah. But if I would have been

just driving down the street and something

about Martin Luther King or anyone else, I

wouldn't have thought anything about it, but they was talking about a white man in a white Mustang, and I was kind of hyped up anyway because I saw the police in that general area, so naturally I took notice of it.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2052

Q. Okay. Mr. Ray, the police were in that general area when you got there because there were plenty of police officers at the fire station no more than a block or so away, almost within sight of it. You didn't see that?

A. Did I see them?

Q. Yes, sir. There were plenty of them there when you got there if you got there when you say you did.

A. Well, when are you talking about? When I first went there before --

Q. When you first went there and moved the Mustang and brought it up in front of Jim's Grill where you said you parked it

some 15 or 20 feet away. Did you see plenty of police officers within a block there?

A. No. I don't have no recollection, and I don't have any recollection of them seeing me there.

Q. Well, you're bound to have driven north on Main Street at some point if you parked on the right side facing north next to Jim's Grill, and it was just south of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2053

this where the fire station was located.

A. It's my understanding all these police were called off a couple of hours before Dr. King was shot. So I think the only police there was in the fire house just based on records I have read.

Q. All right. You had traveled through Indianapolis and onto, what, Canada?

A. From Detroit, yes, I went to Canada.

Q. All right. And then how long

did you stay in Canada?

A. Well, I arrived there -- let's see -- probably April 6th, and I stayed there until -- well, I stayed there until I got a passport, whatever date that was.

Q. Okay. How did you -- how did you get a passport? What did you do to get a passport this time?

A. Well, the first time I went to Canada I called up the travel agency, and they give -- they told me about -- I needed a guarantor, someone who knew for me for two years before I could get a passport and swear

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2054

who I was.

The second time I went up there, instead of calling the travel agency by telephone, I went down there personally, and I talked to the travel agent.

Q. What name did you use? Who did you tell them you were?

A. What name did I use then? Well,
I got a name out of a newspaper, Raymon
George Sneyd.

Q. Okay.

A. So I explained to the lady -- I
told her I was from a town in north Canada --
I can't think of the -- Sudbury. And I told
her I was a used car salesman from there, and
that -- I give her some type of story where I
was having trouble getting identification. I
wasn't from the Toronto area. And she
explained to me -- she said there was -- she
said you need a guarantor for two years who
will swear that they know you, and I told
her, you know, I didn't know anyone in the
Toronto area because I was from Sudbury. So
then she told me that --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2055

Q. Had you ever been in Toronto
before this?

A. Well, I went through there, I

believe it was, in 1959 on the way to
Montreal.

Q. Okay.

A. But she told me that there --
there was another clause in the passport law
that if you would sign a sworn affidavit
saying who you were representing yourself as,
you could get a passport.

Q. Well, what identification did
you have to prove that you were who you said
you were?

A. Well, at that time I don't
believe I had any identification. I just had
the guy's name. Subsequently I think I got
his birth certificate, but I wrote the
Registrar General's office and sent in \$2. I
found out how to get the birth certificate.

Q. Okay.

A. But I never did need that
anyway. But anyway, I signed this, affidavit
saying I was so and so. But before I applied

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2056

for it, I had three different names, and I called up some of these individuals, this list of three names, and I found out that Raymon George Sneyd never had a passport, so I assumed then his photograph wouldn't be on record. So I applied -- I applied for the passport in his name.

Q. And you did get it?

A. Yes.

Q. Okay. You left then Toronto, and where did you go?

A. Well, I bought a round trip ticket to London, England.

Q. Okay. How much did you pay for that?

A. I think about \$350.

Q. How long had you been in Toronto when you left?

A. Well, I had to wait for the passport. I guess it was about sometime in May.

Q. Okay. And you had been there

since April the 6th?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2057

Q. Okay. Did you get any more money from any source?

A. No, I didn't.

Q. Now, you told me in Memphis you had 15 or \$1,600?

A. That's about what I had, yes.

Q. All right. And you stayed there from April until in May?

A. Yes.

Q. And where were you living?

A. Well, I was living at two addresses. I was living on Ossington Avenue.

I checked in there first, and I told the lady I worked -- let's see -- I told her I worked days, I think it was. And then I checked into another room on the street right around there. It was a couple of blocks from there. I don't recall the name. That was --

some Chinese lady owned it, and I told her I worked nights so that way I would have a reason to be --

Q. How much were you paying for these rooms?

A. Not too much, 10 or \$12.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2058

Q. Was it 10, 15, \$20 a night?

A. Yes, a week.

Q. A week?

A. Yes.

Q. Were you working anywhere?

A. Was I working?

Q. Yes, sir.

A. No, I wasn't.

Q. Okay. Did you pull any robberies?

A. No, I didn't.

Q. Okay. About when did you leave to go to London, May what?

A. I just can't remember those

dates. It was sometime in May, but I --

Q. The middle of May, first of May,

last of May roughly?

A. It was probably the 8th or 10th,

9th or 10th. I don't know.

Q. Okay. And you flew on what

airline?

A. The British -- BOA, I believe it

is.

Q. Had you ever been to London

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2059

before?

A. No, I hadn't.

Q. And you had one passport?

A. Yes.

Q. All right. Did you -- when you

arrived in London, how long did you stay

there before you left?

A. Well, when I first arrived

there, I exchanged the ticket for a ticket to

Portugal.

Q. And what was the purpose for that?

A. To go to Portugal?

Q. Yes, sir.

A. Well, I was going to try to catch a ship to some English speaking country in Africa.

Q. Rhodesia?

A. No, not necessarily. Any -- the first country I was going to try to go to was Nigeria and Biafra. There is two countries there, Nigeria, and Biafra is a province of Nigeria.

Q. How long were you in London

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2060

before you exchanged your ticket?

A. Before I exchanged the ticket?

Q Yes, sir.

A. Same day.

Q. Same day?

A. Yes.

Q. You didn't stay in London then overnight before you left or did you stay overnight?

A. I don't believe I stayed overnight. I think I left that night. I think I arrived there in the morning and left at night.

Q. And you flew on into Portugal?

A. Yes.

Q. And how long did you stay there?

A. Ten or twelve days.

Q. Okay. And what did you do while you were in Portugal?

A. Well, at that time I was getting kind of low on money. I was going to try to catch a ship. That's the cheapest fare. So I

--

Q. How much money did you have?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2061

A. I really don't know. It wasn't too much by that time, a few hundred dollars,

but I just can't recall.

Q. Now, had you purchased a round trip ticket from Toronto to London?

A. Yes.

Q. And you exchanged the ticket for a ticket to Portugal?

A. Yes.

Q. Did you have to pay anything to do that?

A. I don't -- I really don't know how much they cost me extra or I got something back. I just don't recall it.

Q. When you were in Portugal, where did you stay there?

A. The Hotel of Portugal.

Q. Did you see anyone there that you knew?

A. No. I seen some individuals that worked in the government, but didn't see anyone there that I knew.

Q. And then after you left there, where did you go?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2062

A. After I left Portugal?

Q. Yes, sir.

A. Well, after I couldn't get out of the country, I was having problems getting a visa and all that, I went back to London.

Q. Mr. Ray, why did you pick Portugal? I mean, of all countries, why did you pick there to go from London?

A. How come I went to Portugal initially?

Q. Yes, sir. I mean why did you decide to go there instead of some other country?

A. Well, it's a seaport, and, you know, you can -- I assumed that -- I knew a little bit about geography, and I assumed you probably could catch a ship out of there. I didn't have too much money. I tried to --

Q. You never tried to contact Raul?

A. No. When I was in Portugal, the

only one I contacted-- I did contact some Portuguese official in the Foreign Ministry

and asked him about, you know, going to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2063

Biafra or something. And he recommended some private organization, and I checked with it.

But that's the only -- that's the only contacts I had ever had in Portugal.

Q. Well, let me ask you something.

After you left Memphis to go to Birmingham to Atlanta and on into Indianapolis and Detroit and Toronto, what is the reason you didn't contact, Raul again? He had been supporting you for months, and why didn't you support -- why didn't you contact him again?

A. You mean after the Martin Luther King homicide?

Q. Right. I mean had no reason to think he was involved in it, did you?

A. Well, I had to suspect he -- he was in the rooming house, and subsequently I

found out, you know, from reports -- I mean, that would have been the last individual I would contact. I mean I didn't know who he was. He could have been a -- you know, he could have tried to kill me or something. I was concerned about, you know, surviving. I wasn't concerned about, you know, contacting

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2064

him or what he could do for me.

Q. Well, you had been doing all these things for him previously, and he hadn't tried to kill you. You even had a -- you even gave him a gun, and he didn't try to kill you?

A. Yeah, but he wasn't involved in no murder charge then either.

Q. But you didn't know what he had been involved in. You didn't know who the man was, did you?

A. Well, I assumed he was involved in it because he was in the rooming house.

Q. But you didn't know his last name, never knew where he was from, never knew anything about him, did you?

A. No.

Q. He could have killed 10 people for all you knew, couldn't he?

A. He could have, yes.

Q. And you weren't afraid of him then, all these times you were in the rooms with him, and you rode to Atlanta and Birmingham with him, and you had got him a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2065

gun and all, and you weren't afraid of him then, were you, Mr. Ray?

A. No, I wasn't. I wasn't concerned with him then because I had no reason to be, you know, afraid of him. I have been connected with a lot of criminals. I wasn't afraid of them, but you get one of them where they're involved in a murder or something like that, you have to be a little

cautious with them.

Q. Well, what made you think he would -- if you called him on the telephone, now, what made you think that would lead to where you were? I mean you knew how to make a telephone call without it being --

A. Well, what was the point -- there was no point in calling him on the telephone unless I was going to meet him or have him send some money or something.

Q. Well, you had had several contacts before. You called him from Los Angeles. You were calling him from other cities. Over the several months you had called him many times, hadn't you?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2066

A. Yeah, but I didn't have no reason to call him after that. The only reason I called him is asking for some money or to have a meeting with him. I didn't -- certainly didn't want to have any meeting

with him.

Q. Well, you hadn't had any
hesitance in calling him before this, though,
asking for money, had you?

A. Yeah. Well, I was moving pretty
fast, you know, after I thought. The police
were after me, and I didn't -- I just didn't
have no interest in contacting him or anyone
else I knew. I didn't even contact my
brothers or no one.

Q. And the only reason you thought
the police were after you is because you were
a white man in a white Mustang when you left
Memphis? That's the only reason you --

A. Well, initially that's what I
thought, but I got to hear more newspaper
reports and things, and I --

Q. Well, what would newspapers and
reports -- I thought you didn't read the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2067

newspaper and didn't keep up with the news?

A. I bought a -- I buy -- I used to buy a newspaper every morning and read it if there was something interesting. I don't remember everything I read in the newspaper.

Q. But that wasn't interesting when you were in Mississippi at the Desoto Motel, and you were going into Memphis, Tennessee where we had had riots and people killed? That wasn't interesting to you knowing you were going right in there in the area?

A. That would not have been interesting to --

Q. That wasn't interesting to you?

A. No.

Q. Okay. But this was interesting after you left Memphis knowing that the only reason they had to suspect you was that you were a white man in a white Mustang. That was the only reason, and you became interested in the news then?

A. Well, that would have been a personal interest. I mean you're talking about riots. That doesn't interest me at

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2068

all. I didn't care what the -- you know,
what the riots were doing.

Q. Then when you get back to London
the second time, you were arrested, weren't
you?

A. Yes.

Q. Mr. Ray, were you ever in behind
Jim's Grill at any time?

A. No, I wasn't.

Q. You were never there?

A. No.

Q. All right. Did you ever see the
Lorraine Motel any time you were in Memphis

--

A. I don't have any --

Q. -- where you actually looked at
it?

A. I don't have any recollection of
ever seeing it. I may have seen it, but I
don't know.

Q. Have you ever actually seen --

I'm talking about with your eyes -- Dr.

Martin Luther King where you actually looked
at him in person?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2069

A. I have seen him on television.

Q. No, sir. Have you ever seen him
in person?

A. No.

Q. You have never --

A. No, I haven't.

Q. Okay. Have you ever identified
a photograph of someone that you thought was
Raul?

A. Yes, I did. In the late 19 --
late 1970's, yes.

Q. Was that the person?

A. Yes, it was.

Q. It was the person?

A. I was almost certain it was,
yes.

Q. Okay. What led you to think it was the same person? I mean, was there anything about him, any scars about him, anything such as change of hair or same -- what led you to think he was the same person?

A. It was just the physical characteristics of him, and he just looked like him.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
2070

Q. The photograph you saw, was it of his whole body, waist up, just face or what?

A. No. It was the -- it was his face.

Q. Okay. Have you been shown another photograph recently of some person that you identified as being this individual?

A. I think we should reserve an answer on that because we're checking into things. This thing is --

Q. Well, Mr. Ray, I know all about

that. We're checking into it, but I'm just asking you, is this the same photograph you had seen earlier?

A. You mean the one they showed to me recently?

Q. Yes, sir.

A. Well, I think I better reserve an answer on that until maybe -- well, not to -- not to --

Q. Mr. Ray, I already know what you're supposed to have said. So I mean you can reserve it if you want to. I already

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2071

know what you were supposed to have said.

A. Yeah. The point is --

MR. PEPPER: Listen to what he's going to say now.

Q. I understand.

A. The point is that I keep records of all this, you know, the time back, but sometimes your records get mixed up. And you

send them to someone because -- so I want to keep these as specific as I can when I start testifying because one reason is I have always had have a lot of problems with the news media, and if you're wrong on a date or a time or something like that -- I'm talking about the dominate news media -- well, they'll say, Well, Ray, he's lied about this, he claims he was here at 4:00 o'clock, and he wasn't. He was there at 4:30. And generally these people have been very hostile, and they just look upon someone like me as -- with by background as more or less vermin. So I don't want to give them any excuse this time in this situation to, you know, make a big issue out of a small matter. So I want to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2072

get all the details straightened out before I

--

Q. Well, were you shown a

photograph of some person purporting to be

Raul within the past few days?

A. Yes, I was.

Q. Other than the two times in Jim's Grill -- that you have identified as being in Jim's Grill, were you ever in there any other time?

A. I thought maybe I was in there a third time, but I probably wasn't. And I just -- I think it was just twice.

Q. You had gotten a passport in Toronto after you were there the last time, which took you, what, one day to find out what it took to get a passport?

A. Well, I went to Kennedy Travel Agency, and the lady there, she explained it to me, you know, the procedure to get -- to obtain one.

Q. But you had contacted a travel agency before that when you were there before to try to get --

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2073

A. Yeah. I made a mistake.

Instead of going directly to the travel agency when I went to Canada the first time I tried to make those -- get the information all on the telephone, and consequently I didn't get the information about this special procedure where you sign a sworn affidavit saying your -- you know, you're who you're representing yourself as.

Q. Were you ever in Houston, Texas?

A. No. I don't believe I was, no.

Q. Did you have any reason to think that Raul was ever in Houston, Texas?

A. Well, I know the people that's been investigating Raul and Percy Foreman, he's from Texas too -- but I don't know -- I'm not conversing with all these investigations.

Q. Did Mr. Foreman tell you he knew Raul?

A. No. He didn't -- he didn't say anything about whether he knew Raul. He mentioned -- the closest he ever come to

Raul, there was a picture in, I think it was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2074

Life Magazine, and three bums were arrested on the Kennedy assassination, and he wanted to know if the Prosecution would arrest him and bring him to Memphis, would I identify him as Raul. And I said no because the individual in the picture was -- he had some resemblance toward Raul, but it wasn't Raul. But other than that, he never mentioned -- that was the last time he ever mentioned anyone named Raul.

Q. Before today -- before yesterday have you ever seen Mr. Jowers face-to-face?

A. No, I haven't. I don't have no recollection of ever seeing him.

Q. Okay. Do you have any knowledge of any involvement he had in the assassination of Dr. King?

A. Do I have any knowledge? Not direct, just what I have heard on -- you

know, through the news media.

Q. All right. As to the Prime Time

-- ABC Prime Time --

A. Yes.

Q. -- that's the only thing you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2075

know, what you saw on there?

A. Well, the lawyer discussed this

lawsuit with me and certain aspects of it,

but --

Q. Do you know of any witness that

says that he had any involvement in it?

A. Do I know of any witnesses?

Q. Do you know of any witnesses or

been told of any witnesses that says Mr.

Jowers had any involvement in this

assassination?

A. The only thing I know is what,

you know, I have read in the newspapers and

what the attorneys have -- they haven't --

the attorneys -- well, they don't go into all

the details, and I let them handle it. I have got enough to do without, you know, staying briefed on all the details of this case.

Q. Okay. Mr. Ray, you have been in prison now for 26 years?

A. Yes.

Q. Twenty- six years ago Friday; is that right?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2076

A. Well, I can't --

Q. Well, actually you pled guilty?

A. Yes, 1969.

Q. Twenty-six years of your life?

A. Yes.

Q. Mr. Ray, under oath, did you assassinate Dr. Martin Luther King?

A. Did I?

Q. Yes, sir.

A. No, I didn't.

Q. Did you ever shoot at him?

A. No.

Q. Do you know who did?

A. No, I don't.

Q. Did you write that book?

A. Yes. I wrote it, but I'm not responsible for everything in it.

Q. Well, who actually did the -- actually put it together?

A. Well, I'll try to explain it from the beginning. Initially this book was written by -- published by one Tupper Saussy."

MR. BLEDSOE: Leaving off on

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2077

page 285, line 13, going to page 292, line

14.

THE COURT: Well, let's break for lunch here at this point.

(Lunch recess.)

THE COURT: Are we ready for the jury?

(Jury in.)

THE COURT: All right. Are you ready?

(The deposition of James Earl Ray was continued to be read to the jury with the excerpts noted as follows.)

MR. BLEDSOE: 292, line 14.

This is on page 296, line 6.

"Q. Okay. Did you ever know a Frank Liberto, Mr. Ray?

A. No, I didn't.

Q. Have you ever heard that name called?

A. Yes, I have.

Q. When did you hear it called?

A. I don't know the first time. I think there was something about it in the -- there was a Congressional committee investigating

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2078

the Martin Luther King case in 1966-1977,

1978. I think then they referred to Frank

Liberto.

Then I believe -- if that's the
Memphis produce person you are talking about,
I have heard it from some other source, but I
can't recall just what all the sources I have
heard it from.

Q. You have never heard that name called
before sometime later on? You never --

A. I think the first time I heard it was
1977 or 1978.

Q. Were you ever at the L & L & L
Produce Company in Memphis at any time? Have
you ever been there?

A. No, no.

Q. Okay. Were you ever in a bar in
Memphis that you can remember except the bars
you mentioned earlier?

A. No. Just the ones on Main Street is
the only ones I can recall.

Q. Okay. Other than Raul, did you have
any contact with other persons in Memphis
when you were there?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2079

A. No, I didn't.

Q. And you have only been in Memphis one time other than passing through this other than the time you spoke to us about on April 4th, 1968 -- well, really April 3rd, 1968?

A. That's correct, yes.

Q. Have you ever heard of a man by the name of Joe Cacamecei?

A. No, I haven't.

Q. Have you ever heard of a man named Larry Mann, M A N N?

A. No, I haven't.

Q. All the time you were with Raul, Mr. Ray, did you ever notice anything peculiar about him? I had asked you before if he was right-handed or left-handed, had any scars on him. Did he like to -- did he smoke, chew gum, anything about him that you can tell us about?

A. No, I don't believe he smoked. I'm not one hundred percent, but I never did -- I don't have any recollection of seeing him

smoke. Mostly our conversation was just
business conversation. There was no social

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2080

conversation. Generally I don't pay too much
attention to males anyway unless I'm
concerned about, you know, some type of
violence.

Q. When you were in New Orleans -- when
you left Los Angeles and drove to New
Orleans, did you meet Raul again? You met
with Raul in New Orleans back in December of
1967?

A. Yes, I did.

Q. Okay. Where did you meet him?

A. The Le Bunny Lounge on Canal Street.

Q. Did you meet him more than once?

A. No, just that one time.

Q. Okay. How long were you in his
presence, then?

A. Not too long.

Q. I mean, five minutes?

A. Thirty minutes probably.

Q. Well, of course you had ridden with him between New Orleans -- I mean Atlanta and Birmingham. That took some hours, didn't it?

A. Well, we were on the freeway, but it didn't take too long.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2081

Q. Well, I mean, it took you at least two or three hours to drive from Atlanta to Birmingham?

A. Yes.

Q. So you were with him all this time, and you noticed nothing about the fact that he smoked or chewed gum, any -- right-handed or left-handed, any scars or anything about him?

A. No, I don't believe -- I don't believe he did chew -- I mean smoke.

Q. Okay. When you left the Mustang in Atlanta, was it locked?

A. I believe it was, yes.

Q. Okay. According to the FBI report, there were a lot of ashes in the ashtray and the car was generally dirty. Do you know how that came about?

A. No. There were cigarette butts in the ashtray they claim, but I never did look in the ashtray because I don't smoke, and there wouldn't have been no point in me checking it, but I don't know -- I don't know how they got in there.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2082

Q. Okay. You have a lawsuit against Mr. Jowers now, Mr. Ray, in a case pending in Supreme Court. Is there any other type litigation pending that you are involved in at this time?

A. Litigation, yes, sir, there is.

Q. What else?

A. Well, I have one in -- I have two lawsuits in the district court here in Nashville, one of them is trying to get

ex-Governor Ed McWherter's criminal -- I'm trying to get the file on him when he was under investigation for criminal activities several years ago.

Q. You are losing me.

A. Well, in 19 -- two or three years ago, several of McWherter's aids were under investigation for corruption, and two of them committed suicide. And I have been trying to get a copy of those records.

Q. How do you think that would affect your case?

A. Well, McWherter, he has been very hostile toward my interests, I guess would

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2083

you call it, and I just want to see what his motive is.

Q. You have two lawsuits pending in US District Court here in Nashville?

A. Yes, that's one of the other one --

Q. Who is your lawyer on that case?

A. That is pro se.

Q. All right. What else?

A. The other one -- the other one is
a -- it's a Freedom of Information Act. Both
of them is Freedom of Information Act. The
other one is for some other government
records. I can't recall just exactly --

Q. Where is it pending? Is that in the
Federal Court also?

A. It is also in the district court here
in Nashville.

Q. Okay. You've got those two pending
and you've got the one in Memphis, and have
you got an appeal to the Supreme Court? What
else? Anything else?

A. I have got one in Washington DC for
the classified records of the Martin Luther
King case. I'm waiting on a decision on
DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
2084
that.

Q. What court is that in?

A. It is in the United States District Court for the District of Columbia.

Q. And it's pro se also?

A. Yes. And I have got one against the Tennessee Board of Paroles.

Q. Okay. Where is it filed?

A. It is in the Circuit Court in Nashville.

Q. Okay. And what's the nature of the lawsuit?

A. Well, we contend when I had a parole hearing -- not a parole --

Q. Last year?

A. Yes. Apparently the parole board decided beforehand not to give me a parole. They had a hearing beforehand which would have been in violation of the Open Records Act, the Sunshine Law, and I have an attorney representing me on that named Andrew Hall in Wartberg, Tennessee.

Q. Any other litigation pending other than what we just talked about?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2085

A. I may have some. I can't think of right now, but I think it is -- I believe that's it.

Q. Okay. You had quite a number of lawsuits you filed in the past for libel and other -- haven't you?

A. Yes.

Mr. Garrison: Let me have just a second here. A brief recess was taken.

Mr. Garrison: I don't have any further questions. Mr. Pepper, I'm sorry?

Mr. Garrison: I don't have any further questions.

Mr. Pepper: Okay. I have just a few matters to go back over to amplify the record, and then I will be through.

Cross-examination by Mr. Pepper.

Q. James, it is very difficult for you to recall physical lay-outs as well as times of any procedure twenty-six years afterwards. Do you recall when you parked

the car by or around Jim's Grill facing north
on the afternoon of April 4th, do you recall
seeing a fire plug anywhere?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2086

A. I don't specifically recall seeing
one. I could have seen it.

Q. But you don't remember seeing a plug,
a fire plug, at this point anywhere? Would
you -- if there was a fire plug around where
you parked, would you have been concerned
about parking too closely to it or attracting
police attention, or would you have avoided
that?

A. Oh, yes, I wouldn't have parked
around no -- I wouldn't park around a fire
plug, no.

Q. Right. So if I advise you as a
matter of fact there was a fire plug south of
Jim's Grill --

A. Uh-huh.

Q. -- would you say then that you would

have endeavored to park away from that plug so that you wouldn't have parked -- have been illegally parked?

A. Yes. I wouldn't park around it. I wouldn't have done anything to get, you know, a traffic violation and possibly get arrested, if that's what you mean.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2087

Q. And if you were parking away from that -- away from that plugs, would you have parked -- because you were talking about being close to Jim's Grill -- would you have parked north or south of that plug if the plug was south of Jim's Grill?

A. And I had a choice?

Q. Yes.

A. Well, I suppose I would park north of it if I had a choice unless it was right in front of Jim's Grill.

Q. If there was a space there?

A. Yes, I would --

Q. But your testimony here is that you don't recall -- you don't remember now -- your current recollection is that you don't remember seeing that plug --

A. No, I don't.

Q. -- at this point that you would have parked north of there? Directing you to the very early part of your testimony, you mentioned a fellow who was an FBI informant named Jack Gawron.

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2088

Q. All right. With whom you had some contact --

A. Yes.

Q. -- and did some time with your brother. Do you know if Mr. Gawron today is alive or dead?

A. He is dead.

Q. He has died?

A. Yes.

Q. Did you or anyone else associated with you as far as you know have any further communication with Mr. Gawron about this case in recent years before he died?

A. No, not about the Martin Luther King case, no, not about --

Q. Not about that?

A. No.

Q. Do you have any reason to believe that Mr. Gawron had any communication or any contact with the FBI at the time you knew him and you were on the run?

A. No.

Q. The first I knew he was an informant is when he testified against my brother on DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD (901) 529-1999 2089

the bank robbery charges in 1971.

Q. But you don't know whether or not he was in touch with the FBI at the time you saw him when you were a fugitive from Jefferson Penitentiary?

A. Well, I don't have any proof that he was in contact with the FBI, but subsequently he told them that I had robbed a bank in Illinois, so he must have been in contact with them in 1968.

Q. All right. James, do you recall when you went to pick up room in Cherpes' Boarding House in Birmingham, how you learned about that boarding house and how you got that room there?

A. I either got it out of the newspaper or drove around. I can't recall now. I think I probably got it out of the newspaper, but I'm not certain.

Q. Do you remember the exact name that you used when -- that is on your -- on your Alabama driver's license?

A. Eric S Gault -- Eric Starvo Gault.

Q. And I, for the record, want you to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2090

indicate, if you can, why did you use the

name -- the middle name Starvo at that point
in time?

A. I really don't know. It was just
another alias. I probably got -- I probably
heard about it or read about it or something.

Q. Did anyone tell you that you needed a
middle name -- that you needed a full middle
name for an Alabama driver's license?

A. No, but generally everyone has a
middle name, so I -- but I got the name Gault
before I ever thought about applying for an
Alabama driver's license.

Q. Did you come by that name Starvo
yourself?

A. Yes.

Q. Do you ever recall using it on any
other occasion?

A. No, not that -- no. I believe that's
the only time I ever used that name.

Q. When you left Mexico and you were
going to California and going to Los Angeles,
was it your idea to go to Los Angeles or did
Raul at any time suggest that you go to Los

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2091

Angeles?

A. When we was in Mexico?

Q. Yes.

A. No, he asked me where I was going at, and I told him probably Los Angeles to try to get out on a merchant seamanship or something of that nature. I don't know just what I told him. He said okay. He said, if you go up there -- when you get up there, check the post office general delivery when you --

Q. All right. Now, James, counsel for Mr. Jowers has raised a question about this -- about maps and markings on maps.

A. Yes.

Q. And I have seen a number of maps. Would you just explain in your own words why you have put markings on various maps that you have had from time to time?

A. Well, usually when I go into a large city, if I'm going to be there any length of

time or think I'm going to be there any
length of time, I'll put maps on -- certain
markings on them to get any bearings on where
downtown is and where I came in on and things

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2092

of that nature. In other words, just get my
bearings -- get your bearings on the city and
where you are at.

Q. Okay. In Birmingham you mentioned
several times being at the Starlight --

A. Yes.

Q. -- Lounge and meeting Raul there.

Did you at any time go to the Gulas Lounge,
which is somewhat outside of Birmingham?

A. You said it is outside of
Birmingham?

Q. It is actually within the city
limits, but it is sort of -- it is a way from
the downtown area. It is called the Gulas
Lounge.

A. No, I don't think so. The only thing

I may have testified to before, I was in a lounge -- it might have been that name. The lounge I'm talking about is not too far from the train station, so it couldn't have been that. It wouldn't have been outside of town.

Q. During the period of your fugitivity, which was from April 23rd, 1967, until you fled to Canada, you said it was your general

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2093

practice to buy a newspaper every day?

A. Yes.

Q. And what interested you -- what did you read about in the newspaper? Why did you buy that newspaper every day and did you read it cover to cover? Was it there there something in particular that you looked at?

What was your interest?

A. No. I would just go through and read it in general, and I would read the sports page, and other than that, it is just something I kind of got in the habit of

doing, but it wasn't anything in there specifically that I was, you know, looking for.

Q. During the time you entered the United States following your escape, which would have been in late August, early September, 1967, until Martin Luther King was killed on April 4th, 1968, did you at any time take a note of where Dr. King was in the United States, what he was doing or where he was speaking anything at all about his movements?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2094

A. You mean from the time I escaped until April the --

Q. From the time you came into the United States -- I'm really talking about that period of late August --

A. Oh, yes.

Q. -- until --

A. No, I didn't. The answer is no.

Q. And when you went to Atlanta in March coming from Los Angeles, leaving Los Angeles and coming to Atlanta, did you know for a fact he was at the time -- whether or not he was in Atlanta?

A. No. I didn't know anything about him at that time, no.

Q. Did you have any idea why Raul wanted you to go to Atlanta?

A. No. He didn't say. The only thing he said -- once we got there, he said, you know, we was going -- he wanted me to drive him to Miami in three or four days, but I don't know -- he didn't explain what that deal was. So --

Q. So you didn't know why he wanted you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2095

to go to Miami?

A. No.

Q. And you didn't know why he wanted you to go to Atlanta?

A. No.

Q. You have testified that and you have said before that Raul seemed to have -- when he stretched at one point he seemed to have -- you saw in his back pocket as his jacket raised up something that looked like a transmitter radio when he was newspaper the room. Could that have equally been a walkie-talkie?

A. Well, subsequently I thought maybe that's what it was, but I didn't know -- I didn't pay that much attention to it.

Q. Okay. For the record, let's make it clear. When you gave a description of what the bathroom looked like, were you describing the bathroom from your present recollection of how you remembered seeing it or from the photographs that you have observed subsequent to the time?

A. No. It is the photographs. I've

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2096

seen photographs of the bathroom and the -- I think it was a palm print on it and -- the one I've seen -- or a place where a palm print was and a bathtub. Yes, I saw --

Q. Do you have any present recollection of what -- of how that bathroom looked?

A. No, I don't.

Q. James, did you have -- did you at any time during the -- all of the relevant period here when you were wandering around the United States and taking instructions from Raul and doing various things from him and for yourself when you were out of contact with him, did you at any time have a hint or any indication or a sense yourself that you would be becoming involved in an assassination conspiracy against Martin Luther King?

A. No. It was just common crimes, as far as I was concerned, smuggling and selling guns and things of that nature.

Q. There was never any hint in your mind or indication that you were involved in

any -- getting involved increasingly in the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2097

conspiracy to kill Dr. King?

A. No, there wasn't, no.

Q. When was the very first time that you actually thought you might have been so involved, however unknowingly or implicated or set up?

A. That would have been sometime after I heard the report that Martin Luther King had been shot in Memphis. I can't remember just exactly my thought process all the way, but sometime not too long after that I assume that I might have been put in the position where I could, you know, get a murder charge against me.

Q. Did you come to believe at some point in time that Arthur William Bradford Huie, whose name had been raised by counsel here, was in fact relaying information to the FBI?

A. Yes. Well, he -- first he was

publishing all this information to the -- in
the magazine, which was the same thing as
furnishing it to the FBI, and also Percy
Foreman, he told me at one time that William
Bradford Huie could get information from the
DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2098

FBI in a few hours that would take him a
couple of weeks to.

I don't know why Foreman told me
this, because he was representing me, but
usually it is my experience you don't give
the police -- police don't give you
information without you giving them
information. So I assume that he was
cooperating with the FBI.

And subsequently I learned, too,
through some of these books he wrote -- and I
think one of them was Three Lives in
Mississippi -- that he was, you know, he
contacted -- he would -- he would work with
the authorities to -- in racial cases.

Q. Was William Bradford Huie ever the promotor of an offer to you to admit guilt in this crime in exchange for money and a pardon?

A. Yes, he was. When the Congressional committee was investigating the case -- now, this was in 1977 or 1978. I think it was 1977 -- he contacted my brother, Jerry Ray, and he said that -- this was the time that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2099

Ray Blanton was having some problems with the authorities, Governor Ray Blanton of Tennessee, and Huie told him on the phone that if I would go in front of the committee and admit to shooting Martin Luther King or words to that effect, that he would give us two hundred fifty thousand dollars and he could get me a pardon from governor Blanton.

He mentioned the fact that -- I

think Jerry asked him -- my brother asked him

how he would do it, and he said, well,

Blanton is having problems of his own, and he was going to work it out through some way based on Blanton's problems. But -- so, anyway, my brother went and told Mark Lane about this. He was representing me at that time.

So Mark Lane advised my brother to go contact Huie again and asked him to say the same thing on the phone. So Mark Lane gave him a -- something you can tap the phone with, some type of device you fit on the phone. So Huie told him subsequently that same thing, that he could give us -- he would

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2100

give us two hundred and something thousand dollars if we went in front of the committee and took full responsibility for the Martin Luther King murder.

And then after the transcript from Martin Luther -- after he got the transcript of the tape-recordings of this, Mark Lane

sent the tape-recording and the transcript to the Select Committee investigating the Martin Luther King case.

Q. Did a previous attorney of yours named Jack Kershaw -- do you recall whether Mr. Kershaw also communicated a similar offer from Mr. Huie to you?

A. Yes. I can't remember the details, but he made contact with William Bradford Huie, and I just don't -- I don't have a clear recollection of that. That would have been more or less hearsay, but the one was -- he contacted my brother on the phone, and I have actually heard the tape-recording of it. And I have read the transcript of it.

Q. Now, in your description of Raul, could you just amplify and only by giving us

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2101

an approximate estimate of his age as you recall him in 1967 or 1968?

A. Well, sometimes it is difficult to

give someone's age, but I just assumed he was
between thirty-five and forty.

Q. At that time?

A. Yes.

Q. Okay. Okay. I think that is all

I -- that's all I have. Mr. Garrison: Let
me just -- Dr. Pepper: Ask him another
question, too, in regard to some of these you
have asked him here.

Redirect examination by

Mr. Garrison.

Q. Mr. Ray, I'm having problems with
your -- some of your testimony. I'm going to
be honest with you. You had a map of
Atlanta, and you have just now testified to
Dr. Pepper today that you had a habit of
getting maps when you entered large cities.

Well, you entered Memphis I know for
sure, Birmingham I know for sure. You had
never been there before. Did you have a map
where you had any markings on those cities?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2102

A. Well, in Memphis I didn't think I was going to be there very long, a day or so.

Q. But you said you really didn't know how long you would be there? He told you you would be there three or four days?

A. Well, after he told me, but I had other things to do besides, you know, run out and start looking for maps. I was running errands for him, and, of course, you know, we left there the same day -- I left there the same day. So I didn't have no opportunity to buy maps.

Q. Well, you were in Birmingham several days and you get get a map there, either.

A. I possibly have a map of Birmingham. I don't know what all maps are in my personal property. There is a list of them, but Birmingham is a -- you know, it is not really a large town like Atlanta.

Q. Was a palm print found in the bathroom at this rooming house of yours?

A. I understand there was. I think I

seen a picture of it.

Q. Can you account for that?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2103

A. Well, I think William Bradford Huie claimed it was mine, but subsequently they found out it belonged to a policeman.

Q. Okay.

Mr. Garrison: That's all I have."

MR. BLEDSOE: That's the end of our deposition reading.

MR. GARRISON: Your Honor, we have a document we'd like to have marked as an exhibit.

(The above-mentioned document was marked Exhibit 37.)

MR. GARRISON: Your Honor, the defendant rests.

THE COURT: All right. Do you have any rebuttal evidence?

MR. PEPPER: Just very few pieces of rebuttal evidence, Your Honor.

Your Honor, firstly, plaintiffs would like to submit and have marked into evidence three newspaper articles that were published at the time:

One deals with the existence of a second white Mustang. The other two deal

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2104

with the presence of someone in the bushes.

In this article on 4/5/9 68, in the Commercial Appeal, a journalist, Robert Samsut, reports, "After the shot, Solomon Jones -- who was Dr. King's chauffeur -- said he saw a man with something white on his face creep from a thicket across the street."

In an article published on the same day in the Memphis Press Scimitar by Wayne -- attorney, then-journalist, Wayne Chastain, Chastain quotes Solomon Jones as saying, "He looked over his shoulder, and about twenty-five feet away he saw a man jump out of some bushes and run. He had something

white on his face."

If these may be marked collectively,

Your Honor.

(The above-mentioned documents
were marked as Collective Exhibit 38.)

MR. PEPPER: Then there are a
few very brief comments from a deposition
that plaintiffs would like to have read into
the record at this time as well. They are
strictly rebuttal evidence.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2105

If Your Honor please, we'd like
to -- I'd like to introduce a new member of
the defense team, Ms. Stacy Clinton, who
would just do a Q-and-A with me. We'll put
these in as quickly as we can.

THE COURT: All right. The
deposition of whom?

MR. PEPPER: This is a
deposition of woman called Betty Jean
Spates. We've tried for months and months to

contact her and tried to bring her to court.

It was taken on the 3rd of November, 1994.

THE COURT: Mr. Garrison, are
you familiar with this?

MR. GARRISON: Your Honor, I
have the deposition here. If Dr. Pepper
wants to read it, I won't read any parts in.
I'll let the jury decide.

THE COURT: All right. Go
ahead.

MR. PEPPER: Let's turn firstly,
please, to page 11.

"Question: When you became employed
at Jim's Grill, did you work full-time like

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
2106

forty hours or two days a week? How would
you describe it, the best you recall?

Answer: All I know is I was there
every day.

Question: About what time would
you go to work, if you recall?

Answer: No certain times.

Sometimes I would go at four o'clock in the morning and stay until closing.

Question: Okay. Okay.

Answer: Not straight through. I would leave and come back.

Question: What time usually would closing be? What time would you usually close?

Answer: I guess around three o'clock in the morning.

Question: So it was almost open twenty-four hours a day?

Answer: Yes.

Question: Now, you mentioned that you worked some other place.

Answer: Seabrook Wallpaper.

Question: Were you working there at

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2107

the same time at these two jobs?

Answer: Yes.

Question: Did you go to work at Seabrook's before Jim's Grill or after or about the same time?

Answer: I don't remember.

Question: Where was Seabrook's?

Answer: 421 South Main.

Question: Where was it in relation to Jim's Grill? Was it very close? Across the street?

Answer: Yes, across the street.

Question: What did you do at Seabrook's, Ms. Spates?

Answer: I was a shipping clerk.

Question: Would you have been a full-time employee with them?

Answer: Yes, I guess so.

Question: When you worked at -- started working at Jim's grill, Ms. Spates, did you wait on tables? Is that one of the things did you?

Answer: Yes.

Question: Did Mr. Jowers sell

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2108

beer?

Answer: Yes.

Question: Did you serve beer to
the customers?

Answer: No.

Question: You did not. Okay. Did
you operate the cash register?

Answer: Sometimes.

Question: Okay. Did you do any
cooking?

Answer: No.

Question: Okay. Did Mr. Jowers
stay in the restaurant most of the time or
was he in and out also?

Answer: He was in and out.

Question: Okay. How many days a
week would he stay open?

Answer: Seven.

Question: Seven days. All right.

Do you recall, Ms. Spates, about what month
in 1967 or what season, if it had been summer

or fall?

Answer: In the summer.

Question: In the summer of 1967,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2109

you worked continuously on up until sometime
in the future. Is that correct?

Answer: Yes."

MR. PEPPER: Let's move to page

41, down to line 19.

"Question: I want to be sure we
know what you do remember. This is a
quotation. I vividly recall that Loyd was
once again nowhere in sight inside the grill
at about six p.m. So again I went back into
the kitchen for him. Do you remember that
statement?

Answer: I just don't remember
these times."

MR. PEPPER: Reference here is
to an affidavit that she is being questioned
on.

"Question: Okay.

Answer: Yeah, I remember saying it.

Question: Okay. Question, in quotation marks, while I remember hearing what sounded like a firecracker going off, and within seconds, Loyd came running through the back door carrying another different

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2110

rifle. Do you remember that statement?

Answer: Not exactly like that.

Question: Okay. Well, essentially is that statement correct, what I just read to you, the paragraph?

Answer: Would you read it again, please?

Question: Question, quotation marks, while there I remember hearing a sound like a firecracker going off, and within seconds, Loyd came running through the back door carrying another different rifle.

Answer: Yes.

Question: Question, quotation

marks, he was white as a ghost and very excited and wearing black trousers, a white shirt, and a black bowtie, as usual. The gun he was carrying had a shorter barrel than the first one, and the handle was a darker shade of brown. Full stop. It also had a scope and something screwed on to the end of the barrel.

Answer: Yes.

Question: Question, quotation

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2111

marks, he looked like a wild man. His hair was all messed up, and he had obviously been on his knees on the damp ground because the knees of his trousers were wet and muddy. He looked at me and saw me looking at him and said words to the effect, you would never say anything to hurt me, would you? And I said, no, of course I wouldn't. Do you remember that?

Answer: Yes."

MR. PEPPER: Move down to line

21.

"Question: Question, okay.

Quotation marks, only twice did he refer to the incident, once as it happened and he saw me watching him and then sometime later when he said to me some words to the effect, you would never say anything to hurt me, would you? Do you remember that?

Answer: I don't even understand what you just read.

Question: Let me say see if I can get another version of it here. Okay.

Quotation marks, only twice did he refer to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2112

the incident, once as it happened and he saw me watching him and then sometime later when he again said to me words to the effect, you would never say anything to hurt me, would you?

Answer: Yes."

MR. PEPPER: Let's move on,

please, to page 46.

"Question: Question, again in quotation marks, I finally told the details of this story to Dr. William Pepper, the attorney for James Earl Ray, in 1992 and was going to testify at the HBO tele-trial of James Earl Ray but did not testify because I was too frightened. Is that true?

Answer: Yes.

Question: Question, speech marks, recently I was interviewed by investigators from the TBI -- the Tennessee Bureau of Investigation -- who I understand have been looking into Loyd Jowers' story at the request of Shelby County Attorney General, end of quotation marks. Is that true?

Answer: I really didn't understand

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2113

that.

Question: Question, recently I was interviewed by an investigators.

Answer: Yes, that's true.

Question: Question, quotation marks, I recall that he did not ask me what I knew about the killing of Dr. King or what I saw but only asked me to answer yes or no to various statements contained in Mr. Kenneth Herman's affidavit of 25th January, 1994. They also asked me if I had been offered money for my actual story. I said no.

Answer: True.

Question: Question, Mr. Herman's statement was basically correct as to what I saw, and I told them so. Is that true?

Answer: Yes.

Question: Question, quotation marks, I was therefore surprised to be shown an article in the Tennessean newspaper on Thursday, February 10th, 1994, which stated that the Shelby County Attorney General said three witnesses, including myself, who had tied Jowers to the assassination now said

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2114

nothing about Jowers' involvement, full

stop. Do you remember that? It says

Ms. Jowers, but, I'm sorry, Ms. Spates.

Answer: Yes.

Question: Question, quotation

marks, I said no such thing to the TBI

investigators and resent any statement I

did. I will not retract the truthful account

of the events which I witnessed around 6 p.m.

on Thursday, April 4, 1968, which confirm

Mr. Jowers' involvement. Is that true?

Answer: True.

Question" -- this is being quoted

again -- "I confirmed that no one has paid or

offered to pay me any money for relating what

I saw. Based on everything I know, James

Earl Ray was not the person who shot Dr.

King. Other persons have tried to get me to

change my story, saying that if I did so, I

would benefit financially. I refused to do

so and will continue to refuse. I resent any attempt by the Attorney General or his TBI investigators to imply that I am telling lies for money. The story I told is actually

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2115

against my interest but nevertheless I tell it because it is the truth, and I believe that an innocent man is in prison. Do you remember that statement?

Answer: That's true."

MR. PEPPER: Turn next, please, to page 83, line 21. Redirect examination by Mr. Garrison.

"Question, Ms. Spates, let me ask you a couple of other things and I'll be through. On the day before this occurred, do you remember seeing any money in the restaurant there or any place?

Answer: I don't know if -- yeah, I remember seeing money.

Question: Where was the money?

Answer: It was in the stove in the kitchen.

Question: Where was the -- tell us where the stove was located in the kitchen.

Upon entering from the front door, would it be to your right or left?

Answer: The left.

Question: The stove would be to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2116

your left?

Answer: Yes.

Question: Question, when you saw the money, Ms. Spates, did it appear to be a lot of money or a very small amount? Would you describe it for us?

Answer: I don't know the denomination, but it was from the front of the stove forward, but I don't know whether it was all the way back lined up back there, but it was a lot from the front.

Question: It was bills?

Answer: Yes.

Question: It wasn't coins?

Answer: No.

Question: It was bills, right.

Were they wrapped with something did it appear, or was it all stacked up on top of each other?

Answer: They were stacked very neat, so I don't know.

Question: You couldn't tell the denomination, like if they were dollar bills, five, ten, fifteen, what they were?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2117

Answer: No.

Question: Was it a large stack of bills?

Answer: Yes.

Question: Okay. Would it have been say four inches, six inches, a foot?

What would be your best --

Answer: If this is the front of the

stove right here, it was all the way from
about the top of the stove.

Question: Was it packed up pretty
high, the money?

Answer: Yeah, from the bottom to
the top.

Question: Had you ever seen any
money before all the time you were there
before this?

Answer: Pardon?

Question: Had you ever seen any
money before this time that you noticed it?
Had you ever seen any money like that before
all the time you worked there?

Answer: No place."

MR. PEPPER: Move back, please, to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2118

page 21, line 24.

"Question: Ms. Spates, let me ask
you this: Did you and Mr. Jowers engage in a
sexual relationship during the time we're

speaking of here in 1967, 1968 and on into
the 1970's?

Answer: Yes.

Question: More than once?

Answer: Yes.

Question: Many times, you'd say?

Answer: Yes.

Question: Okay. And that would
have been at both 418 South Main and 990
Oakview is where this took place?

Answer: I'm not for sure about
Oakview.

Question: Okay. Would there have
been any other place other than 418 South
Main?

Answer: No.

Question: That would have been it
mostly?

Answer: Yes.

Question: Do you recall any other
DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2119

person ever being present when you and Mr. Jowers engaged in any type of sexual activity?

Answer: No."

MR. PEPPER: That's all, Your Honor. Thank you.

MR. GARRISON: I'd like to read some other portions.

THE COURT: Are you going to read them yourself?

MR. GARRISON: Yes.

THE COURT: All right.

MR. GARRISON: These are some other questions that were asked of Ms. Spates on this date when she was present giving her testimony, beginning on page 5 with line 7.

This question was asked Ms. Spates:

"Ms. Spates, I'm Lewis Garrison, you and I met I believe one time before this. Is that correct?

Answer, yes.

Question: Okay. Ms. Spates, I want to ask you some questions. If there is

anything that I ask you that you do not

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2120

understand or you want me to speak louder, if

you will tell me, I'll be glad to do it so

I'll help you understand what I'm trying to

ask you. You are here where a subpoena was

served on you. Is that correct?

Answer: Yes.

Question: You understand the

subpoena is in effect a court order for you

to appear here and give your testimony to

what you know under oath. Do you understand

that.

Answer: Yes.

Question: The same as if you were

called upon to go into court in this case and

you were in a courtroom with the same oath as

would you take then. Do you understand that?

Answer: Yes.

Question: Ms. Spates, will you

tell us your full name.

Answer: Betty Spates."

Page 7, beginning with line 9.

"Question: Ms. Spates, if I'm not mistaken, you and I met in my office back several months ago. Is that correct? Do you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2121

remember that you came to any office one day?

Answer: One day, but I don't

remember when.

Question: That is the only time

you and I ever met before today, am I correct?

Answer: Yes.

Question: Let me ask you so we

can -- of course, let me remind you that you are under oath again. To get the record clear, when you and I met before, we never discussed any payment to you about any kind of statement or any facts of this case or anything about you would make any amount of money?

Answer: No.

Question: In fact, I never discussed with you any money amount, amount of money, in this case that would you be paid or promised or anything, have I?

Answer: No."

MR. GARRISON: Skipping over to page 25, beginning with line 14.

"Question: Let me is you ask you

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2122

something. Do you recall on that date or any date before that date did Mr. Jowers ever exhibit a weapon, gun, rifle, pistol or anything like in your existence?

Answer: I can't say that -- what now?

Question: On that day or any day before that did Mr. Jowers ever exhibit or show you a gun or did you see him with a gun, pistol, rifle, anything?

Answer: Yes, I've seen him with a

gun.

Question: What kind of gun was it?

Answer: I've seen him with a
rifle. I've seen him with a pistol.

Question: Before this date of
April 4th you had seen him with one?

Answer: I really can't remember
that date. I do know I have seen him with
one since I've known him.

Question: You've seen him with a
rifle at some time since you've known him?

Answer: Yes.

Question: The rifle that you saw

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2123

him with -- the rifles you saw him with, do
you remember did they have a scope on them
where you look in?

Answer: I don't remember.

Question: Ms. Spates, on the date
of April 4, 1968, do you recall any incidents
that day, that afternoon, in the area of the

range around six p.m. where you heard something, a noise in the back of the grill?

Answer: I can't remember the time or whether it was that date."

MR. GARRISON: Page 27, line 2.

"Question: What did that sound like to you?

Answer: Kind of sounded like not a loud backfire.

Question: Where did it appear to come from?

Answer: I have no idea.

Question: Could you tell us where you were in the grill when it happened when you heard the noise?

Answer: In the kitchen.

Question: Do you recall was anyone

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2124

with you?

Answer: No.

Question: You were by yourself?

Answer: Uh-huh.

Question: Where was Mr. Jowers?

Answer: I don't remember."

MR. GARRISON: Page 28,

line 4.

"Question: Do you remember,

Ms. Spates, did you see Mr. Jowers with a

gun, a rifle, at or about the time or after

the time you heard this noise that sounded

like car backfiring?

Answer: I don't remember."

Pages 31, beginning with Line 15,

question by Dr. Pepper.

"Ms. Spates, you say you were not

asked questions like this. Can you tell us

this: Did someone appear to ask you

something about this such as the questions

there?

Answer: Two TBI men came to my

house.

Question: Do you remember they

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2125

were recording what you said?

Answer: Yes.

Question: And they also wrote out some statements and answers. Do you remember that?

Answer: Yes.

Question: Did you read that at any point?

Answer: No, I didn't read it.

Question: Okay. And did they ask you to sign it?

Answer: Yes.

Question: And swear that you were telling them what you remember about it?

Answer: Yes.

Question: Okay. Were there any questions they asked you that you did not understand?

Answer: No.

Question: Did you understand all the questions they asked you?

Answer: Yes.

MR. GARRISON: On page 52,
beginning with line 19.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999
2126

Question: Ms. Spates, back before
the assassination of Dr. King on April the
4th, 1968, had you ever seen a gentleman
whose name was James Earl Ray?

Answer: No.

Question: Have you ever seen the
gentleman whose name is James Earl Ray?

Answer: Yes.

Question: I'm sorry?

Answer: Yes.

Question: Would you tell us when
and where you first saw James Earl Ray?

Answer: On TV.

Question: Okay. Was that the
first time you ever heard his name called?

Answer: Yes.

Question: When you saw him on TV,
did you recognize him as being someone you

had seen -- ever seen previously?

Answer: No.

Question: At any time?

Answer: No.

Question: You never -- you had
never seen him in the rooming house near

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2127

Jim's Grill, in Jim's Grill or any place
close by?

Answer: No."

MR. GARRISON: Your Honor, I
have an exhibit that was taken by the
Tennessee Bureau of Investigation that I'd
like to read to the jury at this time. These
are the --

THE COURT: You may.

MR. GARRISON: -- are the
statements which were marked as an exhibit to
her testimony.

"It wasn't unusual to see Loyd with
a handgun but not a rifle. As to Kenneth

Herman's statement that I said James Earl Ray is innocent, that is false. I have no information that James Earl Ray is innocent of the murder of Dr. Martin Luther King. I also didn't see Loyd Jowers come into the rear of Jim's Grill at six p.m. I was at Seabrooks working when some of the girls started crying and saying Dr. King had been shot. I ran across the street to Jim's Grill to be with my sister Bobbie. The policemen

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2128

came in and told us to go to the kitchen area of the grill. We were locked in the grill for about an hour with other patrons. Maybe a week before the murder of Dr. King, my Sister Alta showed me a lot of money in the kitchen of Jim's Grill in a broken stove. We were going to get some, but Loyd put a German Shepherd in the back there so we couldn't get it.

Question: Ms. Eldridge" -- this is

Ms. Spates Eldridge -- "are you familiar with William Pepper, Kenneth Herman, Loyd Jowers and Wayne Chastain?"

Answer: Yes, all except Wayne Chastain. Originally I lost my job at the Arcade Restaurant due to the publicity continued coming from the death of Dr. Martin Luther King. I did not see Loyd Jowers come in the rear -- into the restaurant on 4/4/68 with a rifle or gun of any kind around six p.m. I did see him come in the grill between eleven and twelve noon on that day. I went over there to talk to my sister Bobbie. I was a shipping clerk at Seabrook. From

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2129

eleven a.m. to three p.m. I did see Loyd come into the rear of the grill with a rifle. I asked him what he was going to do with the rifle.

Who wanted you to say he saw Loyd on 4/4/68 with a rifle at six p.m. rather than

between eleven and twelve noon which you say
is noon?

Kenneth Herman, Loyd Jowers,
reporters from London.

Who did you work with at Seabrook?

Answer: I don't remember any
names.

Do you have any recollection of
meeting or seeing James Earl Ray at Seabrook
buying wrapping paper on 4/4/94?

No.

Do you have any information to offer
which may reveal James Earl Ray is innocent
of the murder of Dr. King?

No.

Did you give your mother or your
brother, Essie White, a rifle to keep for you
which may or may not have been used to kill

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2130

Dr. King which you got from Loyd Jowers?

No."

MR. GARRISON: Your Honor, I'd like to have this marked as an exhibit.

(The above-mentioned document was marked Exhibit 39.)

MR. PEPPER: Your Honor --

THE COURT: Yes.

MR. PEPPER: -- Plaintiffs would like to move into evidence the entire text of the deposition.

THE COURT: All right. Anything further?

MR. PEPPER: No, Your Honor.

THE COURT: All right --

MR. GARRISON: Your Honor, there is a matter I want to take up out of the presence of the jury for a moment.

THE COURT: Oh, okay. Ladies and gentlemen, there a matter that the lawyers want to discuss, and it would be improper for you to hear that discussion. So would you please --

(Jury out.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2131

(Short recess.)

THE COURT: Mr. Garrison.

MR. GARRISON: If Your Honor

please, at this time we've completed all the testimony and proof, and I'd like to move the Court to take some action on this matter.

If Your Honor please, first of all,

I'd like to renew my motion yesterday for mistrial. If my client had been here, he would be testifying at this point. He is not here because he is not able.

Also, if Your Honor please, I'm moving for directed verdict in the case based on three grounds. First of all, there has been no proof of any damages at all. There has been no proof anyone has been damaged. There is no pain and suffering, nothing as far as damages.

Secondly, if Your Honor please, as to whether my client, Mr. Jowers, was involved in the conspiracy, as Your Honor may

recall, three weeks ago yesterday you read to the jury what a conspiracy consisted of.

There has been no proof that he was involved

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2132

in a conspiracy here.

Thirdly, if Your Honor please, we've alleged in our defense to begin with, which has been known for a long time, that the statute of limitations expired on this case.

I've given Your Honor several cases here that I think are applicable, and certainly in this case the statute of limitations would have expired long before the suit was filed.

Your Honor, to go back over this matter, as far as the damages are concerned, there has been no proof that anyone was damaged in any way. There has been no conscious pain and suffering, no expenses, there has been no anything that has been proven as far as damages in the case.

Secondly, the only thing Mr. Jowers

has been accused of is taking in a box and taking in some money and coming out the back door, which now the witness has refuted and said shes didn't say that. There has only been one witness.

Even Mr. King, when he testified, and also the other witness, said that Mr.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2133

Jowers simply said I did what I had done previously that. That was to take in some money from Mr. Liberto which I had done previously. He said, I had no knowledge that this would be to assassinate Dr. King. He said, I had done this before. He said they told me simply I would have a box that would be delivered. I didn't know what it was. It didn't say what it was on the box. I simply took it and was told to be at the back door, not knowing what I would be given, but he said, I was given a gun. According to his statement, it was smoking.

If Your Honor please, he might be guilty of perhaps not reporting a crime, but that's after the fact. Here we are where he is charged with conspiracy, and there is nothing to indicate that he was part of any plan to assassinate Dr. King in any conspiracy. There is nothing to indicate he took any action in that regard knowingly, that he was knowingly taking any action as part of the conspiracy to bring about the assassination of Dr. King.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2134

There has been no proof offered at all that he had done anything except what he had done previously, take in some money from Mr. Liberto, according to him, which he had done previously, also, that a box would be brought into his place, not knowing what it was for, what it would be used for, not knowing what was in the box. He was told to be at the back door and accept something, and

that is all that has been offered here to
Court.

If Your Honor please, as far as the
statute of limitations is concerned, way back
in 1993 Mr. Jowers was questioned by all of
the newspapers, television, Prime Time, and
certainly back then it was known whatever his
involvement was, what he claimed was his
involvement, which I just stated is all that
he has ever said.

Now, if Your Honor please, there are
numerous cases which I've cited here that
certainly would indicate this case would bar
the statute of limitations. Mr. King and
Ambassador Young said they met with

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2135

Mr. Jowers but they never stated the dates
which would bring it within the one year.

Even if they didn't know it until then, they
never told this jury the dates they met with

Mr. Jowers.

Even assuming that they had no knowledge of Mr. Jowers' involvement, up until that point they would have had to say they met with him on a certain date and we filed suit within twelve months, because that's what the cases say. Certainly, if Your Honor please, there has been no proof to that effect.

Mr. King has testified that he met with Mr. Jowers twice, but he didn't state the dates. He didn't say, we made some reasonable effort to discover what Mr. Jowers' involvement was in this case.

There has been no proof as to that.

If Your Honor please, in addition to what I've already given you is another case of Gosnell versus National Chemical, which is cited as 674 Southwest 2nd 26 Series. The Supreme Court says, "We point out that this

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2136

finding," which they had previously said the

one year rule applies to wrongful death statute, "has no bearing on the burden of proof at trial which in this case would require the plaintiff to prove that she acted with reasonable diligence to discover what had happened."

So, if Your Honor please, there has been absolutely no proof here at all that anything was done to discover what Mr. Jowers' involvement was, if any, in this case.

Based upon all the testimony the Court has heard here and the jury has heard, there is no way in the world that they could even presume that the suit was filed within the statute of limitations period, even if you go back to 1993.

The case that I cited, your Honor, Brasswell versus Carruthers, the Court holds very stiffly that the one-year statute of limitations for personal injury claims alleged applies to a suit alleging conspiracy.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2137

If Your Honor please, in this case with what testimony there has been, there was been no proof of damages, no proof of conspiracy, there has been no proof that there is any effort made to discover anything that Mr. Jowers did or had any part in this.

There has been no explanation as to what efforts were made, which certainly the plaintiff would have had the burden to do.

I think, if Your Honor please, there should be a directed verdict for the defendant.

THE COURT: Mr. Pepper.

MR. PEPPER: Thank you, Your Honor. As is the case with the Court, the plaintiffs have just been hit with this motion virtually at the midnight hour. It seems that defendant is determined at all costs to keep this matter from going to a jury and the facts of the case from being

decided by a jury after all the proof has
been in.

With respect to the damages issue,

your Honor, three members of the King family

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2138

have testified before this Court, and they
have testified in clear language as to what
the loss of Martin King as a husband and a
father meant to them as a family. It should
not be incumbent upon that family to appear
here and justify the pain and suffering that
they have felt all of these years. I submit
respectfully --

THE COURT: Let me ask you

this: Was there not a stipulation as to the
damages?

MR. PEPPER: That's what I

thought we had agreed, Your Honor. And the
damages that Dexter King testifying to as
having accepted following our stipulation was
that the family would seek only one hundred

dollars as a payment against the funeral expenses. That was an actual dollar amount.

I don't think the family should be held to task for not wanting to receive a large sum of money from the jury in this case. There was that agreement. And we had agreed -- I thought we had agreed that there was a hundred dollars as a funeral expense

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2139

offset.

If it please the Court, your Honor,

I respectfully disagree with my colleague.

There has been such an overwhelming amount of evidence in this case as to the involvement of the defendant in a conspiracy that the only reason that plaintiffs have not moved for a directed verdict is because plaintiff wished these issues to go before a jury and wished to have a jury verdict as opposed to imposing that burden upon the Court.

We submit that the testimony and the

evidence that has been supplied to this Court and jury is overwhelming indicates and a conspiracy. It is from the defendant's own mouth, it has come from his own mouth and his own experiences and his own admissions that are now in evidence here. His admissions at various times clearly indicated he was involved. He has admitted being involved, although he has said he was unknowingly involved in what was going on. Plaintiffs have testified, provided evidence, that that is simply not credible, Your Honor.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2140

With respect to the statute of limitations issue, your Honor, in evidence is the tape of the meeting. It was put into evidence and it was testified to here by Ambassador Young and Dexter King. And very clearly on this tape, your Honor, is the date of that meeting which has been before this Court from the time that this has been

admitted in evidence. The date is the 2nd of March, 1998.

If it please the Court, this action was filed on the 2nd of October, 1998, which is well within the one-year statute of limitations.

Your Honor, plaintiffs maintain that it was not until the meeting that took place between the defendant and Ambassador Young and Dexter King that they concretely knew, had notice, that this man was involved.

Yes, there were rumors. There were reports. But the plaintiffs sought a meeting with the defendant in order to clarify this issue. They sought and sought that meeting, and finally that meeting came about on the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2141

2nd of March, 1998. It was not that they didn't try, that they didn't attempt to learn as a matter of their own concern and understanding as to what happened, but they

were not able to have that meeting until the 2nd of March, and the action then was filed in the succeeding October.

So plaintiffs submit that it was only at that point in time that they really did know about it.

Further on the issue of the statute of limitation, your Honor, in the case of Steve Realty versus Ovaso, 823 Southwest 2nd, 195 Tennessee, 1991, Judge Lanier ruled that the statute of limitations has to be pleaded in the proper time and manner, and if it is not raised in the proper time and manner, it can be deemed at the discretion of the Court to have been waived and it could not be relied upon by the defendants.

We submit, your Honor, that this is not the proper time and manner for this issue to have been raised as we are about to close and go to a jury, and it is a matter of

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(901) 529-1999

2142

discretion for the Court as to whether or not
the Court will allow it.

In *Kakamecee* (Phonetic) versus
Thurmond, 282 Southwest 2nd, 633, the Court
in that indication also refused to allow the
statute of limitations being applied because
it did not do so with promptness.

Your Honor, in such a case a state
out of limitations cannot be used for
dismissal unless it is clearly -- clearly --
within the Court's discretion to exercise
it. In the *Gosnell* case that was cited by
the defendant, the Court actually held
"Reasonable care and diligence in
discovering a compensability injury is a
question of fact for the jury unless under
the facts in the light most favorable to the
appellant there exists no genuine issue of
fact."

So even in the case of *Gosnell* this
matter -- the statute of limitations is a
matter for the Court, and I would
respectfully submit, your Honor, that

plaintiffs have come well within it.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2143

So on the issue of damages, your

Honor, I think that has been agreed to. It

has been stipulated.

And the issue of conspiracy, I think

the overwhelming amount of evidence even from

the defendant himself indicates that he was

involved in the conspiracy. The extent of

the involvement is admittedly something to be

determined yet.

And in the case of the statute of

limitations, Your Honor, it is entirely in

your discretion. In our view it is out of

time and should not be raised at this

moment.

We respectfully request that Your

Honor allow this case to go to the jury,

which is where we've been heading from the

first day.

Thank you.

THE COURT: Let me ask you, who initiated the meeting between Mr. Jowers and the Kings? Can anyone answer that for me?

MR. PEPPER: I'm sorry, Your Honor?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2144

THE COURT: Who initiated the meeting between the King Kings and Jowers, and Mr. Jowers?

MR. PEPPER: Plaintiffs had been wanting this meeting for quite a period of time and had attempted through defendant's counsel to cause the meeting to take place. But for various logistical reasons on both sides the date that it finally took place was the 2nd of March, 1998.

MR. PEPPER: Your Honor.

MR. GARRISON: Your Honor, let me say this in response to Dr. Pepper: There has to be some proof from the witness stand that the plaintiffs have taken some steps to

reasonably discover the cause of action.

This happened thirty-one years ago. In the first response we filed to this lawsuit months and months ago, we set out that this lawsuit is barred by the statute of limitations.

Of course, it is -- the plaintiff has the burden of moving that they either filed it within the time or that they used

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(901) 529-1999

2145

reasonable diligence in discovery that they had a cause of action. Now, your Honor, anyone that watches the news and reads the newspaper in this country knows that back in 1993 Mr. Jowers was on Prime Time and made certain allegations.

Even then, if Your Honor please, the only thing he ever said was, I took in some money from Mr. Liberto, which I had done previously, he told me he would be sending a package, I didn't know what it was, didn't

have anything on the box, and that he told me to be at the back door.

Your Honor, is that evidence of conspiracy? And "unknowingly" is not enough according to the law. The law says that a person has to knowingly be part of a conspiracy, that they take some activity in it and the act be carried out.

Here in this case he says he unknowingly did the things he did previously for Mr. Liberto, and that was to take in some money for him. He said he handled money many times previously.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2146

Now, if Your Honor please, I don't think there is anything close to what we would think of that would require a person to be charged and held liable for a conspiracy.

There has to be some proof from the witness stand as far as the statute of limitations that the plaintiffs have taken due diligence

or exercised due diligence in trying to find out if they have a cause of action. There has been no proof here.

The only thing Mr. King said -- I respect Mr. King and love him dearly -- was that we met with Mr. Jowers. There is no indication of time. There was no indication that they had tried to meet with him earlier.

In fact, Mr. King did meet with Mr. Jowers earlier, months earlier. He knew it then. That was long before, if Your Honor please, as to what Mr. Jowers' statement was to him about his involvement.

If the Court please, as this Gosnell case says, the plaintiff has the burden of proving that they filed it within the time or

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(901) 529-1999

2147

took reasonable steps to discover. There is no proof here. There is no jury question because there is no proof for the jury to

decide that they took reasonable steps.

In fact, if Your Honor please, I

think certainly I don't believe that Mr. King or Ms. King or the family were lying to the fact that Mr. Jowers had come forth. It was all in the news media. Everybody I guess in the whole country knew, around the world, as far as that goes, that he had made some statement.

At that time would have been the time to investigate it, not years later. At this point, if Your Honor please, it is too late. As I say, we alleged this in our first defense in this lawsuit months ago.

There is no proof here of damages because we had an agreement that if the funeral bill was presented, but it wasn't presented. They've done nothing to prove damages, if Your Honor please.

I think without question, if Your Honor please, that the suit should be

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(901) 529-1999

2148

dismissed and the jury directed to find a verdict for the defendant. The statute of limitations has expired. There has been no proof of damages. There has been no proof, if Your Honor please, that Mr. Jowers was involved in a conspiracy.

I can't think of anyone's testimony that would qualify him to be a part of a conspiracy knowingly. Even if you put him in the light of best thing that the plaintiff has to offer, there is no proof of a conspiracy.

MR. PEPPER: If we had known we were to provide a funeral bill for the cost of the funeral of Martin Luther King, then we would have done that, if that was required. We didn't think this was required. We thought it was agreed that there would be a hundred dollar damage claim as an offset as to what that bill was. So I think that takes care of the damages issue.

In terms of conspiracy, the evidence

I think bears out in this case that

Mr. Jowers has said, and he said in the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2149

meeting with Ambassador Young and Mr. King,

that he knew somebody was going to be

killed. I didn't know who was going to be

killed. He knew something clearly illegal

was going on and he was a part of it.

What he has attempted to say is he

didn't know it was going to be Martin Luther

King. Both Ambassador Young and Dexter King

found that not believable and so testified on

the stand here.

With respect to the statute of

limitations, it is within the sound

discretion of this Court. But that is a real

issue. If that has been a viable issue, what

are we doing here for four weeks arguing in

case? Why wasn't that issue argued at the

very beginning, save the State of Tennessee

and the plaintiffs and everyone else

concerned with this all of the costs that these proceedings have cost, not to mention the time that this jury has had to put in and the disruption of their personal lives?

That's when this issue should have been raised if it is a real issue and not an

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2150

afterthought as we're about to go to the jury and let them decide. I submit it is within Your Honor's discretion to rule on that issue as well.

MR. GARRISON: I'll say one more thing and close as to the issue the defendant can raise an issue of defense at any point during the trial. It was the burden to prove this on the part of the plaintiff. There has been no proof as far as the statute of limitations. So a point of defense, such as statute of limitations, can be raised at any point during the trial.

- at this point we choose to raise

it because there had been no proof. If there had been some proof regarding it, that would be a moot question. There has been no proof regarding it such that the plaintiffs have taken proper steps to determine they had a claim against Mr. Jowers.

If Your Honor please, from what Your Honor has heard in this case and from the proof on the witness stand, there is none.

There is nothing. There is nothing the jury

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2151

can decide as far as the statute of limitations.

THE COURT: All right. As far as the mistrial is concerned, I'll reaffirm my judgment on that and deny the motion.

On the issue of damages, as I recall, we had a meeting in my chambers where we discussed damages, and I thought that the parties had agreed and were going to stipulate that if the jury reached a verdict

in favor of the plaintiffs, that the plaintiffs were not attempting to recover a lot of money out of this suit and it was their purpose to have the truth come out and to be sanctified, more or less, by a jury verdict and that the plaintiffs were only seeking nominal damages.

Pursuant to that discussion, the plaintiffs presented proof that they were asking not for the complete funeral expenses but for something nominal, in the area of a hundred dollars, as I recall, and that they didn't even intend to retain that but that they were going to share that with some

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2152

charity. I believe that was the testimony.

As far as the damage question is concerned, then I believe there was some proof of damages in the case. Plaintiffs made it very clear that they didn't intend to recover all of the damages, that they could

never recover from the emotional distress and all the pain and suffering that they have experienced, but in the course of the necessity to prove some damages, that they were only going to ask for nominal damages in the case.

As for the conspiracy, as I recall the testimony, Mr. Jowers himself said that he knew that something was going on and that it was illegal and that he owed Mr. Liberto a favor and that he would have done anything to satisfy his obligation to Mr. Liberto, even if it required him to do something more than just hold money and receive a rifle.

I believe that the proof in this case is overwhelming that he was aware that some illegal action was going to be committed. Under our theory of conspiracy,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2153

it is not necessary that he knows to whom the damage is going to be invoked. As long as he

is a part of the scheme and knowingly participates and it causes injury to anyone, he would then be a part of that conspiracy. Now, of course, I don't -- it is not that I consider Judge Lanier an authority on the question of statute of limitations, but I think long before when the argument first began I had written "waiver" on my notes, because, as I recall, this is the first time that the statute -- the question of the statute of limitations has been raised before me, and there has been too much invested in this case to wait until the eleventh hour to raise that issue.

Additionally, I believe it is -- the statute of limitations is the kind of defense that is the burden of the defendant to prove, not the plaintiff, and I don't -- if this original interview by the Kings and Mr. Jowers, if it was -- if it occurred at a time which would invoke the statute of limitations, that would have been the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2154

defendant's duty to prove.

I believe that at this point, after all of the proof is in, that the statute of limitations, even though -- not even deciding whether or not it was a legitimate defense, I believe that it is improperly raised at this time.

For all of these reasons, I'm going to deny the motions. We will go ahead with our arguments and our instructions and jury deliberations.

It is a quarter to four now. It is convenient for the jury to hear the argument and then immediately hear the instructions.

It is also a disadvantage if one party argues today and then tomorrow the next party argues and the jury will have forgotten the first one and the second one is the one that he was heavily on their mind.

I hate to put it off until tomorrow. I think maybe we ought to -- I

don't know what the jurors' plans are, but I would like to know whether or not they have any commitments that would prevent them from

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2155

sitting through this process, which would probably keep us until an ungodly hour tonight if we would go into it, but I think I'm going to consult with them and see whether or not we should go on with this process this evening or whether we should stop now and just start freshly in the morning.

Mr. James, would you please bring the jury out.

(Jury in.)

THE COURT: Ladies and gentlemen, since we're going to be here until midnight, we were wondering if you wanted pizza or barbecue.

We have completed the proof in this case, and it is now time for the arguments of

the attorneys for the parties. They are going to tell you, remind you, of what they think the proof has shown and what they think your verdict should be. The plaintiff has the first opportunity to argue, and then the defendant follows the plaintiff. And the plaintiff then has an opportunity to respond

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2156

to the defendant's argument. But that's the end. It doesn't just keep going like that.

Once the arguments are complete, then I'll give you your instructions, and you will begin your deliberations.

Now, the parties would prefer that you hear their arguments, get my instructions and go right into your deliberations before you forget the arguments and the instructions.

We can do that one of two ways: We can either go ahead with it until we complete it tonight, or we can just stop now and get

into in the morning and make it a continuous process.

I don't know whether any of you have children in daycare or what your problems are, if you have any problems at all. So my question to you is if there is anything that would prevent you from going on this evening, or you would rather go home, come back tomorrow morning? We want to accommodate you. We also want to get it over with.

Do you all want to go back to the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2157

jury room? I'll give you five minutes if you want to go back and discuss it.

A JUROR: Do you mind if we just have five minutes?

THE COURT: Fine.

A JUROR: Thank you.

(Jury out.)

(Three-minute recess.)

(Jury in.)

THE COURT: What say ye?

THE JURY: (Unanimously)

Tomorrow.

THE COURT: That sounds

unanimous. All right. Let me suggest this:

Tomorrow we start hearing divorces at nine

o'clock. We'll transfer our divorces to

another division and we'll just get started

on this at nine o'clock, if that's all

right.

THE JURY: That's fine.

THE COURT: Very well, then.

Mr. James.

(The proceedings were adjourned

at 3:58 P.M.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2158

IN THE CIRCUIT COURT OF SHELBY COUNTY,
TENNESSEE FOR THE THIRTIETH JUDICIAL
DISTRICT AT MEMPHIS

CORETTA SCOTT KING, et al,

Plaintiffs,

Vs. Case No. 97242

LOYD JOWERS, et al,

Defendants.

PROCEEDINGS

December 8th, 1999

VOLUME XIV

Before the Honorable James E. Swearngen,

Division 4, judge presiding.

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2159

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2160

PROCEEDINGS

(9:50 A.M.)

(Jury in.)

THE COURT: Good morning, ladies and gentlemen. We've got two more depositions that we're going to -- no. As I promised you, we're going into the arguments of counsel, and then you'll get your instructions.

As I indicated to you earlier, the plaintiff would give his summary first. The defendant then would give his version, and then the plaintiff is allowed an opportunity to respond to the defendant's arguments.

Mr. Pepper, you may proceed.

MR. PEPPER: Thank you, Your Honor. Good morning, ladies and gentlemen. Let me right at the out set thank you for your attention throughout these proceedings, long and sometimes tedious though they may

have been. We're very grateful for your sitting here and listening to the variety of evidence that you have heard.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2161

Your Honor will charge you on the various aspects of evidence that you heard.

You know you've heard a great deal of testimony here. You also have available to you a great number of exhibits that are attached to the testimony that you have heard.

We urge you to at any point require these exhibits to be brought to you so that you can read them and consider them at length. All the testimony, the various levels of credibility that you describe, his Honor will charge you with that, but it is really down to you at the end of the day as to how much you believe the various people who sat in that chair there and who told you things.

The media is very quick and prompt to say and yell out that such and such is hearsay, second-hand accounts, third-hand accounts. But the media is unable to tell you, of course, what the law is with respect to hearsay evidence.

They think because something is

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2162

hearsay, a person is saying what another person has said, that it is not to be regarded, it is to be dismissed. In actual fact, ladies and gentlemen, if a witness is giving you hearsay but the hearsay statement is from a person who is speaking against his own interest, saying something that could put him in jail in the case of the defendant here, could have him indicted, then that is to be taken very seriously. It is admissible because of that exception. There are a range of other exceptions why you can consider hearsay.

Now, it is my job, my role here this morning, to summarize the plaintiffs' case.

It is a case that is divided really into nine sections. In the course of presenting that case to you, we've taken witnesses out of order simply because they have come from various parts of the country and the world.

We've had problems with schedules. So at one time you would hear a witness talking to you about a rifle, a murder weapon in evidence, then another time you would hear a witness

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2163

talking about a crime scene, and we had already gone over that.

So it is difficult for you sometimes perhaps to put all those pieces together in an orderly fashion. That's really what I have to do. I have to try to do that. I have to set it out so that you can see how this case folds together.

I'm going to try to work with you on

that this morning and try to help you understand it as best I can. Plaintiffs' case began with a section that dealt with the background, the background of all of this, why you are here, why Martin King was assassinated, why he came to Memphis before he was assassinated. So it dealt with the background.

Then we moved with a second area concerned which was local conspiracy we called it, what was happening here in Memphis, what events were going on that constituted conspiracy, legally civil conspiracy under the law. Because that's really what we are asking you to find is that

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2164

there was a conspiracy here.

Thirdly, we dealt with the crime

scene. What was this crime scene all about.

Where was the crime scene? What happened

there?

Fourthly, we went into the rifle.

This is the murder weapon. We discussed the murder weapon and asked you to consider all the evidence with respect to the murder weapon. We move next to a shadowy figure called Raul. Who is this man who was claimed to have been James Earl Ray's controller and the role that he played in this case?

Then we move beyond that to what we have called a broader conspiracy beyond Memphis that reached into the higher levels of the government of the United States and some of its agents and officials. We moved through that with you.

We went beyond that, then, into really what amounts to a cover up. What was the cover-up activity and why was it important and why have these events been

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2165

shielded from public view so that only you,

you twelve, fourteen, here day after day, and his Honor, alone perhaps in this broad land, have heard this evidence.

How could that be, a case as important as this? How could that be? But it has been the case. Then we considered the defendant's admissions, the defendant -- the named defendant in this case, his actual admissions, against his own interest and what is in evidence with respect to that.

We moved lastly really to the area of damages. And there was a fair amount of testimony on damages from the members of the family with respect to what they were looking for and what their perspective was in terms of any kind of remuneration for the loss that they have suffered.

So that's the outline. Now let's look at each of those sections, if we can.

First the background. Martin King, as you know, for many years was a Baptist preacher in the southern part of this country, and he was thrust into leadership of the civil

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2166

rights movement at a historic moment in the
civil rights movement and social change
movement in this part of the country. That's
where he was. That's where he has been
locked in time, locked in a media image,
locked as an icon in the brains of the people
of this country.

But Martin King had moved well
beyond that. When he was awarded the Noble
Peace Prize he became in the mid-1960's an
international figure, a person of serious
stature whose voice, his opinions, on other
issues than just the plight of black people
in the South became very significant
world-wide. He commanded world-wide
attention as few had before him. As a
successor, if you will, to Mahatmas Gandhi in
terms of the movement for social change
through civil disobedience. So that's where
he was moving.

Then in 1967, April 4, 1967, one
year to the day before he was killed, he
delivered the momentous speech at Riverside
Church in New York where he opposed the war.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

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2167

Now, he thought carefully about this war. He
had been inclined to oppose it for quite a
long period of time. Prior to that, two,
three years prior to that he had uneasy
feelings.

I remember vividly, I was a
journalist in Vietnam, when I came back he
asked to meet with me, and when I opened my
files to him, which were devastating in terms
of the effects upon the civilian population
of that country, he unashamedly wept.

I knew at that point really that the
die was cast. This was in February of 1967.
He was definitely going to oppose that war
with every strength, every fiber in his body.
And he did so. He opposed it. And from the

date of the Riverside speech to the date he was killed, he never wavered in that opposition.

Now, what does that mean? Is he an enemy of the State? The State regarded him as an enemy because he opposed it. But what does it really mean, his opposition? I put it to you that his opposition to that war had

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2168

little to do with ideology, with capitalism, with democracy. It had to do with money. It had to do with huge amounts of money that that war was generating to large multinational corporations that were based in the United States, corporations that were based in the United States.

When Martin King opposed the war, when he rallied people to oppose the war, he was threatening the bottom lines of some of the largest defense contractors in this country. This was about money. When he

threatened to bring that war to a close through massive popular opposition, he was threatening the bottom lines of some of the largest construction companies, one of which was in the State of Texas, that patronized the Presidency of Lyndon Johnson and had the major construction contracts at Cam Ran Bay in Vietnam. This is what Martin King was challenging. He was challenging the weapons industry, the hardware, the armament industries, that all would lose as a result of the end of the war.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2169

Forget about democracy, forget about any ideology. This opposition to Martin King, this growing enmity to him, was based on money and the loss of money. The second aspect of his work that also dealt with money that caused a great deal of consternation in the circles of power in this land had to do with his commitment to take a massive group

of people to Washington and there to encamp them in the shadow of the Washington memorial for as long as it took. For as long as it took, they would make daily trips to the halls of Congress and they would try to compel the Congress to act, as they had previously acted in terms of civil rights legislation, now to act in terms of social legislation.

Now, he begin to talk about a redistribution of wealth, in this the wealthiest country in the world that had such a large group of poor people, of people living then and now, by the way, in poverty.

That problem had to be addressed. And it wasn't a black-and-white problem. This was a

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(901) 529-1999

2170

problem that dealt with Hispanics, and it dealt with poor whites as well. That is what he was taking on. That's what he was challenging.

The powers in this land believed he would not be successful. Why did they believe that? They believed that because they knew that the decision-making processes in the United States had by that point in time, and today it is much worse in my view, but by that point in time had so consolidated power that they were the representatives, the foot soldiers, of the economic -- the very economic interests who were going to suffer as a result of these times of changes. So the very powerful lobbying forces that put their people in the halls of Congress and indeed in the White House itself and controlled them, paid and bought them and controlled them, were certainly not going to agree to the type of social legislation that Martin King and his mass of humanity were going to require.

So there was a fear. What happens

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2171

when they are frustrated? What happens when they don't get any satisfaction? What would happen? They feared, the military feared, that there would be a violent rebellion in the nation's capital. And they didn't have the troops that could contain half a million angry poor alienated Americans. They didn't have the troops. Westmorland wanted another two hundred thousand in Vietnam. They didn't have them to give to him. They didn't have them.

They were afraid that mob would overrun the capital. They were afraid that what Mr. Jefferson had urged many, many times, that the body politic can only be cleansed by a revolution every twenty years.

They were afraid that Mr. Jefferson would be listened to and that that revolution would take place.

Because of that, those factors, Martin King was not going to be allowed, not going to be allowed to bring that group of people to Washington. So that's the reason

for the hostility. He saw Memphis as part

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2172

and parcel of the overall problem, as a microcosm. He saw the plight of the garbage workers here as being symptomatic of the pervasive sickness of American society.

So he said if we turn our backs on these ones, how can we go on behalf of the broad national interests? These ones need us now, let's start the Poor People's Campaign here, which is what he did.

So he came to Memphis and he was here on the 17th and 18th of March and he spoke and he returned again on the 28th of March and the march turned nasty.

Indications are there that there were provocateurs, that it was broken up deliberately, that he was discredited because of that, and he had to then return.

And so he did plan to come back.

There was opposition within his own

organization. But he said, no, we're going to do this and we're going to lead a peaceful march and this is the way we're going to launch this campaign, and so he came back to Memphis. After the 28th he came back on the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2173

3rd of April.

Now we move to the local conspiracy that related to the death of Martin Luther King. You've heard evidence of a very reputable forty-year-in-business store owner sit up there and tell you that he always bought -- every Thursday he went to Frank Liberto's warehouse, that was his last stop before he went back to Somerville, and on that Thursday, April 4, he heard the owner of that place take the telephone and scream into it, "Shoot the son-of-a-bitch when he comes on the balcony," amongst other things. That is the first indication of the involvement of a Mr. Frank Liberto, which information was

given to the police and the FBI and forgotten about.

Then you've heard two other independent witnesses testify at different ends of the trial, one called as a witness by the defense, Mrs. Lavada Addison, who had this conversation with Mr. Liberto in her cafe when Liberto leaned over the table at a time when the Select Committee hearings were

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2174

on, apparently something came on the television, and whispered to Mrs. Addison, "I arranged to have Martin Luther King killed." She jumped back and was shocked by this. So.

Liberto puts himself in it against his own interest, mind you. He has said that. You are entitled to believe that.

Then comes Mrs. Lavada Addison's son Nathan, who confronts Liberto, and Liberto again confirms the same thing to him. So we

see now Mr. Frank Liberto's involvement in this whole scenario.

Then we have from the defendant himself in sessions that are before you and you've heard testimony from Ambassador Young and Mr. King about how he was approached and he was asked to assist or become involved in this assassination again by Mr. Liberto and how he was told that he would be visited by a man called Raul, he would first receive some money, be visited by a man called Raul, he would pass the money to Raul, he would receive a gun, that he was be asked to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2175

participate in this endeavor and he should not worry because there would be no police around, the police would not be there.

We've heard him say that in fact he did these things and that he received the gun after the shooting. He said he received the gun right at his back door. That's as far as

he went in his admissions. Of course, he
also said he didn't know what was going on.

Neither Ambassador Young nor Mr. King
believed him in that respect, that he didn't
know what was going on.

Now, why would anyone say this? Is
this something new? No. You heard testimony
from witnesses who indicated that Mr. Jowers
had said this to them years ago, as much as
twenty years ago he had said this, he had
said that he knew how Martin Luther King was
killed. He had indicated to them that he
didn't do it but he knew how it was done, and
in one case he actually told the same story
way back then that he is telling now.

So this is not some afterthought
from Mr. Jowers to try to make a movie or

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(901) 529-1999

2176

become -- have notoriety or something like
that. This is a consistent story that has
been around for a long time, and other

witnesses from previous times have confirmed it.

So other indications of the local conspiracy, what are they? You've heard about the removal of Detective Redditt, who was a police officer on surveillance duty on the afternoon. He was removed within an hour of the killing and told there was a threat on his life and he was sent home to arrive at his home at the time of the assassination, never to hear about this threat again. This was a phony threat. I think it became quite clear. They didn't trust him because when he had been a community relations officer that had been seconded into intelligence and at the last minute had to pull him off, he might have seen something, done something that was untrustworthy. He was pulled off. The other officer remained making notes of what he saw.

There were two black firemen, the

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(901) 529-1999

2177

only two black firemen in the fire station, they were removed. They were given orders the night before not to report for duty but to go to another fire station in each case where they were surplussed to requirements.

Why were they removed? Why were those two black firemen removed, the only two black firemen, and the night before?

You heard the Jerry Williams,

Captain Williams, testified that he had always formed an elite black homicide group of detectives as a bodyguard for Dr. King.

The last visit, he was not asked to form that bodyguard. This was the only time he was not asked to form that bodyguard, and he didn't know why he was not asked to form that bodyguard. And that troubled him.

You heard that the police were at one point around the Lorraine Motel and then they were removed, or they just disappeared.

They disappeared within a half hour, forty-five minutes of the killing. Why did

they disappear? Where did they go?

You saw evidence that the Invaders,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2178

a local community-organizing group that had been willing to work with Dr. King toward the end and were there for the purpose of helping him produce a peaceful march, at ten minutes to six, eleven minutes before the actual shooting, they left the motel. They were ordered to leave the motel. They were told their bills were no longer going to be paid and they had to leave the hotel. So they emptied out. They might have reacted violently and caused some sort of conflagration at the hotel, but they didn't. They just left.

You heard about the removal of the emergency tact forces. This is the emergency tact forces, in this case it was Tact 10, which was usually a group of four or five police cars with officers from the sheriff's

department, police officers. They were around the Lorraine Motel until the afternoon before the killing. The afternoon of the 3rd they were ordered to be pulled back to the fire station on the periphery. When

Inspector Evans was asked who gave him the

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(901) 529-1999

2179

instructions to pull them back, he said it was a request from Dr. King's group. But when he was asked who, you may recall, he said, oh, yes, I think it was Reverend Kyles that gave me that instruction. But the tact forces were pulled back.

The defendant on the day of the killing ordered a witness whom you heard who was working at a waitress for him, ordered Bobbie Balfour not to take any food upstairs to Grace Stephens, who was ill, and who had been receiving food on a daily basis, but that day, because the second floor of the rooming house was being used as a staging

ground, no one was allowed up there, and he told her not to go up there. So she didn't go. So she didn't go.

Then you heard Olivia Catling, who had never been spoken to by anyone, Olivia Catling took the stand and told about a man coming from an alley that was connected to a building that was attached to the rooming house. She saw this man coming through that alley shortly after the killing, some minutes

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2180

after the killing, and getting into a 1965 Green Chevrolet that was parked on Huling and then speeding away north on Mulberry Street right in front of the police, burning rubber as he went, with no interference whatsoever from them.

All of these things, all of these events, I submit to you profoundly are strong evidence of the existence of a conspiracy just at the local level, not even mentioning

the fact that the defendant has also indicated that planning sessions took place in his grill prior to the assassination.

So I think it is important to see that total picture of evidence you have.

There should be no doubt that all of these things are indicative overwhelmingly of conspiracy.

Now, are we conspiracy buffs because we find all of this evidence insurmountable?

I think not. But you have heard it. The masses of Americans have not. And the media has never put it to them and I submit to you probably never will. That's why your

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(901) 529-1999

2181

presence is so important.

The crime scene, what about this crime scene? We submit that the crime scene, of course, was the back area of the rooming house. It was terribly overgrown with bushes. The bushes were thick and they were

difficult to penetrate and that they provided an excellent sniper's lair. That's where the crime took place.

Any number of witnesses and evidence in the record indicates that a person or persons was seen in those bushes at the time of the shooting. These are different accounts that we put into the record, separate and apart.

There is other evidence, again, separate independent evidence, that a person was seen jumping from the wall, jumping over the wall and running up Mulberry Street. As a result of this, we've concluded some while ago and have tried to provide enough impetus for you to conclude that the shot came from these bushes and not from the bathroom window.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2182

The bathroom window and the rooming house bathroom has been officially the scene

of this crime forever. The State had evidence long ago that that was not the case, that the dent in the window sill was not made by the rifle, even though they maintained that was the case. The bathroom was seen open.

The State's main witness was drunk at the time. He was intoxicated. He couldn't identify anybody. Captain Tommy Stephens said he couldn't identify anyone, much less stand up. Yet it was the affidavit of Charles Stephens that brought James Earl Ray back to this country back from England. That was the basis of the proof that brought him back.

Do you know what confidence the State had in their own chief witness? They didn't even call him at the time of the guilty plea hearing. He didn't even testify at that point.

Now, the murder weapon itself, Judge Joe Brown heard testimony and evidence in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2183

this case for about four years. He paid particular attention to the weapon, and he has had a lifetime of experience and developed knowledge about weapons and about rifles in particular. We qualified the judge as an expert. He came before you and he sat there.

Anyone who heard Judge Brown's testimony with respect to that weapon should have no -- and weapons in general should have no doubt whatsoever that he is in fact an expert. The media will point to his lack of technical training, courses having been taken with respect to learning about rifles. The other areas for developing expertise happens to be experience and self knowledge and development, which is what Judge Brown has. Judge Brown sat in that chair and gave you sample technical scientific reasons why that weapon in evidence is not the murder weapon very clearly. He said, first of all,

the scope was never sighted in. Because it was never sighted in, if you use that scope, to quote him, you couldn't hit the broadside

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2184

of a barn with that weapon, remember that expression, because it was firing to the left and below the target, because it was never sighted in.

He also said the scope couldn't have been altered by having been dropped in a bundle. You can't alter a scope to that extent, its accuracy, by doing that.

He said also that the death slug did not have the same metallurgical composition as existed in the lead of the other evidence bullets that were found in that bundle the State has always said it was one of a number of bullets the defendant had and you should see them as a package, if you will. Judge Brown said, no, the death slug was different in metallurgical composition than the bullets

that were there.

Beyond this, there is evidence that you've heard that this clearly couldn't have been the murder weapon because the defendant told a taxi driver, James McCraw, to get rid of the murder weapon, and he did so. McCraw, being a close friend of Jowers, a confident

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2185

of Jowers, took the actual murder weapon and threw it off the Memphis-Arkansas Bridge. So it is laying at the bottom of the Mississippi River for over thirty-one years. The real murder weapon is at the bottom of that river.

Now, Bill Hamblin, no reason to lie, he said McCraw would only tell him this when he got drunk and he told him this over fifteen years. This is not something McCraw made up one day. It is over a period of fifteen years. I remind you that he told this same story.

Judge Arthur Haynes testified that he was, of course, James Earl Ray's first lawyer along with his father, and he testified that in the course of their early on-the-scene investigation, they talked to Guy Canipe, who owned the amusement shop in front of which was found the bundle which contained, amongst other things, the rifle.

He said Canipe told them very early on, before anyone else apparently had done any kind of tampering with him, told him very

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2186

early on that that bundle was dropped some minutes before the actual shooting. Imagine that, that the bundle, the murder weapon, the rifle in evidence, was dropped minutes before the actual shooting.

Now we come to Raul, this shadowy figure who the defendant has mentioned and who James Earl Ray has talked about right from the beginning as someone who controlled

him. You have a number of independent people, not even knowing each other, who have identified this man from a spread of photographs that they have seen. And they range from an English merchant seaman, who we had to depose by telephone at some length, who ran into this same Raul at the same bar James did, up at the Neptune in Montreal. They range from him to the Grabows, Royce Wilburn, to the defendant himself who identified Raul from a spread of photographs before Ambassador Young and Mr. King, and, of course, James Earl Ray, who also identified him.

If that is not enough, if that is

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2187

not enough, we have the British film producer, Jack Saltman, going to the door of Raul's house, showing a photograph and having his daughter admit that that is the photograph of her father, her words to the

effect that anyone can get that picture or that photograph of my father. It is from Immigration & Naturalization. She identified her own father as the person in that photograph.

Under subpoena and reluctantly a Portuguese journalist took the stand. She had conducted an interview with a member of the family. The member of that family had told her that this was a horror, a nightmare for them and for the family, but the one comfort they had was that the government was helping them, that the government had sent people to their home approximately three times or so, and that the government was monitoring their telephone calls and the government was providing them with guidance.

The government was trying to give them comfort and advice.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2188

Can you imagine if anything like

that happened to -- if any charges were laid against any of us in those circumstances, do you think the government would come around and see us, help us, monitor our phones?

That act alone indicates the importance and the significance of this man, Raul. So it is essential that that be put clearly in the context.

Now, as I understand it, the defense had invited Raul to appear here. He is outside this jurisdiction, so a subpoena would be futile. But he was asked to appear here. In earlier proceedings there were attempts to depose him, and he resisted them. So he has not attempted to come forward at all and tell his side of this story or to defend himself.

As we move into the next area, we're concerned now about a broader conspiracy, a broader conspiracy. That is two-pronged, ladies and gentlemen. On the one hand, the broader conspiracy goes beyond a shooter in the bushes who gets away with killing Martin

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2189

King. It goes from him to a Mr. Jowers, who is involved in facilitating, and it goes back to Mr. Liberto, whom you've heard was clearly a part of it, but it goes beyond Mr. Liberto in terms of the Mob side, because you've heard from witness Nathan Whitlock how he used to push a fruit cart in New Orleans with Mr. Carlos Marcello and that he then has this relationship and this awareness of Marcello and Marcello activities. Carlos Marcello has been the Mob kingpin, was the Mob leader in this part of the country, for a long, long time.

So any contract, any Mob contract, on Martin Luther King's life, would come from Marcello through Liberto into the local infrastructure that Marcello had here in Memphis.

Marcello himself was involved in gun running. Part of the evidence in terms of

the military involvement is contained in a lengthy article that we put into evidence that appears in March of 1993 in the Commercial Appeal by Steve Tomkins, and that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2190

article indicated that there was a high-ranking general who had been charged and imprisoned for aiding and abetting the trading in stolen weapons. That deal meant what he was involved in was the theft of guns from arsenals, armories and camps, like Camp Shelby in Mississippi, the theft of weapons from those places that went to -- were trucked to a Marcello property in New Orleans, and from the Marcello property in New Orleans were shipped around the coast into Houston, Texas, where they were taken off. And that is where Raul and his crowd came into the receipt of those weapons before they went into Latin and South America.

So that's one prong of the broader

conspiracy, the Mob. But, you see, already there is a relationship between organized crime and the military in the receipt of those weapons and in the ongoing sale of them.

Then we move directly into the government of the United States, their agents themselves. We've learned that the 111th

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2191

Military Intelligence Group based at Fort McPherson in Atlanta, Georgia, were here.

They were in Memphis. They had Martin King under surveillance. That was open -- quote, open surveillance, eye-to-eye surveillance.

They had him under surveillance.

Eli Arkin of the Memphis Police

Department Intelligence Bureau, Intelligence

Division, said they were in his office. He

has admitted they were in his office. They were here.

There was another section here that

was involved in covert surveillance of Martin King. "Covert" means bugging, wiretapping, that type of activity. That was done at the Rivermont when he was here on the 17th or 18th. You heard a witness say he was one of three people who were effectively a surveillance team. They had Martin King's suite bugged, every room of it bugged, including the balcony. If he wanted to speak privately and went out on the balcony, they would pick it up by relay from the roof.

That covert -- that type of covert

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2192

surveillance was carried out by another agency, usually the Army Security Agency. So there we have those two agencies involved very clearly here.

Then there were photographers.

Remember those photographers that Captain Weeden talked about. They were on the roof of the fire station. He put them there. Who

were they? They were a psychological operations team, and they were there and they photographed everything throughout that day. That means, ladies and gentlemen, that there is a film of everything that happened, photographs of everything that happened buried somewhere. We tried long and hard to unearth it unsuccessfully, but it is there and it is hidden, as it was hidden from this jury it is hidden from the American people. Maybe the media one day will let you know that it exists. But it is there. They took those photographs. They were what is known as a psychological operations team, and we know who the two members of that team were.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2193

So there is this very strong presence now, which is primarily surveillance, it is intelligence gathering, it is visual and it is audio and it is going

on and Martin King and his group are the subject of it.

But then there is another group that is more sinister. They are not more sinister because of what they did, because they didn't really do anything, but we know they had a presence. And that was a special eight-man sniper unit that was here in Memphis. They were all part of the 20th Special Forces Group. They were here and they were assigned and they were trained for an operation, for a mission, in Memphis. You heard testimony by a man who himself was a national security council operative who was very involved in Iran-Contra activities, who had been a long-standing operative, if you will, of the government of the United States and whose best friend was a member of that sniper team. There was no reason in the world for his best friend other than in a moment of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2194

whatever, anguish or burden, desire to relieve himself, to talk about this, this mission that he was on which he was assigned to in Memphis which was aborted, but he was assigned to it.

With a Q and A approach you heard documents of working papers that were used to get information from other -- from another source who lives south of the border and who fled the country in the 1970's out of fear who was also a part of that unit. So they were there, and there are three separate sources that confirm the presence. But they did not -- it was not necessary for them to do anything. The mission was aborted because the Mob contract was successful in killing Martin Luther King and framing James Earl Ray.

Remember, one of the things that Liberto also told the defendant, Loyd Jowers, was that there was a setup man, there was a patsy, lined up to take the blame. There was another area of comfort that the defendant

could have.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2195

Now we move to the cover-up aspect

of this case. This in many ways is the most sad in a representative democracy to have to have this kind of cover-up be successful for so long. It is a shame. It is a tragedy. I think it goes right to the essence of democracy and the right of the people to know.

The cover-up activities in this case, ladies and gentlemen, range from murder to press manipulation and distortion, with bribery in between. Murder, unfortunately in our view, and from the evidence that you have heard here, credible sources, is that a taxi driver who pulled into the Lorraine Motel maybe six minutes before the killing or so, shortly before the killing, a Yellow Cab taxi driver who pulled into that drive and who was standing at the rear of his car loading the

trunk of the car with the baggage, the
luggage, of someone that was leaving,
unfortunately for him, immediately after the
shooting he saw the shooting and then turned
to look at the other side of the road and saw

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2196

a man come down out of the bushes and run up
the street and get into a waiting Memphis
Police Department traffic car which sped
away.

When he reported this to his
dispatcher, he thought the police had the
assassin because he was in a police car going
away. Well, this man, as you've heard, was
questioned by the police a couple of times
that week. He was to give a statement the
next day.

He didn't give a statement, did he?

No, his body was found off the
Memphis-Arkansas Bridge supposedly thrown out
of a speeding car. Now, when we tried to

find death certificates for this man, we couldn't, either in Arkansas or in Tennessee. There is no death record at all. We found his phone number with that of his wife listed in 1967, 1966 and 1967, Betty and Paul Butler. This is all in evidence. The Polk Directory pages are there for you to look at. In 1968 it is Betty, brackets, widow, WID, of Paul, Betty widow, 1968 and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2197

1969 she a widow. Paul Butler was her deceased husband. He was, for him, in the wrong place at the wrong time.

That is in some ways the worst of it. Because is there anything really worse than losing your life when you've been in the wrong place at the wrong time?

The next aspect of cover-up is the tampering, drastic alteration, of the crime scene. What happened there? You've heard what happened. Seven o'clock in the morning

Inspector Sam Evans called Maynard Stiles, who was a public works administrator, and asked him to get a work crew out there and to cut down those bushes. They cut the bushes down.

Now, normally what one does with a crime scene, at least for quite a period of time, is to rope it off and keep people out of it and investigate it as it is. You don't go and destroy the crime scene. You don't know what is there. You go and you deal with it the way it was at the time of the crime.

No, it was cut right to the ground,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2198

cut right to the ground. And however long it took them to do it, they did a good job, because it was not possible for a sniper to be in that area once it was cut to the ground because he could obviously be very visible. So the image of a flat, barren area is what was relayed, and that reinforced the whole

bathroom window.

There was no house-to-house investigation, ladies and gentlemen. Do you remember Judge Brown on the stand saying that this was the most deficient investigation, criminal investigation, he had ever seen as a criminal court judge? He is talking about all of these kinds of things. Imagine, no house-to-house investigation.

What that means is that no policeman going and knocking on the door of all of the local residents and asking them did they see anything, did they hear anything, because surely if they had, they would have knocked on Olivia Catling's door, wouldn't they? She just lived down the street on Mulberry. She would have told them what she saw. But they

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2199

didn't. They didn't do that, did they? No, they didn't do that, not at all. Why?

Why did they suppress two alibi

statements, a statement from Ray Hendricks and William Reed, who left Jim's Grill, oh, thirty-five minutes past the hour of five, forty minutes past the hour of five, right around there, maybe even -- well, right around that time. It would be difficult to pin exact times down.

They left Jim's Grill, saw James Earl Ray's Mustang parked in front of Jim's Grill, started to walk up the street and a couple of minutes later when they went up a couple of blocks and were about to cross Vance, one pulled the other back when the same white Mustang they thought came right around the corner driving away, as James Earl Ray had said he done.

He always said he left the scene of the crime around to that time to try to go have a spare tire repaired. Here are two alibi witnesses with statements given to the FBI in their 302's kept from the defense,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2200

withheld from the guilty plea jury,
suppressed.

What else was suppressed? What was
suppressed was the fact that they had a
scientific report from the FBI that the dent
in the window sill could not sufficiently be
tied to the rifle. They had that. They had
that almost a year prior to the actual guilty
plea hearing. And yet they went before the
guilty plea jury and said that scientific
evidence would establish that the murder
weapon made that dent. Obstruction of
justice, suppression? That and worse.

What about the death slug that could
not be matched? You know, the media and the
State have turned the burden in this case of
matching the bullet to the rifle the other
way around. They are saying because you
can't exclude it, it may be the murder
weapon. That's not the way it works. In any
other case that's not the way it works.

This is not a good rifle in evidence

when you cannot match the death slug to it.

And it was a death slug capable of being

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2201

matched. You have evidence that that bullet

was capable of being matched if it could.

There were enough striations, enough

independent markings that they could match it

if they could.

So the guilty plea hearing heard

none of this. I talked to members of the

guilty plea jury years later. They heard

none of this. This was all kept quiet. They

certainly would have had questions about Mr.

Ray's plea if they had.

They certainly didn't know that his

lawyer had agreed in writing to pay \$500 if

he would plead guilty and not cause any

problems and that \$500 could be used to hire

another lawyer who could help overturn the

plea. They certainly were not told that.

They certainly were not told those

kinds of pressures that descended on him at the last minute to cop this plea, which I'm afraid people do all the time in desperation, particularly when they are in isolation the way he was.

What about Captain Weeden? My

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2202

goodness. Captain of the fire station, never interviewed by local police authorities. The man who ran that installation, who was there at the time, never interviewed by the authorities. Forgetting about knocking on people's doors. Here is official, he is a senior executive officer of the fire station. They didn't talk to him. They didn't interview him. They didn't ask him what was going on there that afternoon. Were they afraid that he would have told them about the photographers on the roof? Because if he had, then they wouldn't have been unnoticed, would they? It wouldn't have been

unnoticed that there were photographs of what went on, and they would have then had to request those photographs. So if you don't talk to Captain Weeden, you don't have to know about them. If you don't know about it, you don't ask for it.

You heard Bill Schaap on the stand for a long time talking about media distortion and the use of media for propaganda. He gave you the history of how it

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2203

has developed particularly over the 20th century America but, of course, it is a long-standing activity throughout history in older nations than this.

But Schaap took you painstakingly through that history down to the present time when he dealt with the way the media handled Martin Luther King, how they handled his opposition to the war in Vietnam, how he was attacked because of that opposition to the

war.

Then he moved on. There were similar, comparable attacks on the King family since they decided they wanted the truth out in this case and they decided that James Earl Ray was entitled to a trial, similar media treatment happened to them that happened to Martin, similar loss of contributions and money for the work that happened to Martin back in those days. The same thing.

Bill Schaap led you through that.

There were a couple of instances where he referred to the huge network of ownership and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2204

control of media entities all over the world by the Central Intelligence Agency. It is a matter of public record. It has appeared in Congressional hearings, Senate hearings, which most people don't read, don't know anything about, and, of course, the media

only covers in sparse fashion, because it is contrary to their interests to show that great numbers of newspapers, radio stations, television stations, may in fact be actually owned by the Central Intelligence Agency in this country as well as elsewhere.

He talked about the numbers of actual agents who work for media companies, who are placed in positions in network television company positions, in newspaper company positions, on newspaper editorial board positions.

If you see the history of how national security cases are covered and this is one, you will be amazed that some of the most liberal columnists, writers, respected journalists, Pulitzer Prize winners, who have all the liberal credentials, when it comes to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2205

this kind of case, they all of a sudden are totally with the government because national

security cases are a different ball game.

Ambassador Young ran into one at one point in an airport, and he said to him, how can you do this, Tony, about this case, you have great credentials in every other way, what is it about this case? His response was, you'll be happy to know my wife agrees with you. But that was it. That was the end of the response.

The point is on these cases there is a special type of treatment that is given.

It is important to understand that across the board. That explains a lot of what we're talking about. Examples: Column 1, New York Times, November, the article is here, Alton, Illinois, bank robbery, Wendell Rose, Jr., the Times wrote this whole piece, fabricated, whole cloth, that the Ray brothers robbed the bank in Illinois and that's where James got his money and therefore there is no Raul.

The problem was that the article said that the Times had conducted a special

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2206

investigation that paralleled that of the House Select Committee and that of the FBI, and all three investigations indicated this was the case. Case closed, this is where Ray got his money.

The problem is they never talked to the chief of police in Alton, Illinois. They never talked to the president of the bank in Alton, Illinois. There was no investigation. And when those people were talked to by myself or by Jerry Ray, who went down there to turn himself in -- you think I did this, I'm prepared to turn myself in -- the guy said, go away, you've never been a suspect. Isn't that amazing, out of whole cloth. But it appears, and that's the mindset that the people have.

You heard Earl Caldwell say he was sent to Memphis by his national editor, New York Times national editor, Claude Sitton at the time, and told to go to Memphis and his

words were "nail Dr. King." Nail Dr. King.

That is what he said he was told was his
mission here in Memphis as a New York Times

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2207

reporter. I can go on. But these are
examples of what happens with the media.

Now, Bill Schaap told you the impact
of that out of thirty-one years is very
devastating, is very hard to hear this for
thirty-one years and have somebody come along
and say, no, you've been told the wrong thing
and here are a whole set of facts that are
uncontrovertible and this is why you've been
old the wrong thing.

The reaction is still, oh, yes,
that's interesting, but the next day we still
believe, because it is almost implanted
neurologically. That's the problem that this
kind of distortion, media propaganda abuse,
just raises.

Mr. Jowers here, the defendant, was

a victim of that. They gave him -- ABC gave him a lie detector test and they told him at the end of that lie detector test that he had failed, why was he doing this, was he looking for money, he had failed this lie detector test.

You heard from a cab driver, who has

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2208

nothing to gain by this, take the stand and say, yeah, he drove those ABC people to the airport, took them to the airport, and he heard their conversation. His ears perked up when he heard Jowers' name because he heard them, the guy in the front, the examiner, said, I couldn't get him to waver, I couldn't get him to waver. They were commenting on how much he remembered in so much detail and why he remembered so much detail.

There is no question about him

failing this test. They couldn't get the defendant to lie. And yet that program was

broadcast, was put out to masses of people in this country to believe to this day that the defendant lied, that he lied.

Now, you heard -- we're still on cover-up. I'm sorry. You heard about two efforts to bribe James Earl Ray. I don't know of any others, but you have heard of two in particular, one from a lawyer, Jack Kershaw, who told you about a meeting at the Nelson Book Publishing Company and he was offered a sum of money if Ray would admit

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2209

that he did it. He was offered this money by William Bradford Huey, who was a writer, if Ray would confess that he did it and did it alone and he would give him this money and give him a pardon and he would go on and have a nice life.

Mr. Kershaw went over to the prison, as you heard, asked Mr. Ray if you want to take up this wonderful offer. Ray, of

course, said, no, and sent him packing. Some while later a telephone -- on a telephone conversation Huey made the same offer to Jerry Ray. His problem then was that that conversation was recorded. Jerry Ray testified and you have a transcript of that recording, he was offered now \$220,000, they greatly increased the sum of money, \$220,000, also a pardon. And the best story, of course, that they wanted, that Huey wanted, was the story why I killed Martin Luther King.

So they were offering him money, a pardon if he would tell that story. It didn't work. James, of course, was not

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2210

interested in anything of the sort. James had always only wanted, from three days after his conviction, he had always wanted a trial. That is what he wanted.

Then there were a number of attempts

to kill James Earl Ray. These attempts vary. One time he escaped from Brushy Mountain in 1977, he escaped from Brushy Mountain with six others. No sooner did his feet hit the ground and they were up in the woods there -- if you know that area of Petros, Tennessee, it is pretty rural in some areas and rocky and hilly -- he was up in the woods, and no sooner did he go get up in the woods but there was an FBI SWAT team out of the Knoxville office on the scene.

Who asked for them? It is a State escape, State prisoner. The State is handling it. No, here comes in the SWAT team. They have snipers with sniper rifles. What are they going to do with those sniper rifles?

Lewis Stokes was chairman of the Select Committee on Assassinations. He calls

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2211

Ray Blanton, who is a governor of the State

at the time. Reverend Fauntroy was a part of to that conversation and said he was the one who encouraged Stokes to call, but he was there. Stokes calls Blanton and says that you better get over to Brushy Mountain. If you don't, I'm going to lose my most famous witness and your most famous prisoner because the FBI is going to kill him. Blanton goes over in a helicopter and chases the FBI away.

They didn't what to go at first. He told them he would put them in the same sell James Earl Ray came out of if they didn't. He saved James Earl Ray's life. He was caught and brought back by local authorities, which is the way it should have been.

The second attempt was in April of 1978. You heard April Ferguson, public defender counsel, tell you how that worked. She went out, interviewed a prisoner who had called their office when April and Mark Lane were representing James back at that time. He was offered a contract. He was asked to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2212

put out a contract on James Earl Ray, and he decided not to do it.

One, he thought he was being set up because the person who called him left a number and he had to call him back. When he called had him back, he was calling him back at an Executive Suites hotel that he knew, the prisoner knew, was being used by the local US Attorney's Office and the FBI where they interviewed informants and where they did the briefings. That's where the phone call came from.

He thought he was being set up. The phone call came to him from a fellow called Arthur Wayne Baldwin, who was a Mob figure in Memphis but who also was involved as a federal informant and was used by the government.

So he gave the statement of how this contract was put out by Baldwin on James Earl

Ray's life, and Ms. Ferguson testified as to her affidavit.

Defendant's prior admissions, the next section of plaintiffs' case, you've

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2213

heard a good deal of it, how the defendant has admitted how he was approached by Mr. Liberto and how he was told that he would receive a package, which he did, and money and eventually a rifle to hold, and he told about planning sessions in his cafe, and he told about taking a rifle from the shooter, taking the rifle from the shooter, one that was still smoking, he said, taking it from his back door.

He named the shooter as a Memphis Police Department lieutenant, Earl Clark, who is deceased, who was a sharpshooter who he said was a hunting companion of his, a friend of his, and a friend of Liberto's as well and who never had any contact with him again

after this day.

Now, Mrs. Clark, the first wife, who testified, gave her husband an alibi. It is only fair that you consider what Ms. Clark said. When I first interviewed here in 1992 -- she referred to that interview. In fact, her son was there. He was not twenty-two. He was born later. He was about

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2214

sixteen. Her daughter was born in 1970. It was the son who was present. She told essentially the same story at that point in time.

There are serious questions with that story, and they have to do with whether or not in fact Lieutenant Clark had a radio at all at that point in time and whether or not in fact Dent Cleaners was open later than six p.m. on that day. Because by her accounts she got there sometime between six-thirty and six-forty to pick up his

uniform. But, in any event, you have to consider all of that.

Lastly, in respect of the defendant's situation, we had placed a woman -- aspects of a woman's testimony into the record so that you can review it, and she was a waitress who had been a lover of the defendant during that previous year.

She very reluctantly in 1992 gave a statement that had really to be worked out of her. She didn't want to tell this story even then because she was afraid that her former

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2215

lover and boss, Mr. Jowers, was the killer.

He was the only one she saw, she said, out there, and she was afraid that he was the killer. Plaintiffs do not believe that to be the case at this point in time.

She described him running, face white as a sheet, looking like a wild man with all mud on his knees, as though he had

been kneeling in that brush area. She has been to some extent discredited because there have been -- people have descended upon her for various reasons. She was a -- a statement of hers was taken repudiating a lot of things she said, but she subsequently said in another sworn statement that she didn't even read what the state officials told her to sign.

So in a case like this, this is a difficult area for you to assess for yourselves in terms of what you read and what you have heard here.

The last area of the plaintiffs' case has to do with damages. We've addressed that. Members of the family have addressed

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2216

that in terms of the spirit in which the family has approached these proceedings from the beginning.

Yes, we want a verdict of liability,

a verdict of a finding of conspiracy, but the family is not interested to benefit financially from these proceedings. There has to be damages in civil litigation of this sort. It is a wrongful death action. So the request is that there be an award of one hundred dollars to offset funeral expenses at the time. And that one hundred dollars the family has decided to contribute, along with other contributions, to a welfare fund of the sanitation workers in this city, because that is the reason that Dr. King came here in the first place.

Now, what I'd like to do is to briefly take you through a visual summary, it will be much quicker than my verbal summary, but to take you through a visual picture of the summary of what you have just heard in terms of the major aspects of the plaintiffs' case.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2217

THE COURT: Does anybody need a break?

A JUROR: Yes.

THE COURT: You do? All right.

Just five minutes.

(Jury out.)

(Short recess.)

THE COURT: All right, Sheriff.

Bring the jury back out, please.

(Jury in.)

THE COURT: All right,

Mr. Pepper. You may resume.

MR. PEPPER: Thank you, Your

Honor. We have a depiction of the overall seen of the assassination at about five forty-three, the time we've pinpointed, on the afternoon of the assassination. Here in this depiction we have two people on the firehouse roof, we show two people in the brush area at this time, a number of witnesses down below the balcony right in there.

THE COURT: Mr. Pepper, excuse

me. Can you see that?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2218

A JUROR: Yes.

MR. PEPPER: Am I in your way?

THE COURT: You may stand over here, Mr. Pepper.

MR. PEPPER: There is also a car, a Chevrolet car, parked here on Huling, and two Mustangs on South Main Street.

You will remember Charles Hurley testified that he drove up behind this Mustang when he was picking his wife up. It had Arkansas plates. This Mustang is believed to have been James Earl Ray's.

Now, when we move ahead, we're still at five forty-three, but it is between five forty-three and five forty-four, Hendricks and Reed, who have been in Jim's Grill here, have come out and have since walked up this street. About this time this first Mustang has pulled off. Everything else remains the

same. You have the photographers on the roof, you have the two figures in the brush, who we believe to be Earl Clark and Loyd Jowers, and you have witnesses below the balcony over here.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2219

Now we're at five-fifty. The evidence reveals that this first Mustang is gone. The second Mustang still remains. Photographers still remain clicking away on the roof. The figures in the brush still remain. The Invaders have started to leave the hotel. They are coming down the stairs and they are leaving at five-fifty. They were noticed leaving. Billy Kyles, Reverend Kyles, is right there knocking on Martin King's door as the evidence indicates at ten minutes to six. The witnesses are still down below.

At five fifty-five, the Invaders are now off the premises, they've gone. Reverend

Kyles has come away from the door and is on the balcony to the right of the door. The witnesses are still below. Photographers are still in their perch photographing. The Chevrolet is still parked where was. And now a Memphis Police Department traffic car has pulled up to this intersection right here at Mulberry and Huling. In addition to that, about this time a rifle and an evidence

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2220

bundle has been dropped by this figure right here in Canipe's.

Next. Still at five fifty-five,

between five fifty-five and five fifty-six,

the Yellow taxicab has pulled into the

Lorraine driveway and is loading a

passenger. The man who has dropped the rifle

has now approached this second Mustang with

the Arkansas plates here. The figures in the

bushes are still there. The Chevrolet is

there and the taxi driver himself is standing

toward the rear of his car next. About five
fifty-six, in that area, Martin King appears
on the balcony and begins to talk to a number
of the people below who we've been calling as
witnesses. The taxi driver is still there
unloading a passenger's luggage, and the
photographers are there. The rifle remains,
but now the second Mustang moves off. The
traffic car remains in position and the
Chevrolet remains where was.

Okay. Six-oh-one p.m., April 4th,
1968, Martin Luther King has been felled by a
single shot. Everything else remains the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2221

same. The taxi driver is facing the brush
area. The photographers are still on the
roof of the fire station. The rifle in
evidence remains in Canipe's doorway. The
Chevrolet remains on Huling. The Memphis
traffic car remains at the intersection of
Mulberry and Huling. The figures in the

bushes at this point remain there.

Next. Instantly, between six-oh-one and six-oh-two, immediately after the shot, one of the two figures, and we maintain it is the defendant, is moving toward his building carrying the murder weapon. The other figure in the bush, in the bushes, is going down -- appears to be at this point not going down but appears to be alone around the edge of the wall. The photographers are there. The taxi driver is still there looking at the brush area, and journalist Earl Caldwell, having heard the shot, has come out of his room.

It is difficult to do this with computers. You may recall Caldwell was in his shorts standing there looking at the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2222

bushes seeing this figure in the bushes. The traffic car remains there. Kyles remains off to the right of the fallen Martin King

instantly after the shot. The witnesses are there, some of whom turn toward the bushes looking up in that direction.

Next. Also between six-oh-one and six-two, because that's what it takes, Mr. Jowers has entered his establishment.

The shooter has gone down over the wall and has run toward that Memphis traffic vehicle, car vehicle, right there. This is all happening between six-oh-one and six-oh-two. That's the period of time in which this was carried out.

The taxi driver has seen the shooter jump from the wall and run to here and get into that traffic car. The photographers must have photographed it. There they are.

The rifle remains. Mr. Jowers has entered his establishment at that point in time.

Okay. Around six-oh-five, under great pressure from his passenger, the taxi driver actually drives away, left the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2223

Lorraine parking lot. The shooter, having gotten into that traffic car, is also gone, disappeared. That traffic car sped up Huling, west on Huling. It is gone.

Mr. Jowers is inside his establishment, the witnesses remain in place where they were.

Mr. Caldwell has gone back into his room to put on his trousers.

Next. We're at about six-oh-eight.

At this point in time barricades in the form of police cars have been established at either end of Mulberry, thus blocking any entrance to the street. We're at six-oh-seven. I'm a minute ahead of myself.

We're at about six-oh-seven.

Everything else remains pretty much the same except Journalist Caldwell has come out of his room again and would eventually make his way up to the balcony. Dr. King is still down, witnesses are in place, photographers are in place, the rifle remains where it is, and Reverend Kyles is still on

the balcony.

Also at six-oh-seven or thereabouts

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2224

Olivia Catling has arrived at the corner of Mulberry and Huling. She has three children with her. Two are hers and one is a neighbor child. She has come to that corner just about this time, having heard the shot from inside her house. Everything else remains pretty much in place with the photographers, the witnesses and Journalist Caldwell coming out and the rifle still at Canipe's.

Okay. About six-oh-nine we have a man appearing in the alley. This is the first time he has appeared. He has apparently come from connected buildings to the rooming house and he is now seen in the alley. Everything else remains the same.

The barricades are in place. Mrs. Catling is there.

Next. He moves between this time,

within a minute, very quickly to this car
seen by Mrs. Catling and the children.

Next. He gets in the car and rips
off east on Huling, making a sharp turn going
north on Mulberry right in front of this
police barricade and proceeds unimpeded north

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2225

on Mulberry away from the scene.

Now, at that point in time Mrs.

Catling notices a fireman who is standing in
front of the wall, and he is talking to
policemen, yelling at policemen, that the
shot came from the clump of bushes up there.

They apparently are not listening to him.

Those are the -- that's the visual
depiction of the critical events that we
wanted to put forward.

Well, ladies and gentlemen,
sometimes that is helpful to amplify the
verbal narrative. Sometimes it confuses more
than it helps. But I think we've tried to

draw this and depict it as precisely as we can within the constraints of the actual evidence that has been presented to you.

Let me close by saying to you that long after people forget what has been said in this courtroom, all the words that you've heard from witnesses and lawyers, and long after they have forgotten about accounts that they have read about this case, they are going to remember what was done here. They

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2226

are going to remember what action you took, what decision you came to.

You have got to understand the monumental importance of your decision. You are going to -- they are going to forget everything I said, everything defense counsel has said, everything the witnesses have said. They are going to remember one thing, the ruling of this jury, the verdict of this jury because you have heard evidence that has

never before been put on in a court of law.
Some of it would have been put on in
Mr. Ray's trial, if he had ever been granted
a trial. He wasn't. It wasn't heard. Judge
Brown was on the verge of granting that
trial, on the eve, in our view, so close to
granting that trial, and then he was removed
by the Court of Appeals in this state from
the case, summarily removed. Without any
argument, any oral argument, they made that
decision. So Mr. Ray never had the trial.

He was in his dying months when he might have
gotten that trial. The Court of Appeals
finished that possibility.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2227

Only you have heard this. The
people in the United States of America have
not heard this. The masses of people in this
country or the world have not heard this.

They've heard snippets, they've heard edited
clips on various documentaries and programs,

but no one has heard the detailed evidence
that you have here.

That is why your decision at this
point in time is the most significant
decision that will have been taken in
thirty-one years in terms of this case.

Please don't underestimate the importance of
it.

In our view, what has happened in
this case, the injustice that has happened in
this case, and it may be symptomatic of other
cases, we don't know -- we haven't gotten
into that, we've just focused on this
case -- but what has happened here in our
view is representative of the failure that
symbolizes to me the failure of
representative democracy in this country.

Isn't it amazing that one could say

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2228

that over a simple murder case. But when you
look at the wealth of evidence that has come

forward and you understand how this case has been conducted and you understand how it has been covered up, and when you see how unresponsive elected officials and government has been and how complicit they have been, you can come to no other choice.

Governmental agencies caused Martin Luther King to be assassinated. They used other foot soldiers. They caused this whole thing to happen. And they then proceeded with the powerful means at their disposal to cover this case up.

This is a conspiracy that involved -- and that's a nasty word. People insult people in this country who use the word "conspiracy." Nowhere else in the world, as Bill Schaap told you, is it viewed that way. In Italy and France conspiracy is taken for granted because they have lived with it so much longer. Remember that there were thirty-nine daggers going into Caesar.

You know, these things do not happen

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2229

as a rule without the involvement of other people and in this case, this type of murder, without the involvement of seriously prominent individuals in government. So it is in my view a failure of democracy and this Republic that it has not been able to bring this forward.

What we're asking you to do at this point in time is send a message. We're asking you to send a message, not just right a wrong. That's important, that you right a wrong and that you allow justice to prevail once and for all. Let it prevail.

Let justice and truth prevail, elst the heavens's fall. No matter what, let it prevail. Let it come forward. We're asking you to let that happen.

But in addition to that, we're asking you to send a message, send a message to all of those in power, all of those who manipulate justice in this country that you

cannot get away with this. Or if you can get
away with it, you can only get away with it
for so long.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2230

Ultimately truth-crushed earth will
rise again, and it has risen in this
courtroom, ladies and gentlemen. Send that
message. You, you twelve, represent the
American people. You are their
representatives with respect to justice in
this case. They cannot be here. The media
will keep the truth from them forever. You
represent the people of this land. You must
speak for them.

In all of my years I've had
confidence in one institution anywhere in the
Anglo-American world, and it is a jury. It
is twelve people independently hearing
evidence and ruling. That's you. You have
this duty to yourselves, this obligation to
your fellow citizens, and you have an

opportunity to act in a most significant way
that perhaps you can ever imagine, because
your verdict of conspiracy in this case, your
verdict of liability for the defendant and
his other co-conspirators, means history is
rewritten, means textbooks have to be
rewritten, means the actual result of this

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2231

case and the truth of this case now must come
forward formally.

This message also will be sent to
the Attorney General of the United States,
whose team are investigating in a limited
way, they say, this case. But you have heard
much more, so that is why this message is so
important. Please send it.

On behalf of the family of Martin

Luther King, Jr., on behalf of the people of
the United States, I ask you to find for the
plaintiff and find that conspiracy existed
and that those conspirators involved not only

the defendant here but we're dealing in
conspiracy with agents of the City of Memphis
and the governments of the State of Tennessee
and the United States of America.

We ask you to find that conspiracy
existed and once and for all give this
plaintiff family justice and let's cleanse
this city and this nation of the ignorance
that has pervaded this case for so long. Let
the truth reign in this courtroom once and
for all.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2232

Thank you very much.

THE COURT: Mr. Garrison.

MR. GARRISON: Good morning,
ladies and gentlemen. I promise you one
thing, I won't take that long. Let me say
this first of all: I've been practicing law
here starting forty years this past August,
and I think this is the most important case
to me that I've ever been associated with.

I've tried cases in this courtroom and all over this courthouse, and I think this case is the most important case I've ever been associated with. I say that because it is important to the King family, it is important to the American way of life, important to quality and important to history now.

Over the past few years I've met with Ms. Coretta King and Mr. Dexter King and the family, and they are a very lovable family. They have gone through more than any family should have to go through and simply because of the color of their skin, because Dr. King simply was seeking equality and equal rights. And if our Constitution means

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2233

anything, it means that is for everybody.

Now, Dr. Pepper has pursued this case for years. He is like a bulldog on your trousers. You just can't shake him loose, you can't shake him off. If it wasn't for

him, we wouldn't be here today. He and I have many areas of agreement, but we have many areas of disagreement. I want to point those out you to now.

First of all, let me say this: I told you at the beginning that anything that Mr. Jowers had to do with this was very, very minute and small. I think the proof fairly shows that.

Here is a man who had a greasy-spoon restaurant, a beer joint, to put it bluntly, that was there in a place where he had been dealing with a Mr. Liberto, and perhaps those things weren't the way they should be, but he is not on trial for that. He simply said that I had handled money for Mr. Liberto previously and that here again he asked me to handle some money.

He said he was going to send a box

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2234

to him. I didn't know what it was. He said

that the money came in and the box came in and that he said someone would pick up the box and you be at the back door at six o'clock and something would be handed to you. He says I didn't know anything.

Now, he met with Mr. Dexter King and Ambassador Young freely and voluntarily at his own expense, his own time. He told them what limited information he had about this.

He was very honest with them and very sincere in telling them what he knew about this case, which was very limited.

He told Dexter King, which Mr. King admitted here, that he said I didn't know anything about this as far as it being Dr. King that would be the target of assassination, I had no knowledge of that.

He said, I apologize to you for anything that I may have done that would cause the death of your father, but I had no idea, no knowledge, it was just simply something I was doing and had been doing previously, it wasn't any different from the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2235

other things.

Now, ladies and gentlemen, it is

ironic to note here that there is only one

person that has placed any blame on

Mr. Jowers as far as being there doing

anything. That's Ms. Spates. You've heard

her testimony. You've heard an affidavit

read to you that she gave to the prosecutors

of the City of Memphis, their investigators.

She first tried to say that

Mr. Jowers was there and she saw him and all

this thing about him being white and so forth

and so on, but she came back and in an

exhibit here that you have a right to see

said I wasn't even there, I was at work that

day, I didn't see anything, because I didn't

see Mr. Jowers with a gun, I never saw

anything, I was at work that day.

Which version do you believe? This

is a sworn statement, a sworn statement under

oath she gave to the prosecutors. It is
saying I wasn't even there. So which version
do you believe of Ms. Spates?

She first tried to say she had been

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(901) 529-1999

2236

offered some money by Mr. Jowers and even by
me. Yet the first thing I asked her in her
testimony is -- I had never seen the lady but
twice in my life -- Ms. Spates, isn't it true
you have never been offered any money, we
never even talked about any money? She said,
that's exactly right.

She goes on to say, I was never
offered any money. So you have Ms. Spates,
who is the only person that said anything
about Mr. Jowers' involvement in this, and
which version do you believe? Do you believe
that she told the truth one time or the other
time? Both of them were under oath.

Now, as far as Mr. McCraw, I knew

Mr. McCraw, represented him for years. The

thing about Mr. McCraw is that as Mr. Hamblin
said, you couldn't believe a thing he said.

That's his best friend, he got on the stand
and said you couldn't believe a word he
said.

Mr. Jowers played a very, very
insignificant and minor role in this if he
played anything at all. He stated because of

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(901) 529-1999

2237

who he has come forth and said, that he has
lost his wife, everything he has and his
health. So he played a very insignificant,
very small role, if anything in this thing.

It was much bigger than Mr. Jowers, who owned
a little greasy-spoon restaurant there and
happened to be at the location that he was.

Now, ladies and gentlemen, I guess
the area of disagreement between Dr. Pepper
and myself for the most part is this: It is
Mr. James Earl Ray's part in this case.

Let's look at this. You know, you have Mr.

Ray here, who was a convict who spent ninety-nine and nine-tenths of his life in prison, who would do anything for money. He'd rob, take a gun, steal, do anything for money. He enjoyed his notoriety as the most famous prisoner this state has ever known. He enjoyed that. That was a big thing with him.

Here he was let out of prison in a bread truck. If you saw the poster here that's an exhibit, fifty dollars reward. Big reward for him, wasn't it, for a man. He

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(901) 529-1999

2238

came and talked Dr. King. Don't you think it is ironic he was in Atlanta, Chicago, Los Angeles, Memphis, Tennessee, when Dr. King was there, Selma, Alabama, little town of Selma when Dr. King was there?

Don't you think it is ironic that there was a map that they found when he was in Atlanta where he circled Dr. King's home,

his church, his place of business? I asked him on the deposition -- I know the deposition was long and burdensome to you, but I want you to hear what he said. He has told a thousand and one stories. This was his last one. This is number one thousand and one. As far as I know, it is the last time he ever told his story and testified.

It is ironic that he had a map of Atlanta with these three markings. He had never been to Memphis, never been to Birmingham, never been to New Orleans, no maps. But a map of Atlanta was found in his car which admitted had the circle around Dr. King's home, his place of business and Dr. King's church.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2239

Now, the State of Tennessee says that James Earl Ray acted and acted alone. I think there is some validity to that. I don't agree with everything they say, but I

think there is some validity to it. Mr. Ray,
when I asked him how did you know that Dr.
King had been assassinated, he said, I heard
it on the news. I had just gone through a
whole series of questions where he said, I
never listened to the news. I said, didn't
you know they had riots in Memphis, didn't
you know there was someone killed there? He
said, I never listened to the news. Five
minutes after Dr. King was killed, yeah, I
heard it on the news. I think Mr. Ray's
testimony speaks for itself.

He goes in and buys a gun he says
from somebody named Raul that asked him to
do this, but he gets a gun that Raul says --
first of all, Raul didn't tell him to get a
scope. He got that on his own. He didn't
tell him to get a scope on a rifle. He goes
in and says, I want another gun, this is not
the right gun, Raul told me to do this, but

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2240

he never showed the gun to Raul. Was there really a Raul? Maybe there was. Isn't it ironic that for months no one ever saw him with Mr. Ray, no one, no one.

Now, when you take all the testimony here from Mr. Ray and all the scenarios and the things that happened, it makes you wonder, did Mr. Ray do this? Dr. Francisco says, I was taken up to the window there where the shot was supposed to have come from and I saw the path of the bullet. In my opinion, it came from that window sill. This is a medical examiner saying that.

Ladies and gentlemen, last year the Attorney General's Office here concluded a five-year investigation, five years, and this is a report of theirs. Don't decide this case without reading this report. It is an exhibit. You can read it. Don't decide the case without seeing this. It wouldn't be fair to anyone if you didn't. They concluded that there is no proof here that anyone acted in this case except Mr. Ray that was

material.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2241

Now, you know, you wonder sometimes why people tell things, and you've got to think about, well, is that -- what are the circumstances? Because in March of 1969, here again is an exhibit which you need to read before deciding this case, Mr. Ray was asked by Judge Battle, "Are you pleading guilty to murder in the first degree in this case because you killed Dr. Martin Luther King under such circumstances that would make you legally guilty of murder in the first degree under the law as explained to you by your lawyers? Answer, yes."

Now, ladies and gentlemen, I think under the circumstances, if you remember former Congressman Fountroy here said -- I asked him, why did the committee conclude that Mr. Ray was the assassin? What was his answer? He said because he kept changing his

story. Do you remember that? That's the testimony he gave here, a gentleman who was in charge of the congressional committee.

This went on for weeks and weeks and weeks. They spent money, untold sums of

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(901) 529-1999

2242

money to investigate this case. They concluded that Mr. Ray was the one who pulled the trigger, was the one who did the assassination.

Now, let me say this: After spending several years with this case and talking to many, many witnesses, listening to this trial and taking many depositions, you can't help but wonder about things. You've got to wonder from this standpoint: Would the restaurant owner of a greasy-spoon restaurant and a lone assassin, could they pull away officers from the scene of an assassination? Could they change rooms?

Could they put someone up on top of the fire

station? A convict and a greasy-spoon
restaurant owner, could they do that?

You know, when this trial started,
there are two people mentioned in this guilty
plea who are still living. I talked to them
and issued subpoenas for them to be here who
are prosecutors to explain you to ladies and
gentlemen as to why there wasn't more done to
investigate this case. Mr. Ray tried several

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(901) 529-1999

2243

times, seven, eight, nine times, to get a
trial the Court of Appeals, the Supreme
Court, never granted it. He was turned down
that many times.

Why didn't they test the gun? I
don't know. It doesn't make sense to me.

You know, that would have ended this case if
they had tested the gun. There is DNA --
they can use means now to test these guns.

They could find out if they wanted to. Why
wasn't that done? I don't understand.

I've never understood as to why the prosecutors and the Attorney General, if they really wanted to end this case and solve it, why didn't they test the gun. That would have told us whether or not Mr. Ray -- that was the gun that did it with his fingerprints on it or was it another gun. It was never done. They fought it and fought it and fought it.

I talked to two prosecutors who agreed to be here to testify, who had subpoenas to be here. The day before yesterday, without you knowing, the Court of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2244

Appeals said, no, you can't bring them in.

They turned us down again. That's the same thing we've had over and over and over.

Now, ladies and gentlemen, it is ironic in this case that when the extradition proceedings were started against Mr. Ray, that it was to try to extradite him for

conspiracy to murder. That was the first thing the United States government tried to extradite Mr. Ray for, was conspiracy to murder.

You know, when you stop and rationalize this case and think, there has to be more to it than a greasy-spoon restaurant owner and an escaped convict. They could not have arranged these things. They could not have done those things.

Mr. Arkin testified here that one hour before the assassination, or a couple hours, there was a man that came in from Washington, sent in here from Washington saying Mr. Redditt has had a threat on his life and you've got to go get him. Could a greasy-spoon operator and escaped convict

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2245

arrange for that? You know that's not the case. And I do, too. Anyone who can think knows better than that.

Mr. Arkin also said there were officers from the United States government in his office. Why were they here? What were they doing here? They were sent here by the United States government.

Now, ladies and gentlemen, we've had problems with race in Memphis, and I'm sorry to say that I must talk about it to some extent. It has been said by a person who was very knowledgeable that we have the most serious racial divisions in Memphis of any city in this nation, and that's bad, that's terrible. We've got to live together and learn to live together and to know that we are all brothers and sisters. It shouldn't be this way. It shouldn't be that we should have this type racism and the type problems we have.

In this case you have the opportunity to speak. You'll speak in your verdict in case that will either say one of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2246

two things: That we know that there was a conspiracy here, we know that they didn't intend for Dr. King to go to Washington to march, and we know that the United States government, the FBI and the Memphis Police Department and other government agencies along with Mr. Liberto and Mr. Earl Clark and Mr. James Earl Ray were involved in this case, and that's the type verdict that I would ask you to consider.

You told me at the beginning you weren't afraid to let the chips fall where they may. I gather from that that you are not afraid of the United States government, you are not afraid of the Memphis Police Department. If they are liable, you are going to say they are. Am I correct? Isn't that what we agreed to?

I think the testimony here that you've heard and the proof that you've heard indicates clearly there is more than just Mr. Jowers involved. He was a small-time

greasy-spoon cafe operator who played a very
small insignificant part in this case, if

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2247

anything.

If you will study over the reports

I've provided for you and the exhibits, think

about all the testimony that has been given

here and what really happened, ladies and

gentlemen, your verdict would have to be that

the United States government, the FBI, the

Memphis Police Department and others were

involved in this conspiracy to murder Dr.

King.

It is a shameful, terrible thing

that happened here in Memphis. I'm sorry and

apologize to Mr. King that it did, but think

about it. It is a very serious matter.

You'll never have a more serious opportunity

to sit on a jury than this where the issues

are more serious than this.

Whatever you say will be recorded in

history, and this will be it. We expect this case to end after this. It has been going on for years, but we think it is going to end with your decision in this case.

Please give it serious consideration and please think about a judgment against

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2248

others besides Mr. Jowers. He played a very small part, you know he did, in this case.

Think about the other part that Mr. Ray played, Mr. Liberto played. You've got testimony here from a witness that is uncontradicted saying that Mr. Liberto told me he had Martin Luther King assassinated.

Go over it. Think about it. Read over it.

There is only one thing to do, that's to say that we, the jury, find that the United States government, FBI, State of Tennessee, Mr. Liberto, Mr. James Earl Ray, they were all involved in a conspiracy to murder Dr. Martin Luther King. That's the

only decision you can make.

Thank you.

MR. PEPPER: I didn't realize I was going to have to try Mr. James Earl Ray's guilt or innocence in this courtroom, but counsel has raised it, so I should address some of the issues.

Mr. Ray had a habit of marking maps. I have in my possession maps that he marked when he was in Texas, Montreal and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2249

Atlanta, and what he did was it helped him to locate what he did and where he was going.

The Atlanta map is nowhere related to Dr.

King's residence.

It is three oblong circles that covered general areas, one where he was living on Peachtree. He did this. He did this up in Montreal at the Neptune Bar, did this in Texas when he was going down to Mexico and Laredo. It was a habit that James

had. The maps are part of his practice, if you will.

James never stalked Martin Luther King. James was moved from place to place on instructions. He was told to go somewhere and he would go. He was given to some money, told to come to New Orleans and he would be given money.

James Earl Ray was in Los Angeles and was told to go to New Orleans. When Martin Luther King came to Los Angeles, James Earl Ray left. He was there first and he left. He didn't stay in Los Angeles. That was the time he left for Atlanta when Martin

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2250

came there in March.

He was in Atlanta when Martin King was there part of the time, but Dr. King was in and out of Atlanta a great deal of the time. So he would have to be there some of the time. He was not in Selma when Martin

King was in Selma. That is a myth. He didn't stalk Dr. King. There was no reason to stalk him.

He wasn't in New York when he was in New York. He wasn't in Florida when he was in Florida. He wasn't in Chicago when Martin King was in Chicago. He worked in Wanetka, Illinois, for a period of time.

He wasn't in prison ninety-nine percent of his time. Before James Earl Ray went into the Army, he held down jobs. When he came out, he held down jobs. When he got fired, that's when he started to get in trouble. He went and hung out in bars occasionally and somebody would suggest a good idea about how to get some money. So James fell into it. He was, rightly as Mr. Garrison says, was a penny-ante crook.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2251

That's really what it came down to.

He knew nothing about firearms. The

man who sold him the rifle, Donald Woods,
said he never saw a person who knew less about
firearms than James Earl Ray. Never saw a
person who knew less about firearms.

He used to carry a pistol. When he
would stick up a store, he would carry a
pistol, and he had five bullets in the
pistol. I asked him, James, why would you
have five bullets in the pistol, why not
six? He always kept the firing pin chamber
empty.

He was embarrassed to tell me.

Finally I got it out of him. One time
literally he shot himself in the foot. It
was an accident and the gun went off. He
decided if he kept the firing pin chamber
empty, that wouldn't happen. He only had
five bullets. When he was arrested at
Heathrow in London, that gun he was carrying
had only five bullets.

He was somebody who was capable of
being used for a crime like this. He was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2252

someone who was gullible in a lot of ways.

He was someone who needed money. He was on the run when he was concerned and he was someone that could be used. And he was used, and being used, he was told only what he needed to know. Because that's the way those things operate. Once he came under the control of this fellow, he would be told where to go, what to do, only what he needed to know.

He bought the wrong gun. He bought a 243 Winchester. Raul said, no, he wanted a 30-06. He pointed it out to him in a brochure and he went back and got it. The very fact that he bought a gun and then went around and immediately exchanged it indicates that somebody is involved, somebody is controlling him or telling him to do something. So he did that.

Yes, he heard about the assassination on the radio, heard it on the

car radio. He came back around to go to park
the car on South Main Street the way Raul
instructed him. At the time he came back

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2253

around, the police were all over the place.

He is an escaped convict. He is not thinking
of Martin Luther King or anything else. He
is thinking of being an escaped convict and
being stopped. So he takes off. That's
exactly what he did. He took off.

And he did hear about this on the
radio. The more he drove, the more he
listened to the radio, the more he realized
he was in serious trouble.

One of the problems James Earl Ray
faced and lawyers for him faced was the fact
that he was a classic con. If he believed
someone was trying to help him, he wouldn't
tell, he wouldn't name that person, wouldn't
tell you who the person was. By my view, he
mistakenly believed he was being helped,

particularly when he was in Canada. But he would never tell us who was assisting him because he thought these were people who were legitimately trying to help him and he was not going to rat on them.

When he was captured after one prison escape and he was asked continually to

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(901) 529-1999

2254

explain how he got out, how he managed to get away, he refused to tell them. When I pushed him on it, how did it happen, he said, well, the guard was asleep, the guard fell asleep.

I said, why didn't you tell me that? He said, no, no, I might need him again another day. Even in that case he wouldn't tell.

So Ray was that kind of character.

I looked at him from 1978 to 1988, only began to represent him in 1988. Ten years after I started on this case I consented to represent James Earl Ray when I became totally convinced after ten years of looking at the

evidence that he had no knowing involvement.

He pled guilty because that was the thing to do. Mr. Garrison read to you the response to the judge. What he left out was the fact that Ray said, yes, legally guilty, legally guilty. He was legally because he was copping a plea, so he was legally guilty. He never confessed. The media has always said he confessed, the confessed killer. He never confessed.

He always insisted that he didn't do

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2255

it, always wanted a trial. When he fired the Haynes, Foreman came in. December 18th Foreman came on this case, formally into Memphis for the first time for a hearing.

Two p.m. that afternoon Foreman's local counsel was in meeting with the prosecutor.

Two p.m., December 18th, we have the minutes of the meeting, the local attorney was meeting with the prosecutor, Canale, to start

plea-bargaining negotiations. Imagine that,
without any knowledge of Ray at all.

On February 21 he was writing to his
brother that I expect a trial to start
perhaps in April. That late they had been
stitching him up all that time beforehand.

Finally Foreman comes down on him and says
that you've got to plead guilty, they are
going to fry your ass, they convicted you in
the paper, they are going to send your father
back where he was a parole violator forty
years ago, they are going to harass the rest
of your family and, besides, Foreman said,
I'm not in good health and I can't give you
your best defense.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2256

That was the thing that James said
always, he had to get rid of that lawyer and
didn't think the judge would change him, so
he said to him to plead, which he did on
March 10th, and then I'll get a new trial.

The motion was denied on March 13th, and he tried ever since.

He filed motions. The judge died.

Judge Battle died with his head on James Earl Ray's application for a new trial, died in his chambers with his head on those papers at the end of March. James was denied that trial.

When a sitting judge dies, normally such a case when a motion is pending, it is granted. There were two motions pending before that judge. One was granted. One was not. James Earl Ray remained in prison.

I mean, I didn't intend to belabor Mr. Ray's innocence, but I believe firmly he is innocent, he was an unknowing patsy in this case and he was used.

As far as Ms. Spates' testimony, I did refer to it earlier. The statement that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2257

you heard read under oath in her deposition

were paragraphs specifically from an affidavit that she had given subsequently to her interview by the TBI and the Attorney General's Office here. And from what she told me, that was a horrifically-pressured interview that they gave her, was distorted, inaccurate, untruthful, and that's why she gave that other story. And she reluctantly put Mr. Jowers right in the middle of it.

Now, having said all of that,

Mr. Garrison is quite right, you can read the Attorney General's report. Take a look at it. Remember one thing when you take a look at it. The man who headed that investigation sat there. He was one of the witnesses

Mr. Garrison called that we were able to examine before the Court of Appeals said you are not going to talk to any of those people.

Mr. Glankler sat in that chair. I

just gave him a sampling of names, gave him twenty-three names. Do you recall that? I asked him if he interviewed these people in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2258

his investigation, these witnesses with vital evidence that you've heard, twenty-three.

Do you know how many he actually interviewed? I recall I think it was two.

That's the investigation the Attorney General's Office did. That just speaks for itself, in my view. So I would look at the report in that kind of context.

As to the House Select Committee investigation, Representative Fountroy is very uncomfortable with the results of that investigation, very unhappy, has been for a number of years. He has indicated that they didn't have enough time, they could have perhaps done better if they had more time.

At other times he said the staff he thinks misled them. Fountroy was never happy with the results of that investigation. And I think he has made that quite clear.

Raul, the evidence on Raul speaks

for itself. Mr. Jowers himself has identified Raul. Mr. Jowers identified Raul from the spread of photographs that I showed him when Dexter King and I met. He

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2259

knows who Raul was. He identified him as the man who came into the restaurant who Liberto sent in.

Now, one thing Mr. Garrison and I do agree on -- we agree on a lot of things, actually, but one thing in particular is that Mr. Jowers is a small part of this whole thing. He owned this cafe, and he did have a debt, an obligation, to Mr. Liberto, and he was prevailed upon to become involved in this assassination. He didn't go out looking for it. He was prevailed upon to be involved.

I'm not really certain about how much money he got for his involvement. I think he got a substantial amount of money.

I think that is what the stove money was all

about. But I'm not certain of that. We will never know that, I suppose.

Mr. Jowers has unburdened himself to the King family. He has -- it is late in his life. And for whatever reason, he has come forward and he has, as Mr. Garrison has told you, voluntarily told elements of the story.

We believe that that is what he has done.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2260

He has just told elements of the story protecting himself to the extent that he can because he is worried about being ultimately indicted. We think foolishly so because we don't think there is any interest in that, but that is his fear.

What, however, we don't believe is that Mr. Jowers was unknowingly involved.

We've put into evidence the Prime Time Live interview with Sam Donaldson, and in that interview and in the transcript of that it is very clear -- he tells different nuances of

the story, but it is very clear that he knew what was going on, he knew what was happening.

Both Ambassador Young and Dexter King have said the one thing they didn't believe about him is when he said he didn't know. You can understand why he would say that, because he is talking to the son of Martin Luther King, Jr., the son of the victim is sitting right in front of him. How does he -- with eyes together how does he say, I knew, I was a part of this, I was a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2261

knowing part of it? So he said, I don't

know. We just don't believe that.

And we believe the evidence of Bill

Hamblin, who said McCraw told him what

happened to that rifle, but he told him when

he was drunk over a period of fifteen years

each time. It might be very right that

McCraw would lie when he was sober. But when

he was drunk, Hamblin said, you may recall,
he was straight, he told him the truth, and
he told him the same detail again and again
and again. If he had been sober and he would
tell him one story and then another, then you
would say there was some prevarication, maybe
it was not true, but Hamblin said it was the
same story again and again and again but only
would discuss it when he was intoxicated.

On the basis of all of that, we
believe that Mr. Hamblin is telling the
truth, that that murder weapon is at the
bottom of the Mississippi River where it was
thrown by Mr. McCraw.

So that is basically it, ladies and
gentlemen. I think that you have to keep in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2262

mind that no matter how small the part
Mr. Jowers played in this whole sorry
episode, he nonetheless played a part and is
a conspirator. He is guilty, libel in this

court. He is libel in this court of
conspiracy because he was involved.
Irrespective of James Earl Ray, and
I believe in respect of James' memory -- he
is not here to defend himself, but I had to
give you information about him -- but
irrespective of that, even if you found that
James was involved and up to his neck, that
does not absolve Mr. Loyd Jowers, neither
does it absolve the governments and the
government agents who have been involved in
this case.

So a verdict of an existence of
conspiracy, as Mr. Garrison said, quite
rightly, does mean that there is a
conspiracy, and it involves all of the
elements that you have seen here today, and
the award of damages, nominal though it is,
is to be -- is also to be a part of your
verdict.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2263

Thank you very much. Once again,
please, we're asking you to send this message
from this courtroom across the land. Though
they will not know the details of what you
have heard probably ever, unless researchers
want to come in and read all of this, they
will not be able at least to suppress the
mighty Whirlitzer sound of your verdict.

That's the message that we ask you
to send from this courtroom to the rest of
this country and indeed the world who are
concerned about the assassination of Martin
Luther King and his loss to civilized
mankind.

Thank you.

THE COURT: All right. Ladies
and gentlemen, in this case the plaintiffs,
Coretta Scott King, Martin Luther King, III,
Bernice King, Dexter Scott King and Yolonda
King have sued Loyd Jowers and other unknown
conspirators alleging that the defendant
Jowers was a participant in a conspiracy to
do harm, and that as a result of that

conspiracy that harm was done to Dr. Martin

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2264

Luther King, that is, that he was killed in
the process.

To that, the Defendant Loyd Jowers,
has pleaded not guilty or said he is not
guilty of the things alleged. In the
alternative, Mr. Jowers has also alleged that
if he was involved, it was a very minute or
small part of the conspiracy and that in
addition to his conduct, that there was also
additional participants, namely James Earl
Ray, the Government of the United States of
America, the Government of the State of
Tennessee, City of Memphis, the Memphis
Police Department, the Government of Shelby
County, Tennessee, and that his was only a
minor part, and he also alleges that there
was participation on the part of Frank
Liberto and Earl Clark.

Now, ladies and gentlemen, I'll give

you my instructions, which you should consider when you are deliberating. You are to decide this case only from the evidence which was presented at this trial. The evidence consists of the sworn testimony of DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD (901) 529-1999 2265

the witnesses who have testified, both in person and by deposition, the exhibits that were received and marked as evidence, any facts to which all the lawyers have agreed are stipulated and any other matters that I have instructed you to consider.

There are two kinds of evidence:

Direct and circumstantial. Direct evidence is direct proof of a fact such as testimony of a witness about what the witness personally observed. Circumstantial evidence is indirect evidence that gives you clues about what happened.

Circumstantial evidence is proof of a factor a group of facts that causes you to

conclude that another fact exists. It is for you to decide whether a fact has been proved by circumstantial evidence.

If you base your decision upon circumstantial evidence, you must be convinced that the conclusion you reach is more probable than any other explanation.

For example, if a witness testifies that a witness saw it raining outside, that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

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2266

would be direct evidence that it was raining. If a witness testifies that the witness saw someone enter the room wearing a raincoat covered with drops of water carrying a wet umbrella, that would be circumstantial evidence from which you could conclude that it was raining.

You are to consider both direct and circumstantial evidence. The law permits you to give equal weight to both, but it is for you to decide how much weight to give any

evidence in making your decision.

You must consider all of the evidence in light of reason, experience and common sense. Although you must consider all of the evidence, you are not required to accept all of the evidence as true or accurate.

You should not decide an issue by the simple process of counting the number of witnesses who have testified on either side.

You must consider all of the evidence in the case. You may decide that the testimony of a few witnesses on one side is more convincing

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2267

than the testimony of more witnesses on the other side.

Certain testimony has been presented by deposition. A deposition is testimony taken under oath before the trial and preserved in writing or on videotape. You are to consider that testimony as if it had

been given in court. You are the sole and exclusive judges of the credibility or believability of the witnesses who have testified in this case.

You must decide which witnesses you believe and how important you think their testimony is. You are not required to accept or reject everything a witness says. You are free to believe all, none or part of any testimony.

In deciding which testimony you believe, you should rely on your common sense and every-day experience. There is no fixed set of rules to use in deciding whether you believe a witness, but it may help you to think about the following questions: Was the witness able to see, hear or be aware of the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2268

things about which the witness testified?

How well was the witness able to recall and describe these things? How long was the

witness watching or listening? Was the witness distracted in any way? Did the witness have a good memory? How did the witness look and act while testifying? Was the witness making an honest effort to tell the truth or did the witness evade questions? Did the witness have any interest in the outcome of the case? Did the witness have any motive, bias or prejudice that would influence the witness' testimony? How reasonable was the witness' testimony when you considered all of the evidence in the case? Was the witness' testimony contradicted by what the witness has said or done at another time or the testimony of other witnesses or by other evidence? Has there been evidence regarding the witness' intelligence, respectability or reputation for truthfulness? Has the witness' testimony been influenced by any promise, threat or suggestion and did the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

witness admit that any part of the witness' testimony was not true.

There may be discrepancies or differences within a witness' testimony or between the testimony of different witnesses. This does not necessarily mean that a witness should be disbelieved.

Sometimes when two people observe an event, they will see or hear it differently.

Sometimes a witness may have a lapse of memory. Witnesses may testify honestly but simply may be wrong about what they thought they saw or remembered.

You should consider whether a discrepancy relates to an important fact or only to an unimportant detail. Usually witnesses are permitted to testify as -- usually witnesses are not permitted to testify as to opinions or to conclusions.

However, a witness who has scientific, technical or other specialized knowledge, skill, experience, training or education may

be permitted to give testimony in the form of
opinions. Those witnesses are often referred

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(901) 529-1999

2270

to as expert witnesses.

You may remember that Judge Joe

Brown came in and was qualified as an expert
in firearms. You should determine the weight
that should be given to an expert opinion.

You should consider the education,
qualification and experience of the witness
and the credibility of the witness and the
facts relied upon by the witness to support
the opinion and the reasoning used by the
witness to arrive at the opinion.

You should consider each expert
opinion and give it the weight, if any, that
you think it deserves. You are not required
to accept the opinion of any expert.

The defendant in this case, Loyd
Jowers, is accused of conspiracy. Conspiracy
is an agreement to perform an illegal act.

In order to establish an action for civil conspiracy, there must be a combination between two or more persons to accomplish by concert an unlawful purpose or to accomplish a purpose not in itself unlawful by unlawful means.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2271

In connection with concerted action, it is not essential that each conspirator had knowledge of all the details of the conspiracy, but there must be an overt act.

When this act occurs, it is not necessary that the party is aware of the nature of the harm to be done or the person against whom the harm will be done. It is not a defense that someone else may have played a greater part than another.

Neither is it your responsibility to identify other co-conspirators if you find that they do exist. It is no defense that someone else might have played a role or

possibly a greater role than Loyd Jowers.

Also remember the question is not whether Loyd Jowers conspired with James Earl Ray. The question is did Jowers conspire with anyone in a scheme that brought harm to Dr. Martin Luther King.

In this case suit has been brought for damages alleging that an illegal act occurred causing the death of Dr. Martin Luther King. In this action the plaintiff

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2272

has the burden of establishing by a preponderance of evidence all of the facts necessary to prove the following issue: That is, that Loyd Jowers conspired with others who are not parties to this action to commit an act which resulted in the harm to Dr. Martin Luther King.

The term "preponderance of the evidence" means that amount of evidence that causes you to conclude that an allegation is

probably true. To prove an allegation by a preponderance of evidence, a party must convince you that the allegation is more likely true than not true.

If the evidence on a particular issue is equally balanced, that issue has not been proved by a preponderance of the evidence and the party has the burden of proving that issue -- the party that has the burden of proving that issue has failed.

You must consider all of the evidence on each issue. A stipulation is an agreement. If the parties have stipulated that certain matters of fact are true, they

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2273

are bound by this -- if they so stipulate, they are bound by this agreement, and in your consideration of the evidence, you are to treat these facts as proved.

The parties have stipulated that should you find that they are entitled to

recover in this case, that the dollar amount should not exceed one hundred dollars.

Members of the jury, now that you have heard all of the evidence and the arguments of the lawyers, it is my duty to instruct you on the law that applies in this case. It is your duty to find the facts from all of the evidence in the case.

After you determine the facts, you must apply the law that has been given to you whether you agree with it or not. You must not be influenced by any personal likes or dislikes, prejudice or sympathy. You must decide the case solely on the evidence before you and according to the law that is given to you.

All of the instructions are equally important. The order in which these

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2274

instructions are given has no significance.

You must follow all of the instructions and

not single out some and ignore the others.

In reaching your verdict, you may consider only the evidence that was admitted. Remember that any questions or objections, statements or arguments by the attorneys during the trial are not evidence.

If the attorneys have stipulated or agreed to any fact, however, you will regard that fact as having been proved.

The testimony that you've been instructed to disregard is not evidence and must not be considered. If evidence has been received only for a limited purpose, you must follow the limited instructions you were given.

Although you must only consider the evidence in this case in reaching your verdict, you are not required to set aside your common knowledge. You are permitted to weigh the evidence in light of your common sense, observations and experiences.

The Court has given you various

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2275

rules of law to help guide you to a just and lawful verdict. Whether some of these instructions will apply will depend upon what you decide are the facts.

The Court's instructions on any subject, including the instructions on damages, must not be taken by you to indicate the Court's opinion or the facts that you should find or the verdict you should return.

You have taken notes during the trial. Once you retire to the jury room, you may refer to your notes, but only to refresh your own memory of the witness' testimony.

You are free to discuss the testimony of the witnesses with your fellow jurors, but each of you must rely on your own individual memory as to what a witness did or did not say.

In discussing the testimony, you may not read your notes to fellow jurors or

otherwise tell them what you have written.

You should never use your notes to persuade

or influence other jurors. Your notes are

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2276

not evidence. Your notes should carry no

more weight than the unrecorded recollection

of another juror.

Your attitude and conduct at the

beginning of your deliberations are very

important. It is rarely productive for a

juror to immediately announce a determination

to hold firm for a certain verdict before any

deliberations or discussions take place.

Taking that position might make it

difficult for you to consider the opinions of

other fellow jurors or change your mind even

if you later decide that you might be wrong.

Please remember that you are not

advocates for one party or another. You are

the judges of the facts in this case. Each

of you should deliberate and vote on each

issue to be decided. Before you return your verdict, however, each of you must agree on the verdict to be reached so that each of you will be able to state truthfully that the verdict is yours.

The verdict you return to the Court must represent the considered judgment of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2277

each juror. In order to return a verdict, it is necessary that each juror agree that your verdict must be unanimous.

It is your duty to consult with one another and to reach an agreement if you can do so without violence to individual judgment.

Each of you must decide the case for yourself, but do so only after an impartial consideration of the evidence with your fellow jurors.

In the course of your deliberations, do not hesitate to reexamine your own views

and to change your opinion if you are convinced that it is not correct. But do not surrender your honest conviction as to the weight or effect of the evidence solely because of the opinion of your fellow jurors or for the purpose of returning a verdict.

If a question arises during deliberations and you need further instructions, please print the question on a sheet of paper, knock on the door of the jury room and give the question to my court

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2278

deputy. I'll read the question and I may call you back into the court to try to help you. Please understand that I may only answer questions about the law and I cannot answer questions about the evidence.

For your benefit, I have prepared a jury verdict sheet. Let me remind you that although certainly the life of Dr. Martin Luther King would certainly be more than a

hundred dollars, you are not called upon to assess a real value in this case. The parties are only seeking nominal damages. So that if you find at all for the plaintiffs, again I'll remind you that you cannot award any more than what they are asking for.

Now, in the Circuit Court, it is a court of unlimited jurisdiction, and there is no limit to the amount that can be recovered, millions, whatever, but you can in any case only award the amount that is being asked or less. You can never give more than the party has asked for. So remember that there is a one hundred dollar limit on the request in

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2279

this case.

The jury verdict reads as follows:

Did Loyd Jowers participate in a conspiracy to do harm to Dr. Martin Luther King? And there is a space for you to answer yes or

no.

I have an additional question: Do

you also find -- assuming that your answer to

the first one is yes, and I'm not suggesting

an answer to that one, but should -- if you

find that the first one is no, then that's

the end of your deliberations. But if your

answer to the first question is yes, then the

question is asked, do you also find that

others, including governmental agencies, were

parties to this conspiracy as alleged by the

defendant? Again, there are places for you

to answer yes or no.

And a third question is put to you:

What is the total amount of damages to be

awarded to the plaintiffs Coretta Scott King,

Martin Luther King, III, Bernice King, Dexter

Scott King and Yolonda King? There is a

blank here where if you would find for them,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2280

again I'll remind you that the total amount

should not exceed four hundred dollars.

Anything further?

MR. GARRISON: I have nothing further, Your Honor.

THE COURT: All right, ladies and gentlemen. You will now retire and select one of you to be the presiding juror for your deliberations.

As soon as all of you have agreed upon a verdict, you will sign the verdict form and return with it to this courtroom.

You may deliberate only when all of you are present in the jury room. And you may not resume your deliberations after any break until all of you have returned to the jury room, that is to say, you can never discuss the case in splintered groups but only when you are -- when all of you are together and deliberating.

The other thing that I must do at this time, regretfully, is to take the alternates. The alternates will not be allowed to deliberate with you. We normally

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2281

excuse them at this time. But I am going to -- I'm requesting that you remain here but do not speak to the -- do not discuss the case during the deliberations, but I want you to remain until the final verdict has been returned. There is still the possibility that you -- we hope that it doesn't happen, but there is always the possibility you might have to enter into the deliberation. So we ask you to please stay but do not discuss the case with anyone. Do you understand?

All right. Anything further?

MR. GARRISON: Can we approach the bench just a moment?

(Bench conference outside the presence of the court reporter.)

THE COURT: All right. Would the alternates come up here.

(The two alternate jurors approached the bench for a conference outside the

presence of the court reporter.)

THE COURT: All right. Ladies

and gentlemen, during the course of the trial

there were certain exhibits that were

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2282

presented. These exhibits will be available

to you if you find that they would help you

in your deliberations, all but the deposition

testimony. We will not allow the depositions

to go back, but any of the other exhibits you

may have.

All right. You may now retire.

(Jury out.)

(The jury began its

deliberations at 12:32 p.m.)

THE COURT: All right. We have

absolutely no idea what the jury is going to

do or how long it is going to take them to

do. I don't know whether or not they are

going to want to take a break before they get

into their serious deliberations. I'm going

to ask you all to stay close. If you must go
someplace, let he the deputy or someone know
where were can reach you.

(The Court stood in recess until
3:02 p.m.)

THE COURT: I understand the
jury has reached a verdict. I'm going to
bring them out. They've indicated that they

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

2283

want a picture of themselves. So I'm
authorizing this gentleman to take one
picture. He is going to make sure there are
no additional copies. I'll have copies made
of them and send them to the jurors.

(Jury in.)

THE COURT: All right, ladies
and gentlemen. I understand you reached a
verdict. Is that correct?

THE JURY: Yes (In unison).

THE COURT: May I have that
verdict.

(Verdict form passed to the
Court.)

THE COURT: I have authorized
this gentleman here to take one picture of
you which I'm going to have developed and
make copies and send to you as I promised.

Okay. All right, ladies and
gentlemen. Let me ask you, do all of you
agree with this verdict?

THE JURY: Yes (In unison).

THE COURT: In answer to the
question did Loyd Jowers participate in a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2284

conspiracy to do harm to Dr. Martin Luther
King, your answer is yes. Do you also find
that others, including governmental agencies,
were parties to this conspiracy as alleged by
the defendant? Your answer to that one is
also yes. And the total amount of damages
you find for the plaintiffs entitled to is
one hundred dollars. Is that your verdict?

THE JURY: Yes (In unison).

THE COURT: All right. I want to thank you ladies and gentlemen for your participation. It lasted a lot longer than we had originally predicted. In spite of that, you hung in there and you took your notes and you were alert all during the trial. And we appreciate it. We want you to note that our courts cannot function if we don't have jurors who accept their responsibility such as you have.

I hope it has been a pleasant experience for you and that when you go back home you'll tend tell your friends and neighbors when they get that letter saying they've been summoned for jury duty, don't

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2285

try to think of up those little old lies, just come on down and it is not so bad after all.

I know how much you regret the fact

that you won't be able to come back for the next ten years. I don't know, I may or may not recognize you if I see you on the street some day, but if you would see me and recognize me, I sure would appreciate you coming up and reminding me of your service here.

To remind you of your service, we have some certificates that we have prepared for you. They look real good in a frame. Not only will they remind you of your service here, but they will remind you also of that wonderful judge who presided over this. We do thank you very much on behalf of everyone who has participated in this trial.

You were directed not to discuss the case when you were first sworn. Now that your verdict has been reached, I'm going to relieve you of that oath, meaning that you may or may not discuss it. It is up to you.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2286

No one can force you to. And if you discuss it, it will only be because you decide that you wanted to.

I guess that's about all except that I want to come around there and personally shake your hand. You are what I would call Trojans.

Having said that, as soon as I get around there and get a chance to shake your hands, you'll be dismissed.

(Judge Swearingen left the bench to shake the jurors hands.)

THE COURT: Those of you who would like to retain your notes, you may do so if you want to.

I guess that's about it. So consider yourselves dismissed and we thank you again.

Ladies and gentlemen, Court is adjourned.

(The proceedings were concluded at 3:10 p.m. on December 8th, 1999.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

2287

COURT REPORTERS' CERTIFICATE

STATE OF TENNESSEE:

COUNTY OF SHELBY:

We, BRIAN F. DOMINSKI, MARGIE

DAUSTER, SARA ROGAN, KRISTEN PETERSON and

SHERYL WEATHERFORD, Reporters and Notaries

Public, Shelby County, Tennessee, CERTIFY:

1. The foregoing proceedings were

taken before us at the time and place stated

in the foregoing styled cause with the

appearances as noted;

2. Being Court Reporters, we then

reported the proceedings in Stenotype to the

best of our skill and ability, and the

foregoing pages contain a full, true and

correct transcript of our said Stenotype

notes then and there taken;

3. We am not in the employ of and

are not related to any of the parties or

their counsel, and we have no interest in the

matter involved.

WITNESS OUR SIGNATURES, this, the
____ day of _____, 2000.

BRIAN F. DOMINSKI

Certificate of Merit

Holder; Registered

Professional Reporter,

Notary Public for

the State of Tennessee at

Large ***

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2288

MARGIE ROUTHIAUX

Registered

Professional Reporter,

Notary Public for

the State of Tennessee at

Large ***

SARA ROGAN

Registered

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KRISTIN PETERSON
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