

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

Volume 4

18 November 1999

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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.

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P R O C E E D I N G S

(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

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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 pastorship?

A. I just retired as pastor from Holeman United Methodist Church in Los Angeles.

Q. And prior to that charge where were you, sir?

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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

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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.

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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

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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

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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

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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

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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.

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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

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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. What 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.

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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

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and laity concerned for the Vietnam War in Southeast Asia, with people like William M. Sloan Coffin 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.

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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

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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.

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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,

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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,

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because of Bayind [Bayard] 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 [Bayard] 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

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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,

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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

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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

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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 [Bayard] 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

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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?

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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

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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

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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

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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

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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,

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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

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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

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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,

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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

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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

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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

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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

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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.

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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.

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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

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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.

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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.

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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,

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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

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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

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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

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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

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Wilkins, Bayind [Bayard] 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

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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

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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

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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

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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

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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

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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](#)

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[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

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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.

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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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

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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" –

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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

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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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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

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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

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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

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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

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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 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,

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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,

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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](#)

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[hearings in the late 1970's](#) or whenever that was. I talked with Congressman Walter Fountroy [Fautroy], 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 execute sessions.

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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 [Jesse] 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

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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

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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

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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.

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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

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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

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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

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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 [Jesse] 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

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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 in 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.

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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,

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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

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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?

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A. At that point in time.

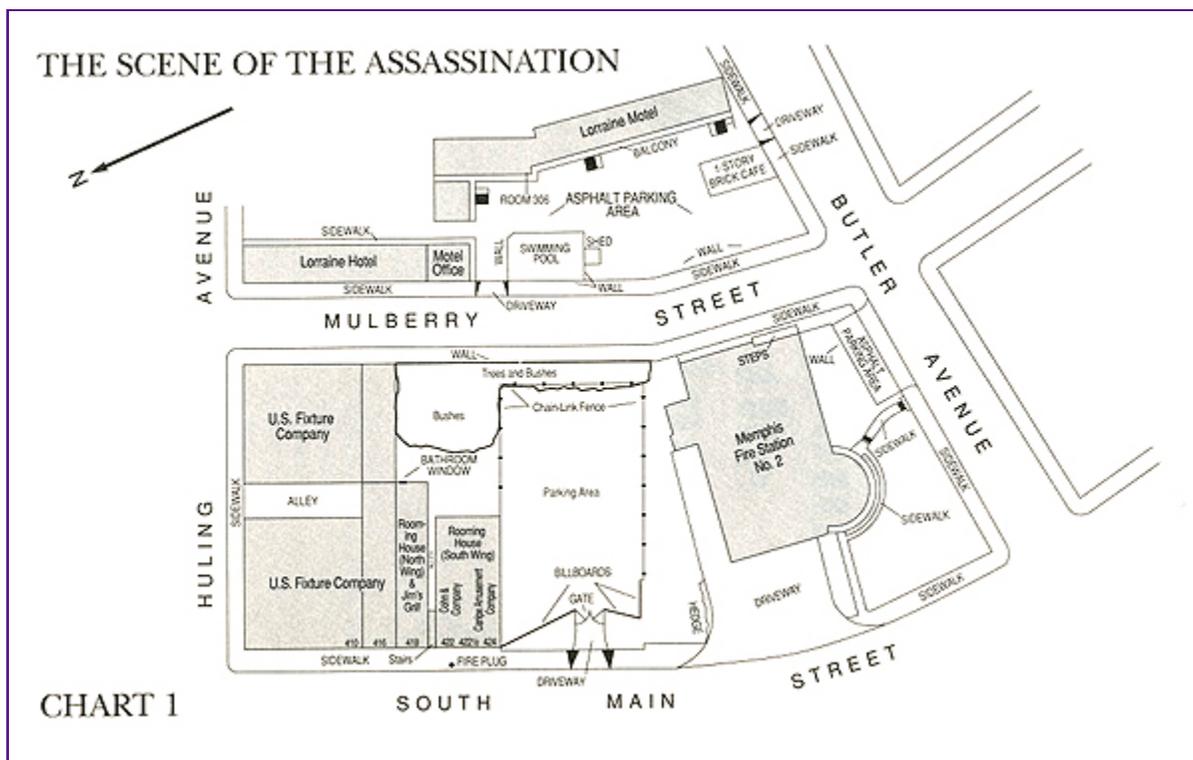
Q. All right. Who was the Memphis police department officer or inspector who was your counterpart or with whom you liaised?

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?



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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 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

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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

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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.

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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.

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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.

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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?

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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?

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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

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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

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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.

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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.

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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.

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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.

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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

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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?

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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

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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.

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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

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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

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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

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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?

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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

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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?

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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.

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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 came and said, what did you see, did you see anything, tell us what you see.

Q. How close to the scene of the

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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

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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?

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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.

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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.

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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

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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.

RECROSS-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.

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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.

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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?

Answer: Retired.

Question: 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.

Question: Were you working for Southern Bell on the 4th of April, 1968?

Answer: Yes, sir.

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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.

Question: 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

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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

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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

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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

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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.

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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

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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

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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

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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

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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

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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?

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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

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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

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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

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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

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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

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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

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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 [Weisberg] in a

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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

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stands for murder of King. These report the results of their lab tests. They were obtained by me for my client, Mr. Harold Wiseberg [Weisberg], 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

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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

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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

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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

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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

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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

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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.

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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.

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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

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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.

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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 \[Nobel\] 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?

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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.

[Q:] You think you had come in earlier.

[A:] 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.

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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

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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

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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 [Jesse] Jackson had just come in and Hosea Williams and others who had been

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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.

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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.

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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.

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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

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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?

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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

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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

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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

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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

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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.

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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.

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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

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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.

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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

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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

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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.

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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

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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.

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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.

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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.

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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.)

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