

Complete Transcript of the Martin Luther King, Jr.

Assassination Conspiracy Trial

Volume 13

7 December 1999

1942

IN THE CIRCUIT COURT OF SHELBY COUNTY,

TENNESSEE FOR THE THIRTIETH JUDICIAL

DISTRICT AT MEMPHIS

CORETTA SCOTT KING, et al,

Plaintiffs,

Vs. Case No. 97242

LOYD JOWERS, et al,

Defendants.

PROCEEDINGS

December 7th, 1999

VOLUME XIII

Before the Honorable James E. Swearngen,

Division 4, judge presiding.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
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1943

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1944

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1945

PROCEEDINGS

THE COURT: We're ready for the jury.

(Jury in.)

THE COURT: Good morning. We have some more excitement in store for you. Mr. –

MR. GARRISON: Your Honor, we'd like to read the latter part of Mr. Ray's deposition at this time.

THE COURT: All right.

(The conclusion of the March 12th, 1995, deposition of James Earl Ray was read in its entirety to the jury with the excerpts as noted as follows:)

MR. BLEDSOE: "James Earl Ray,

having been first duly sworn, was examined and testified as follows, direct examination, by Mr. Garrison.

Q. Mr. Ray, when we adjourned the deposition yesterday, we had gotten to the point where you had gone in, I believe, to look at some rifles. I want to back up just a bit before we start back with that and let

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1946

me ask you something.

Have you ever been known as G-e-r-r-y, Gerry Ray? Have you ever used that alias?

A. No, that's my brother's name.

Q. Okay. What about George Ray, have you ever used that alias?

A. No, that's my father's name.

Q. Okay. What about Gery, Rayn, R-a-y-n?

A. R-a-y-n? R-a-y-n-s – you're not talking about Ryan, R-y-a-n, are you?

Q. No, sir. I'm asking if you have ever used the name of G-e-r-r-y, R-a-y-n?

A. No. That's another one – that's my brother's alias.

Q. Okay. And what about G-e-r-r-y, Gerry Raynes, R-a-y-n-e-s?

A. No, I have never heard of that name.

Q. How about G-e-r-r-y, R-a-i-n-e-s, have you ever used that alias?

A. No.

Q. Okay. What about Gerry Ryan,

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1947

R-y-a-n, have you ever used that alias?

A. No, I have never used that name.

Q. Okay. Going back just a bit before we get back to where we were yesterday. You came through Selma, Alabama from New Orleans; am I right, sir?

A. Yes.

Q. And you spent the night there, didn't you?

A. Yes.

Q. At the Mango (Phonetic) Hotel – Motel?

A. Yes. It was on – it was on a road. It wasn't in no city or town. It was just a motel on the road.

Q. And, in fact, Dr. King was there at the same time, wasn't he?

A. No, he wasn't.

Q. You're sure about that?

A. Well, I have checked the records, and he was somewhere – 100 miles from there or somewhere.

Q. Okay. Then from Selma you went on to Birmingham, did you not, sir?

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1948

A. Yes.

Q. Okay. And Raul had told you he would meet you in Birmingham?

A. At the Starlight, yes.

Q. Okay. And what was the purpose of going to Birmingham first?

A. Well, I was supposed to meet him in New Orleans. When I got there, I called his contact number, and he told me to go ahead and meet him in Birmingham, that he had done went to Birmingham.

Q. Okay. And you were going to meet at the Starlight in Birmingham?

A. Yes.

Q. Did you meet him?

A. Yes.

Q. Okay. And then where did you go from there?

A. We went from there to Atlanta.

Q. Okay. At this point had he mentioned anything to you about any guns?

A. Yes. He mentioned them previously, but I don't know just when all he mentioned it. I know he mentioned it in New

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1949

Orleans. He may have mentioned it in December of '67. He may have mentioned

them before that, but I know there was guns mentioned in Mexico.

Q. What I'm wondering, Mr. Ray, is this: If he had mentioned to you about guns in New Orleans and Birmingham, what was the reason you went to Atlanta and then back to Birmingham to buy a gun?

A. Well, I don't know. He wanted to go to Atlanta. I didn't ask him why he wanted to go there.

Q. Okay. Did he ride with you to Atlanta from Birmingham?

A. Yes.

Q. Okay. Did you spend the night in Birmingham?

A. No. We left there – I met him at the Starlight, and we left there probably 10 or 15 minutes after I got there.

Q. To go on to Atlanta?

A. Yes.

Q. All right. Now, you were in Atlanta, and you stayed there. I believe you

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1950

said the person that you – at the place where you were staying was intoxicated?

A. Yes.

Q. And did he ever see you with Raul–

A. Yes.

Q. – this gentleman? He did see you with Raul?

A. Yes.

Q. Okay. Other than that gentleman there at this location do you know if anyone ever saw you with Raul at any point that you know now who those people would have been?

A. Well, of course, these documents are all classified. I think probably the barmaid at the Starlight Lounge probably seen us together because we was in there several times, and also there was some people there at the – at this place where the intoxicated landlord was in Atlanta.

Q. Uh-huh.

A. Someone apparently gave a statement to the FBI that they saw me with someone else. But I give that to a reporter

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1951

named McClellan, *WSM* Television in about 1979. I give the document to him, and I never did get it back.

Q. Well, according to the FBI report, the gentleman who operated the rooming house in Atlanta says he never saw you with anyone else.

A. Well, I don't know. He stayed drunk all the time, so it's difficult – what he saw and what he didn't see.

Q. Okay. Now, we're getting back to the gun. You had gone to the place, the Arrow Marine Supply, to buy a gun. And when you got there, what time of day was it roughly?

A. It must have been sometime around – between eleven and one o'clock.

Q. Okay. And what day of the – was this April date the 2nd, 3rd, 4th? When was this that you –

A. Well, this apparently was March the 28th or 29th, and I know it was on a Friday.

Q. When you went in there, did

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1952

someone say, can I wait on you or can I help you? What was done?

A. Yes. Well, the salesman, you know, he just asked me what I wanted and what he could do for me, and –

Q. Okay. What did you later learn his name to be?

A. I've forgotten now. There was a salesman there, and I think there was also a co-owner there, but I can't recall either one of them's name.

Q. Okay. All right. You just – you told him you wanted to purchase a gun for deer hunting?

A. I think something about a large bore deer rifle. I believe that was the –

Q. And did he have one behind the counter or where did he get the gun from?

A. I really don't recall. It's kind of a big – well, it wasn't a warehouse, but it was a fairly big place, and I don't know where he got it at.

Q. Did he put the gun in your hands and let you look at it and feel of it and see

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1953

how heavy it was?

A. I really can't recall. I think he probably did show it – hand it to me or something like that. I wanted to make it appear like I knew something about it probably.

Q. And how long did you look at it before you decided to purchase it?

A. Well, not very long.

Q. Well, five minutes, ten minutes, fifteen?

A. Probably less than that, probably a couple of minutes.

Q. Did you look at any mechanism on the gun to see how it operated?

A. No, I didn't.

Q. All right. And did you look at any other guns where you actually were shown

some other guns?

A. I looked at some guns on a rack up over on the – on the – not on his side of the counter, on my side of the counter. They were – I believe they were Mausers. It was a foreign gun – foreign made rifles, and

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1954

I asked him about the price of them, and –

Q. Did you actually handle those guns?

A. I doubt it. I may have touched one of them or something, but I don't believe I handled them. No, I don't think so.

Q. Okay. How much did you pay for this gun?

A. I really can't recall. It's probably over \$200 or somewhere around there, I suppose.

Q. Okay. Now, you were in Birmingham. And had Raul ridden from Atlanta back to Birmingham with you?

A. From Birmingham – how is –

Q. From Atlanta back to Birmingham. You had gone back to Birmingham from Atlanta to buy a gun?

A. Yes. He had ridden with me.

Q. He had waited where?

A. Where did he wait?

Q. Yes, sir.

A. He waited in the – I'm kind of inclined to think he waited in the Starlight

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1955

Club. And then I went and rented the motel, the Five Points, and I think I picked him up. I think he had something to do or something. I'm not – my memory is not too well on this.

Q. Okay. When you purchased the gun, then you had gone back to meet him?

A. Yes.

Q. And did he take the gun and examine it and look down the scope and check the mechanism and so forth?

A. Well, he looked it over, and I don't know how close he looked it over, but he just said it was the wrong type or the wrong bore or something. And so that's when I – I had the brochure. So I just gave him the brochure and, you know, just told him to pick one out and I would exchange it.

Q. Mr. Ray, when you were in the – the times you were in New Orleans, did you ever go to where Raul lived?

A. No, I never did. I don't know where he lived. I did contact him by telephone.

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1956

Q. Okay. Now, he gave you \$700?

A. I think somewhere around \$700, yes. I think that – I don't – I think the \$700 wasn't just to purchase the gun. It was for other things, but he didn't specify what other things.

Q. Had you already purchased the camera equipment then?

A. Yes, I had the camera equipment.

Q. Where did you purchase that?

A. I purchased all of it in Birmingham except for one item, and I couldn't get – there was one item I couldn't get. I think they ordered it from Chicago, but I had to leave Birmingham before it arrived.

Q. Okay. You left New Orleans and had gone to Birmingham and then on to Atlanta.

How many times had you been in Birmingham before this time?

A. Well, just the one time when I was there in September – no – yes, September, in the latter part of August, '67.

Q. Okay. And how many times had

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1957

you been in Atlanta before this time?

A. That's the only time I had ever been there.

Q. And you had never been in Memphis other than just coming through maybe up until –

A. Right. As I mentioned – I think I mentioned yesterday in 1955 I went with my uncle to Florida, and he may have went through some of those towns, but I don't have any recollection of which towns he went through.

Q. Okay. Mr. Ray, let me ask you something. As you know, there was a map found in Atlanta after the assassination. You know that, don't you?

A. Yes.

Q. It had some circles on it, didn't it?

A. Yes.

Q. Did you ever make a map of New Orleans where you circled anything?

A. I circled some maps and made marks on some maps, but I don't know just

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1958

which ones they were. I think Attorney Pepper, he has some of the maps.

Q. What about a map of Birmingham, did you ever make a map there and circle any locations?

A. I really don't – I really can't recall.

Q. What about Memphis, did you ever make one of it and circle any locations?

A. I didn't – I don't think I had a map of Memphis.

Q. Okay. You took the gun back to Raul, and he said he wasn't satisfied with it, and you called the Arrow Marine Supply back and told them you wanted to exchange it?

A. Yes.

Q. Did you go back over the same day?

A. Yes. I took the rifle – I took the rifle back the same day, yes.

Q. Okay. And they told you to come back and get another – the next day when you picked it up?

A. Yes, sometime the next morning.

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1959

Q. Where did you stay that night in Birmingham?

A. I stayed at the Five Points.

Q. Did Raul stay there with you?

A. No, he didn't.

Q. Do you know where he stayed?

A. No. I think I took him down to the – to the post office. That was right across the street from the Starlight, and I don't know where he went.

Q. What time did you take him to the post office?

A. That would be on Friday. Well, it was after I came back from there. I imagine it would be about three or four o'clock.

Q. Then how did you know to meet him the next day? Where did you know –

A. Where did I know where to –

Q. To meet Raul the next day. You were going to meet him the next day or –

A. No, no. He give – he give me an address in Memphis, the New Rebel Motel.

Q. So you weren't going to meet him

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1960

anymore?

A. No, that was it. He said he was going somewhere else.

Q. Now, we're at the point where you haven't picked the gun up yet. Now, did he see the gun anymore after – I'm talking about the second gun – did he see it anymore before you arrived in Memphis?

A. No.

Q. He never saw it anymore?

A. No, not after that.

Q. All right. Now, we're talking about March the 28th or 29th. How long did you stay in Birmingham before you left?

A. Well, I left there sometime the next day after I got the rifle, which would have either been the 29th or 30th.

Q. Of March?

A. Yes.

Q. And you left Birmingham and drove toward Memphis?

A. Yes.

Q. Okay. Where did you stop at? Where is the first stop you made after you

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1961

left Birmingham?

A. I'm almost certain it was Decatur.

Q. Stayed there one night?

A. Yes.

Q. When did he tell you to meet him in Memphis?

A. That was on April 3rd.

Q. Okay. And then after – you stayed in Decatur one night, and where did you stay there?

A. I don't know the name of the motel.

Q. What was the next place you stayed?

A. The next place I stayed would have been the – there is two towns up there. One of them is Tuscumbia, and I don't –

Q. Florence and Muscle Shoals, they're all three together there.

A. Well, Tuscumbia is right across the – right across the way from another town. It's not Muscle Shoals. It's –

Q. It's not Florence –

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1962

A. Tuscumbia is on the right-hand side, and the other town is on the left-hand side. I stayed in the town on the left-hand side.

Q. Okay.

A. I don't know –

Q. Okay. You stayed there one night?

A. Yes.

Q. All right. You were driving the Mustang?

A. Yes.

Q. And had the – where was the gun in the car? Was it in the trunk or up in the seat, back seat or where?

A. No. It was in the trunk.

Q. Did you have any other gun?

A. I had another gun, but I didn't have it with me.

Q. What kind of other gun did you have?

A. Well, I had the .38 that I had purchased in Birmingham, but I left it in the rooming house. I had it buried downstairs.

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1963

Q. Okay. When did you purchase it in Birmingham?

A. The .38?

Q. The .38.

A. Well, sometimes – when I arrived there in August, the latter part of August, I must have purchased it sometime in September.

Q. And how did you do that?

A. I – there was a want ad, classifieds, from a private party.

Q. Okay. How much did you pay for it?

A. I believe it was \$75.

Q. Okay. You left then. Where was the next stop you made after the stop in – somewhere near Tuscumbia, Alabama?

A. I went to Corinth, Mississippi.

Q. And where did you stay there, Mr. Ray?

A. I thought it was the Southern Motel, but we have never been able to establish it one way or another. Most of these records have been – some records have

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1964

been destroyed after we started checking on them, the hotel registration cards.

Q. What day did Raul tell you to meet him in Memphis at the Rebel –

A. It was on April 3rd.

Q. What time?

A. Well, he didn't give me a specific time. He just told me to check in there, and he would – you know, he would meet me there.

Q. And what name did he tell you to check in under?

A. Well, I assumed – he didn't tell me any name. I assumed it would be Eric Galt because I never checked in a motel under, you know, a different name because the police usually check your license plates at the motels.

Q. Now, the car you were driving was registered to Eric Galt, and you had an Alabama driver's license?

A. Yes.

Q. Okay. You left Corinth, Mississippi what date?

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1965

A. Well, that would have been April the 2nd.

Q. And drove on where from there?

A. I drove on to Memphis.

Q. Okay. How did you find the New Rebel Motel?

A. Well, I didn't find it at that time. I – on April 2nd I checked into the Desoto Motel, which is right across the line from a – from the – from Memphis.

Q. Okay. And you spent the night of April the 2nd there?

A. Yes.

Q. Okay. Why did you go there?

A. Well, it wasn't April 3rd yet. I was going to the New Rebel April 3rd.

Q. But why did you choose this one in Mississippi?

A. Well, there is no specific reason. I didn't want to stay downtown, and so I just –

Q. But the New Rebel wasn't downtown?

A. Well, it wasn't, but at that

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1966

time I don't believe I knew where it was. I think I found out the address the next day.

Q. Okay. Did you have any kind of a map where you were using to get your directions since you had never been in Memphis?

A. I probably had a map of Mississippi and Alabama, but I don't know. I had so many maps. I had 20 or 30. I don't recall just exactly. There is a list of all the maps that I had, and the FBI has them, but I can't recall, you know, maps of foreign countries and whatever.

Q. Okay. Mr. Ray, when did you find out Dr. King would be in Memphis?

A. When did I find out?

Q. Yes, sir.

A. Well, I found out, I guess, about April the – April 4th. I would say about 6:30.

Q. You didn't find out on April the 3rd he would be in Memphis or April the 2nd he was planning to be in Memphis?

A. No, I didn't. I didn't know

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1967

anything about it.

Q. Well, now, you know the FBI found a Memphis paper where it had a detailed account of where he was going to be. You know that, don't you?

A. That I had a Memphis paper?

Q. Yes, sir.

A. Yes. I always buy a paper when I go into town.

Q. Well, Mr. Ray, I was practicing law back then right downtown, and there were headlines every day where he was going to be. Now, you knew he was going to be there, didn't you?

A. No, I didn't. There is all kinds of headlines in newspapers. They don't particularly interest me, what the headlines are.

Q. You didn't read the headlines – it was all on the news, on the tv, all in the headlines because I saw it every day and was part of all this, and it was headlines – everybody knew he was going to be there, all the trouble they had. Now, you knew about

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1968

that, didn't you?

A. No, I had no idea about it. I mean I probably knew about it if I read the paper, but it didn't stick in my mind. If the President would have been there, it wouldn't have any – you know, I wouldn't have been interested in it.

Q. But you didn't know about all the riots they were having down in downtown that they had had a day or two before, and it was kind of dangerous to be downtown and everybody knew that? You didn't know about that?

A. No. I just come into town.

Q. Well, it was all in the newspapers. It was all on the news. Everybody knew about it, on the national news.

A. Everyone knew. I don't think everyone knew about it. There is 250 million people in the country. I doubt if –

Q. I doubt if there was very many if they watched the news that didn't know about it. And you're telling us you didn't

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1969

know about that?

A. No, I didn't. I may have knew about it, but it didn't stick – you know, it didn't hang up in my memory or anything.

Q. Okay. Did you ever stay in the Pontotoc Hotel?

A. Pontotoc in Memphis? No.

Q. You never did?

A. No.

Q. Okay. You left Alabama, arrived at the Desoto Motel down in – just across the state line and stayed there one night?

A. Yes.

Q. What time did you get there?

A. It would have been sometime in the afternoon because I was driving real slow from Birmingham to Memphis. And I had estimated it was sometime in the afternoon. I didn't even – I didn't even go into Memphis proper that day. I just stayed on the edge of town, and –

Q. Okay. Well, let me ask you something. If you were in Corinth, Mississippi – there's a highway called

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1970

Highway 72. It's the only highway leading toward Memphis, the main highway.

A. Yes.

Q. Did you take that?

A. That's apparently the one I took, yes.

Q. Where did you get off of that to go to Mississippi because you had to make a detour off of that somewhere?

A. Well, I'm not familiar with Memphis at that time. I'm still not, but I just – there was no reason for me to go downtown.

Q. Did you drive into Tennessee?

A. Yes. I was in Memphis, yes.

Q. You actually drove into Memphis before you went to the Desoto Motel?

A. Yes, the outskirts, yes.

Q. All right. You had gone on then to the Desoto Motel, and what time did you check out of there?

A. Well, whatever the time – usually I stayed until they – you have to leave. It probably would have been twelve or

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1971

one o'clock whenever they –

Q. Okay. And then you proceeded from there to the New Rebel Motel?

A. Yes.

Q. Out on Lamar?

A. Yes.

Q. Okay. Then how long were you there before Raul appeared?

A. Well, I would say I got there maybe one or two o'clock, and he appeared sometime that night. I know it was raining, and it must have been nine o'clock.

Q. You had a room there and had your car parked close to it?

A. Yes, right in front of it.

Q. He just came and appeared?

A. Yes.

Q. Okay. What was the extent of your conversation with him?

A. Well, he just came in. It had been raining, and I think he had a raincoat on, and we started talking. And he asked me if I had brought the rifle up, and I said, yes. And I don't remember all the small

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1972

talk. And then subsequently he told me to – you know, he wanted me to meet him at a Jim's Grill the next day at I think it was three o'clock.

Q. Did he tell you where Jim's Grill was located?

A. Yes. I think he had it wrote down, the name and the street, but I don't –

Q. You still had the gun in your possession in the car at that time?

A. No. I had – the gun was in the motel.

Q. Okay. Did he look at it?

A. Yes. He took it with him, yes.

Q. He said, this is the gun I want? He had never seen it up to that point?

A. Well, he knew what it was because he picked it out of the brochure.

Q. But he had never seen it up to that point as far as you know up until this time?

A. No. He had never seen it, not that one, no.

Q. All right. And did he indicate

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1973

to you why he wanted to take the gun with him since you had had it in your possession?

A. I assumed he wanted to show it to someone.

Q. All right. Who did he say he was going to show it to?

A. He didn't say. I just assumed that because he was supposed to meet some, you know, gun dealers.

Q. Okay. And he told you to meet him at Jim's Grill the next day?

A. Yes.

Q. What time was it that he appeared roughly?

A. Did I – what time did I appear there?

Q. What time did Raul appear at the New Rebel Motel to see you?

A. Well, I would say it was around nine o'clock.

Q. At night?

A. It was nighttime, yes.

Q. Okay. How did he get there?

A. I really don't know.

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Q. Okay. How long did he stay?

A. I don't think he stayed over 15 minutes at the most.

Q. He just told you to meet him the next day at Jim's Grill?

A. Yes.

Q. All right. And when he left, how did he leave?

A. I really don't know. I didn't pay no attention after he left. It was raining, so I really wasn't interested in knowing how he left.

Q. Mr. Ray, did you not find it strange after all these months that this man would just simply appear out of nowhere and then vanish into nowhere? You never did see him come up with anybody. You never saw where he stayed all these months.

A. Well, I assume when someone is involved in criminal activities, they don't, you know, tell their associates everything they're doing. I never saw him with anyone except the individual in Nuevo Laredo, Mexico, and I just never made any inquiries.

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I have had, you know, experience with criminals, and usually if they're paying you, you don't make any inquiries. I know if I was paying someone, I wouldn't, you know, be telling him all my personal business.

Q. All right. Then you stayed in the New Rebel Motel that night, and left then the next day at what time?

A. Well, whenever I checked out. I think – I would say it was about twelve or one o'clock. I'm just estimating that.

Q. And where did you go then?

A. Well, I just drove around. I just stalled around more or less until 3:00 o'clock or 3:30, and I don't know exactly where I drove at. I know I was driving around the edge of town. I think I went across the Mississippi line or near the Mississippi line. And subsequently I had a flat tire, and I changed tires on the car.

Q. Where did you have a flat tire?

A. It was along the edge of Memphis. It was – it wasn't, you know, downtown. I think it was – it could have

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been across the line of Mississippi, but it was right on the edge of it. It wasn't no residential district.

Q. Okay. Did you change the tire?

A. Yes. I just took the wheel off and put another one on, yes.

Q. All right. Then where did you go?

A. From there I intended to have a meeting with Raul at the Jim's Grill. So I drove to a commercial parking lot, which is – it's not downtown. I would say it's about 10 or 12 blocks from downtown because I could see the Memphis skyline. And I checked in there, and I think I asked the attendant something about Main Street or something, and anyway – I can't recall just exactly. So I left and started walking toward downtown Memphis.

Q. How did you know it was towards downtown since you had never been there?

A. Well, I could see the tall buildings in the general area down there, so I assumed that was –

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Q. Okay. There are several streets downtown with tall buildings. How did you know which street to get on?

A. How did I know? I don't – I didn't particularly know. I just walked down toward the – is what you call the residential – the high rise –

Q. Okay.

A. I may have asked the attendant. I don't know. I probably asked him something about it.

Q. What was the weather like that day?

A. It seemed to be all right. I don't know whether –

Q. Was it raining or sun shining?

A. No, I don't believe it was raining. I think the sun was shining as far as I know.

Q. Okay. All right. Did you then eventually arrive at Jim's Grill?

A. No, I didn't know where it was at. I think I got – when I got downtown, I asked a policeman for directions about – I

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think I asked him where South Main Street was. I don't think I asked him where Jim's Grill was. And he give me directions, and then – anyway, when I got on Main Street, then I located Jim's Grill then.

Q. Okay. When you asked the policeman for directions, how far was that from Jim's Grill? I mean are we looking at a block, half a block, ten blocks?

A. No. I think it was a little – I would just guess it was eight or ten blocks. I wasn't –

Q. Okay. Were you – were you on Main Street then?

A. I don't believe I was. I'm not positive.

Q. And did you go to Jim's Grill?

A. No. I went – I got on Main, and I was going south on Main, and I stopped at a – it was a – some type of a bar that sold alcohol there, and I asked the lady – now, this is on the right-hand side of Main Street going south – and I asked the barmaid where Jim's Grill was. Now, I ordered a beer

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while I was in there. And she told me it was – it was a couple – a couple of blocks – a block and a half or so down the street on the other side of the street.

And I also – it's just – at this time I also saw – mentioned I saw the two individuals that I mentioned yesterday that I thought perhaps were – well, you get kind of – you know, you're kind of nervous under those conditions. Anyway, I thought maybe they were – they appeared to be watching me or something.

Q. How were you dressed?

A. I just had a dark suit on.

Q. With a tie?

A. Yes.

Q. White shirt?

A. Yes.

Q. Did you have a coat with you, overcoat?

A. No.

Q. It wasn't cold enough that day to have an overcoat?

A. No, I don't believe it was.

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Q. Okay. Then where did you go? Okay. Let me back up. You were in this place, and you saw two individuals. Were they the only ones in there – only customers in this place?

A. No, they weren't.

Q. There were other customers?

A. Yes.

Q. They were – and they were looking at you for some reason, and you were suspicious of them?

A. Yes.

Q. How long did you stay in there?

A. I imagine four or five minutes at the most.

Q. Did these individuals leave before you did or did you leave first?

A. They apparently left before I did.

Q. Did you watch them the whole time you were in there?

A. No, I didn't stare at them. I just got the feeling they was watching me, and so –

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Q. Okay. Then you left, and where did you go then?

A. I went to Jim's Grill then.

Q. Okay. How far was Jim's Grill from this location where you were?

A. I don't think it was over a block and a half or two blocks. I couldn't be more specific than that. It was on the other side of the street.

Q. Okay. How did you recognize Jim's Grill?

A. I think there was a sign there or something, you know.

Q. Where was it?

A. Where was the sign?

Q. Yes, sir.

A. I don't have no idea now at this time.

Q. Was there any lettering on the windows or on the door that you recall saying, Jim's Grill?

A. No, I can't recall that at all. There was something on there.

Q. So you entered Jim's Grill off

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of Main Street?

A. Yes.

Q. And did you have anything with you in your hands? Were you carrying anything, briefcase or anything?

A. No, I wasn't carrying anything, no.

Q. You walked into Jim's Grill, and what did you see in there?

A. Well, these two individuals were in there, and Raul wasn't in there, so I just – I think I ordered a beer in there. I'm not 100 percent certain, but I may have.

Q. Can you tell us something about Jim's Grill, what you remember seeing about it when you first entered? Was it a place where there was just a bar or were there tables or tell us what you remember.

A. Well, my recollection was – and, of course, I found out subsequently my recollection is wrong – it was on – on the left-hand side there was a bar, and on the right-hand side there was sort of booths. And subsequently I learned it was just the

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opposite. The bar was on the right-hand side, and the booths was on the left-hand side. I think the – the back part of the bar seemed to be a – it might have been lower than the front part.

Q. Lower?

A. Yes, I believe it was. I think they might have served food back there. That's what my recollection is.

Q. Were you seated?

A. Pardon?

Q. Were you seated at any time?

A. No, I was up in the front.

Q. At the bar?

A. Yes.

Q. Who waited on you?

A. Well, some young lady. She was black or white. I can't recall just –

Q. About what time did you arrive at the bar roughly, Mr. – I mean Jim's Grill roughly, Mr. Ray? Are we looking at two o'clock, three o'clock, four o'clock, what?

A. No. It was sometime after three. I don't think it was a whole lot

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after three.

Q. How many customers did they have in there?

A. There didn't appear to be many in there at all from what I could see.

Q. You saw these other two individuals you had seen earlier in there. Where were they seated, up at the bar or were they at a table?

A. No. They were down further from where I was, and there was – I think there was a bar. They just glanced up.

Q. These two individuals, were they black or white?

A. They were white.

Q. Okay. And did they have any rings in their ear or anything like that?

A. I don't recall what – I don't recall anything about one of them. The one I do recall appeared to be – looked to me – seemed to be out of place. He had a coat on. He was about five foot eight or nine, and he looked like he weighed about a hundred and – kind of a fairly strong build – a

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hundred and seventy pounds or something like that.

Q. And did he have long hair, short hair?

A. No. I think he just looked normal.

Q. Okay. When you went into Jim's Grill, did they seem to be looking at you some more?

A. Yes. I think he did – I think I seen them, and they just glanced up. And I was just in there a few minutes and that was –

Q. Did you leave?

A. Yes.

Q. Okay. Where did you go from there?

A. Well, I intended then to go down and pick up the Mustang at the commercial parking lot and park in the general area of Jim's Grill.

Q. Now, the Mustang is, what, seven or eight blocks away, something like that? /p>

A. Yes. It was at least seven or

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eight blocks away.

Q. Okay.

A. It could have been a little bit farther.

Q. You stayed in Jim's Grill about 15 minutes?

A. No, I wasn't there – I believe it was two or three minutes.

Q. I thought you said you ordered a beer.

A. I did. I probably just left it sitting there.

Q. All right. Did you order anything else besides a beer?

A. No, I didn't.

Q. And these individuals were there when you left?

A. Yes.

Q. All right. You walked out, and when you walked out on Main Street, did you go north or south to go get your Mustang?

A. I think I – I think I went north, the same way I came in.

Q. Okay. Did you go back and get

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the Mustang?

A. Yes.

Q. Okay. And where did you park it when you came back?

A. I parked it, I would estimate, about 15 or 20 feet from Jim's Grill, probably in front of the front door. I know I didn't park right in front of the – right in front of the place.

Q. Now, was it facing north or south on Main?

A. It was facing north.

Q. And after you parked the car what did you do then?

A. Well, I went back in Jim's Grill.

Q. Okay. And who did you see in there then?

A. Well, Raul was in there at that –

Q. He was in there?

A. Yes, he was in there.

Q. Where was he?

A. Well, he was up at the bar

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section.

Q. In the bar?

A. Yes.

Q. Sitting at the bar?

A. Yes.

Q. What was he – how was he dressed? Do you remember how he was dressed?

A. Well, he had a dark suit on. I don't know if it was a suit, but – and he had a shirt on, and he didn't have no tie on, and that's about it.

Q. Okay. When you entered Jim's Grill, did you, again, go up to the bar and have a seat?

A. Yes.

Q. Did you order anything?

A. I may have ordered a beer. I'm not 100 percent certain.

Q. Who waited on you that time?

A. Well, it would have been the – well, it would have been the young waitress, but it's my recollection that when I went in one time, she was white, and when I went in the next time, she was black. But I don't

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know which sequence –

Q. Did you ever see any male employees of that grill either time you were in there, anyone?

A. No, I really wasn't in there very – long enough to pay much – I usually don't pay too much attention to people when I go into bars anyway, I mean unless there is some reason to pay attention to them. So I wouldn't have –

Q. I thought you told me earlier you had been to some place – an ice cream place, and you noticed that the girl didn't seem to know how to operate the cash register.

A. Yes.

Q. So you did notice sometimes –

A. Well, I was interested in the cash register because I was – well, I just – you know, when you are robbing –

Q. But you don't recall seeing if there was men or women in the grill this time?

A. No. I don't recall how many was

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in there or anything of that nature. I wasn't – I was just interested in him, and that was it. I was interested in getting in and getting out.

Q. All right. What did he tell you when you entered the grill?

A. Well, I can't recall all the conversation, but he seemed to be interested in the Mustang, and subsequently –

Q. What did he tell you that made you think he was interested in the Mustang?

A. He asked me if I had it, and so I said, yes. And when we went out the door, I said, you know, there it is. It's parked there.

Q. Had he ever driven the Mustang before?

A. Had he?

Q. Yes, sir. Up to this point had he ever driven it any time since you had had it?

A. If he had, I hadn't – I didn't know about it.

Q. Okay. I mean, what was his

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interest in the Mustang? Why was he interested in that as far as you could tell?

A. Well, he wanted to know if I had it, you know, if I had brought it with me.

Q. Well, I mean wouldn't he have known that because you had been driving it? How did he think you would have gotten there without the Mustang? I mean didn't he buy the Mustang or give you the money to buy it so you could drive it?

A. Yes.

Q. All right. Did you not find it strange that he asked you – inquired about the Mustang all of a sudden as to where it was and whether or not you had it?

A. Well, I didn't – I didn't consider it strange since he paid for it. Of course, I had some equity in it because I sold the Plymouth. I considered I had equity in it, but it's not strange to me at all if he wanted to possibly use it or something.

Q. All right. But he had never driven it before that as far as you know?

A. He had never been in it?

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Q. He had never driven it before that?

A. He had a set of keys, but if he did, I didn't know about it.

Q. Okay. Other than asking you about the Mustang, what else did he ask you or mention to you?

A. Well, he wanted me to rent a room upstairs at the rooming house over Jim's Grill.

Q. Did you notice there was a rooming house up there when you drove up to Jim's Grill in the Mustang or when you came there the first time?

A. I don't believe I did. No, I don't think so.

Q. Okay. Mr. Ray, let me ask you something. Why had you checked out of the New Rebel Motel? What was the reason for checking out there when you checked out?

A. You mean the next day at twelve o'clock?

Q. The day you checked out, yes, sir.

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A. Well, I was going to have a meeting with Raul, and I had until three o'clock, and I had to get out of there a certain time, so I checked out.

Q. But how did you know where you were going to stay that night?

A. Well, I really didn't know where I was going to stay, but, you know, it was no problem finding some place to stay.

Q. Did he tell you to check out of the motel or was that just your idea?

A. Well, no, he didn't tell me to check out, but he told me to meet him there. And as I mentioned, I had to check out by a certain hour.

Q. Did you think you would be leaving Memphis that day?

A. I had no idea at that time.

Q. You had all your belongings with – what did I leave there?

Q. Yes, sir.

A. I didn't leave anything there. I took – yes, I took all of my – I thought you was talking about my belongings from

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Atlanta.

Q. I'm talking about all the things you brought to Memphis with you.

A. No. Everything – when I left the New Rebel, took everything out of it I had and, you know, put them in the car.

Q. All right. Now, he told you to rent a room up in the rooming house over Jim's Grill?

A. Yes.

Q. Okay. Did he give you some money?

A. No, he didn't.

Q. All right. Did you proceed to do that?

A. Yes, I did.

Q. Okay. How did you know where to go to the stairway to go to this rooming house? Did he show you?

A. I don't know – I don't think he showed me. I think – or he might have pointed it out, but there is – I know I was right close by the stairway that led up there, and he just – he was the one that

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suggested I go up there. So he might have pointed it out or something. He might have been –

Q. Did he go up there with you?

A. Not at that time, no, I went up alone.

Q. All right. Well, was he still in Jim's Grill when you left?

A. I really don't know where he went. After I left – when I went up to the rooming house and rented the room, he may have went back to the grill or he may have sat in the car. I don't know where he was.

Q. My question is, when you left Jim's Grill, did he leave with you or had he already left?

A. Yes. He – we went out the door at the same time.

Q. Which direction did he go on Main Street when you went out?

A. Well, we both turned left and, you know, walked over toward the car.

Q. Was the car parked north or south of the front door of Jim's Grill?

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A. The car would have been south of Jim's Grill, not too far south.

Q. And when you walked out of the Jim's Grill to go up to the stairs, did you go north

or south on Main Street?

A. Well, when I came out, I went south, and as I mentioned, toward the Mustang.

Q. Okay.

A. And then when I went to the – I went upstairs to the rooming house, I'm not certain just what location – whether I went three or four steps north or three or four steps south, but it's right in that general area.

Q. Okay. Did you have to enter through a door to go to the stairs to go up to the rooming house?

A. Yes, there was a door there.

Q. Okay. And you left the street and went through the door up to the top of the stairs, right?

A. It's my recollection that, yes, I went to the stairs, and then I – I think I

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turned right and went down a slight incline, and I went up some more stairs, and the office is there.

Q. And where was Raul during this time?

A. Well, he was either in Jim's Grill or in the car, just standing down there somewhere.

Q. Okay.

A. I have no idea specifically where he was at.

Q. And you reached the top of the stairs at the location there, and what did you – who did you see or who did you talk to?

A. Well, I talked to some lady there. She was apparently the landlady, and I just inquired – made inquiry about a room, and she told me she had two. She showed me two rooms. One was a sleeping room, and one was a room I think they cook in. And I told her I just wanted a sleeping room. So she said okay. She showed me –

but she showed me both of them, and then when we got back to

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the office, I think I gave her 10 or \$20, and she gave me some change.

Q. Okay. What name did you use?

A. At that point – I think I used the name John Willard at that place.

Q. Had you ever used that alias before?

A. I don't know. I possibly had heard it before or something. I have some recollection of hearing the name before, but I'm not, certain. I probably did.

Q. Mr. Ray, what I find strange is you used Eric Galt two nights before this, and all of a sudden on the night Dr. King was assassinated you use another alias. What was the reason for that?

A. When I go in a motel, I always use my – the car I'm registered under because the police check on these – on these – you know, they drive by and check your license plates and see if it matches up with your room.

Anyway, whenever I go in a hotel or a rooming house, I always use an alias

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because, you know, the police don't – they're not checking license plates.

Q. But you didn't use an alias down in Birmingham when you stayed there?

A. Well, I was going to stay there quite a while. I had my car parked down there, and I was trying to get identification.

Q. How long – how did you know how long you were going to be in this rooming house in Memphis?

A. I didn't know. Raul, when he met me up in the room, he said we might be there

two or three days, and he suggested I bring my clothing up. But I had no idea how long I was going to be there, but I didn't think it would be over a couple of days.

Q. Had you ever known anyone by the name of John Willard?

A. I may have heard that name somewhere. Usually when I use an alias – if I have heard of someone or something, sometimes I'll use the name. But I can't recall just where the name originated from.

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Q. And also in Atlanta you were there under the name of Eric Galt too, weren't you?

A. Yes.

Q. And you weren't in a motel there where the police were checking your license, were you?

A. No, no, I wasn't. I was receiving criminal correspondence there too.

Q. The Mustang was still parked downstairs some 15 or 20 feet away from the front of the grill door, right?

A. Yes.

Q. All right. About what time was it that you went upstairs to get the room?

A. It's really difficult to estimate that. I would say – I know I was late when I got there. It could have been four o'clock or fifteen after four. It was somewhere – it was after 3:30 because I was supposed to have been up there, I think, at 3:30. And then I had – I think I was on time the first time, and then how long it took me to walk down there and pick up the

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Mustang and drive back, that's probably how late it was. I would guess it was somewhere – four – maybe after four o'clock.

Q. You said you were supposed to get there at 3:30?

A. I believe it was about 3:30. He give me a – 3:00 or 3:30. He gave me a time to be up there.

Q. Had you driven very far south on Main Street past Jim's Grill before parking the Mustang, say a block or two?

A. Had I driven south?

Q. Yes, sir. You said you were facing north, so you must have driven south and turned around and parked on – you're saying you were parked on the same side as Jim's Grill, weren't you?

A. Yes, but I think I believe I came in on the south side. I may have – I may have come down on the north side and turned around and come back and parked on the – the front of Jim's Grill or I may have come in from the south side. But I don't – I don't have no clear recollection of that at

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all, but it seems to me like I came in from the south.

Q. Do you remember passing a fire station just a – almost within sight of Jim's Grill, just a short distance away?

A. I know the fire station you're talking about, but I don't recall passing it, no.

Q. Okay. How long did you stay in the room after you rented the room? After you paid her for the room, how long did you stay there before you left?

A. Well, I hadn't been up there over three or four minutes, and then Raul came up there. He –

Q. Now, you said – I'm sorry. Go ahead. I didn't mean to cut you off.

A. No. He entered the room. He came up there.

Q. You said she showed you a sleeping room and a cooking room, right?

A. Yes.

Q. And were they on the same side of the building? Was one on the north side

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and one on the south side – I'm sorry – east and west side?

A. I don't know just where they was at, but they weren't close together. One of them was on, I think, one side of the building, and one side was the other.

Q. They weren't side by side?

A. No, they weren't.

Q. You had to walk in one direction to go to one and one direction to the other, right?

A. Yes, they were –

Q. All right. This room that you paid her for, can you describe it for me, what you – what it looked like? What did it have in it?

A. Well, there was a bed in it and a dresser, and I think there was a chair, and that's about all I recall.

Q. Okay. You didn't have any of your personal belongings such as any clothing or anything with you then?

A. Not at that time. Raul, he – later he suggested I bring my clothing up

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there, but when I first went up, no, I didn't have anything.

Q. Okay. It was in your car?

A. Yes.

Q. Did it have a window?

A. Yes. I think there were a couple of windows, yes.

Q. Did you look out the window to see what the – which direction they were facing or what kind of a view you had?

A. I don't have any clear recollection, but I know I always look out the back window, you know, in case the police run in, and I need an exit or something.

Q. You were on a second story building?

A. Yes.

Q. Okay. What did you see in looking out the window?

A. I don't have no recollection, but I know I usually always check out, you know, windows when I check into a place like that.

Q. Well, let me ask you this: The

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window you were looking out, were you looking in a generally east direction or west direction?

A. Well, one of the windows would have faced – let's see – south. If you are going south, west is on your – let me see. Here is north and south.

For the record, I'm putting this on a piece of paper trying to get it straightened out.

When you are on the south – well, it would have been facing east.

Q. Could you see the Lorraine Motel?

A. I didn't have no recollection of seeing it. You can see it from – I have seen – I have subsequently seen diagrams of the place. It would have been easy to see.

Q. Did you see any vegetation, such as trees, immediately behind the place where you were staying?

A. I don't have no recollection. I was just looking at it for a quick exit. I wasn't interested in, you know, any

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particular trees or whatever.

Q. Okay. Raul came on up and came in your room and told you what?

A. Well, we just had a brief conversation, and he said we might be a couple of days or three, and he suggested I bring my clothing up. And then I didn't want to do that because of the type place it was. It was a wino place, and they come in and carry off your things of that nature. But subsequently I did bring some articles up there.

Q. What did you bring up there?

A. I brought a case up there, overnight case, and some shaving –

Q. Talking about a piece of luggage or a suitcase or something like that?

A. Yes. It was kind of a small, I would say – well, just a small – about the size of a large attache case.

Q. All right. Now, that was the first time Raul had been up there after you had checked – after you had paid for the room, right?

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A. Well, I don't know if he had been there before I had or not.

Q. Since you had been –

A. But with me, yes, that was the first time.

Q. Did he have this rifle with him?

A. I don't know if he did or not. He didn't have it with him when he came into the room.

Q. Okay. Did he have anything with him? Did you see him with any kind of an attache case or luggage or anything that you saw?

A. Well, subsequently not – at that particular time I noticed he turned his back on me once, and he raised his arm or something, and, you know, I think he – I thought he had a small transistor radio in his pocket, but other than that, he didn't have anything.

Q. All right. Did he have on a coat or just a shirt and pants?

A. He had on a coat and a shirt and pants, I think.

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Q. Now, you had no idea at that time what he wanted you to do, am I correct, I mean why you were there or what he wanted you to do?

A. Yes. I knew it was something about displaying guns, and, you know –

Q. What made you think that?

A. Well, he generally referred to that. He didn't make any specific – but he just generally –

Q. Well, what did he say to generally refer to that? What words did he use?

A. Well, he was going to meet gun dealers in Memphis, and, you know, the – he was never specific about anything, and –

Q. Who was he going to make a gun deal in Memphis with?

A. He didn't say anything about – any names or anything of that nature.

Q. Okay. He came up and told you he thought you should bring your personal belongings up to the room, right?

A. Yes.

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Q. He said you might be there three or four days?

A. Yes, two or three days.

Q. Did he stay in the room while you had gone down and got those things?

A. I don't believe I got them right then. I think I may have got them like – I may have got them then, but I think I got them the next time. He had me run an errand at that time, and –

Q. Where did he have you go and run an errand?

A. Well, that's when he wanted me to purchase the pair of binoculars with infrared attachments on them, and he gave me general directions to a sporting goods store where I could get them at.

Q. Okay. How much money did you have on you then, Mr. Ray, roughly?

A. Well, I had –

Q. He had given you \$700 to buy this gun a few days earlier. You spent part of it for the gun.

A. I don't know. I had 15 or

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\$1,600, I guess, altogether.

Q. How can you account for that because you said you were running low on money before he gave you this \$700.

A. Well, I used to tell him I was running low on money, but I wasn't – I don't think I have testified here I was running low on money. I don't know what you would consider low, but –

Q. I'm just using your words. You said you had asked him for money, and he gave you \$700 when he told you to purchase this –

A. No. I didn't ask him for no money. He just volunteered that. I asked him for some money in – excuse me – in New Orleans, but I didn't ask him for any money when I purchased the rifle.

Q. How did you come up with 16 or \$1,700? Where did you get that money from? Was that another robbery?

A. No. That's money he gave me, and I saved it. And I hadn't been robbing – I hadn't been committing any robberies at that time.

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Q. Well, Mr. Ray, I'm having trouble with some things. You asked him for the money in New Orleans. You had left there and had gone to Birmingham, on to Atlanta, back to Birmingham, then to all these other stops you had made, and he only gave you \$700. And I'm having trouble understanding how you had this much money on you.

A. Well, that's the way I have got it figured out based on what he's given me altogether, and what I worked for and what I escaped with. The reason I come up with the money –

Q. You had escaped months before.

A. Yes. But I'm talking about – I'm trying to – you know, all the money I'm accumulating all the time I was out there, and I don't recall just how much money. The way I calculate my money is how much I was arrested with and how much I had here and how much I spent. I don't – you know, I wasn't counting my money all the time, but I knew generally what I had. Of course, the record supports how much I spent.

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Q. But you think you had 15 or \$1,600 when you arrived in Memphis?

A. I believe after he gave me this – the \$700, think I had 15 or \$1,600.

Q. All right. Including that?

A. Well, minus what was used to purchase the rifle with.

Q. In other words, when he gave you \$700 after you purchased the rifle, you had 15

or 1,600 left; is that correct?

A. Yes, I – yes, I'm certain of that.

Q. All right. Of course, you had used some of the money for motels and food and gasoline along the way, right?

A. Well, I wouldn't have used too much on that. I mean after – I wouldn't use 70 or \$80 for the motels and the gasoline.

Q. Okay. All right. He told you then – now, he came up to your room, and he wanted you to run an errand, and what was the purpose of that?

A. That was to check on the infrared attachments on the binoculars.

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Q. Okay. Were you familiar with infrared?

A. No. I had heard of them, but I hadn't – I wasn't familiar with them at all.

Q. All right. And do you know – did you know what – in other words, what would people use infrared for?

A. I believe they use them to see in the night.

Q. And did he tell you where to go get some infrared binoculars?

A. Well, he gave me directions where I could check on them at this sporting goods store, which was the binoculars or whatever it was. He gave me directions down the street. It was on the right-hand side of the street going north on Main Street, and I went in that general direction, and I couldn't find it. I apparently didn't go down far enough. So I went back and explained to him I couldn't locate the place, and he gave me more specific directions.

Q. Okay. Did you find it?

A. The second time, yes, I found

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it.

Q. Now, what time are we talking about now roughly? You said you were supposed to meet him at 3:30 and you were late. So we're looking at, what, 4:30 or 5:00 o'clock in the afternoon on –

A. Yes. I would say a quarter – maybe a quarter til five or somewhere like that, yes.

Q. On April 4, 1968?

A. Yes.

Q. Okay. And you wandered down Main Street to look for this place called, which we know is York Arms, right?

A. Yes, that's it.

Q. And you didn't find it the first time. You went – did you go as much as two or three blocks?

A. I think I had probably went three or four blocks. I may have walked past it, but I'm inclined to think I didn't go far enough.

Q. Had he told you how much money to spend for them?

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A. No, he didn't mention that.

Q. Okay. Then you couldn't find it. You then went back to the rooming house?

A. Yes.

Q. And then he gave you more directions, and then you went back again?

A. Yes.

Q. Okay. And, then you did go back to York Arms and find some binoculars; am I

correct?

A. Yes.

Q. And were they infrared?

A. No. The salesman told me I would have to check with the Army Surplus to get those.

Q. Okay. Did he tell you where there was an Army Surplus located?

A. No, he didn't.

Q. There was one within a block or two of there, wasn't it?

A. He didn't –

Q. He didn't tell you that?

A. No, he didn't.

Q. All right. You bought some

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binoculars, and were they in a case or describe them for me.

A. Well, I can't describe them. I think he just put them in a box, and they weren't –

Q. Did he show them to you or did you look through them and try to adjust them?

A. I think he handed them to me and asked me if these were all right, and I handed them back and said, Okay, and –

Q. Then you did what then?

A. Well, I just purchased them, and I asked him some other question, but I can't recall just exactly what that was.

Q. Do you know what you paid for them?

A. It wasn't very much.

Q. Ten dollars, fifteen, forty, fifty?

A. No. It was more than that. It was \$30, I would just guess, 30 or 35.

Q. Where did you go then?

A. I went back to the rooming house, and Raul, he was still up there. And

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I just told him that I couldn't get the infrared attachment, and he would have to get them at an Army facility. And I just threw the binoculars down on the bed, and that was it. And then we had a brief conversation. I hadn't eaten since about, I guess, twelve or one o'clock. So I –

Q. Now, we're looking at 5:00 p.m. Or something like that now or 5:15 roughly, aren't we?

A. Yes. We're coming in there, yes.

Q. Okay. When you got back to the room, Mr. Ray, what was Raul doing? Was he drinking anything, eating anything, watching – just what was he doing that you recall?

A. He was just sitting or standing around. I don't recall specifically what he was doing. He wasn't doing anything unusual.

Q. Okay. You still hadn't seen any rifle at that point?

A. No, I hadn't.

Q. Did he have a room up there or do you know?

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A. I really don't know. I assumed that – well, I assumed he did, but I don't know that

for certain.

Q. All right. And how long did you stay in the room when you went back out there?

A. Not too long. I mentioned the fact that, you know, I hadn't eaten since twelve o'clock or somewhere around there.

Q. Okay. Now, we're looking at around 5:00, 6:15 or something like that, 5:20, right?

A. Yes.

Q. Okay. And how long would you say you stayed in the room, five minutes, ten, fifteen, twenty, what –

A. Yes. It wouldn't have been any longer than five or ten minutes.

Q. Okay. And what did you tell him you were going to do?

A. I told him I was going to have some lunch.

Q. Did you do that?

A. Yes. I went to a place called

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the Chickasaw – it was a drug store, and they sold sandwiches. I didn't know the name of this place. The policeman in the Memphis Jail told me the name of it. I described it to him, so I assume that's the same one. I believe he said underneath the hotel on the corner was the Chickasaw Bar or restaurant or something.

Q. Now, did you go north or south on Main Street when you left?

A. North.

Q. Did you walk or drive?

A. I walked.

Q. Was that a block or two, two or three blocks or what?

A. From Jim's Grill? I don't know how far this place is. I don't think it's very far, a couple or three blocks.

Q. Okay. Now, you walked there and purchased a sandwich?

A. I think I got some ice cream.

Q. Okay. Is this where you saw the young lady who seemed to not know how to operate the cash register?

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A. Yes. I was sitting right up at the cash register, and the manager come up, and he was telling her how to operate it. And I was just generally looking at it to see if it was – about the money angle. I was interested in the money.

Q. Okay. How long did you stay in there would you say?

A. I don't think I was in there – maybe 10 minutes at the most.

Q. Okay. And what did you do after that?

A. Well, I went back to the rooming house up above Jim's Grill. Sometime during this point I think sat in the Mustang, but I'm not certain just when I sat in the Mustang, whether it was that time or when I left the next time, when I left the rooming house the next time. But I know at one time there I was sitting in the Mustang briefly, and I was just sitting there thinking.

Q. Okay. Well, was – did you go back up to the room then?

A. Yes, I did.

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Q. And who was there?

A. Raul.

Q. And what did he tell you then?

A. Well, we just had another brief conversation. He said he was going to meet some dealers there that evening or night.

Q. There where?

A. Pardon?

Q. Where did he say he was going to meet them?

A. He was going to meet them there in the room.

Q. In the room you were in?

A. Yes.

Q. Okay. And then what?

A. Well, he asked me if I would, you know, go somewhere else until the meeting was over, and then a couple or three hours and go to a movie and wherever. And he asked me to leave the car out front, you know, leave the car there. So I left – I left there about –

Q. Now, what time are we talking about now? We're down to about 5:20 when you

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– 5:15 or 5:20 when you went to get the ice cream. You had ten more minutes or so, which would have made it around 5:30. Then you walked back. Are we looking at, what, 5:30 or a quarter of 6:00?

A. It was somewhere around – yes, 5:40 or a quarter til 6:00, somewhere around that time.

Q. All right. You walked back up to the room, and he told you he was going to meet some people there for what purpose?

A. Well, he referred to the gun transactions.

Q. But you hadn't seen the gun, had you?

A. No, I hadn't seen it.

Q. You didn't, have it in your possession?

A. No. I didn't look under the bed or in the closet or anything. It could have been in the other room, but I didn't see it. The last I saw it was the New Rebel Motel.

Q. Okay. And what did he tell you to do then?

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A. Well, he just asked me to go to a movie or something and come back, you know, in a couple of hours, and he wanted – three hours – and he wanted to – he was going to have a meeting with these individuals.

Q. All right. Did you leave the room?

A. Yes, I did.

Q. And which way did you go on Main Street that time?

A. I crossed the street. Now, at that time I may have sat in the Mustang for five or ten minutes. I don't know, but as I mentioned in previous testimony, at one time I know I sat in the Mustang for a brief period of time. I don't think it was ten minutes.

Anyway, when I left there, when I went to – went to a – regardless of whether I sat in the Mustang, I went across the street, and I went – I walked about a couple of blocks, I guess, and I went into a – I think it was a bar. And I think they had chairs in there where you – where you

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could sit down, tables and chairs.

Q. Uh-huh. Did you stay in there?

A. Yes. I stayed in there. I was just sitting there thinking.

Q. Now, we're getting close to 6:00 p.m., very close?

A. We're fairly close to it, I guess, yes.

Q. And you had – it was a block or two away?

A. I would say a couple of blocks, yes.

Q. Okay. How long would you estimate you stayed there, Mr. Ray?

A. Not really too long, maybe – I think I may have ordered a beer. I may have ordered a sandwich and not ate it. I don't know just what – I was thinking about, you know, what to do for two or three hours. And at that time I recalled I had a flat tire earlier in the morning.

Q. When you left this place, where did you go then?

A. Well, I went back. I was going

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back to pick up the Mustang and get the tire fixed and park back, you know, at the same location that I was at.

Q. Okay. Well, did you go back and get the Mustang?

A. Yes, I did.

Q. Okay. Was it ever parked back in front of Jim's Grill anymore?

A. Did I ever park it back in front of Jim's Grill? No, no. I left Memphis.

Q. Well, let me ask you something. How can you account for the fact that the Mustang was parked right in front of Jim's Grill, in front of the door, and there was two cars parked bumper to bumper, one in front and one in back? How can you account for that? We have several witnesses that said they saw it.

A. I believe you have different witnesses testifying to different things.

Q. No, sir, I don't. Several witnesses told this same thing, many of them. They all saw it sitting right in front of the door. Mr. Jowers drove up and parked

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right behind your car –

A. Not my Mustang.

Q. – bumper to bumper. You were in his parking place there.

A. Well, that's his testimony. Of course, I have testified differently.

Q. Many others too.

A. Yes.

Q. Was it ever in front of the door of the grill – directly in front of the door where there was another one parked behind it and directly in front of it?

A. I don't believe it was ever in front of the directly in front of the door, no. This is my recollection. No, I didn't you know, I didn't – when I parked there, I didn't have no intention of trying to remember subsequently just where I parked at, but I know it was very close to the grill.

Q. Okay. Okay. You walked back to the Mustang. It was some 10 to 15 feet south of the grill – the front door of the grill, is that your testimony, where you parked it earlier?

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A. Yes, I believe it was.

Q. All right. Any cars parked in front of it or behind it then that you remember where you had trouble getting out?

A. I don't recall having had any problem getting out.

Q. Okay. And when you left, you traveled, what, north on Main Street?

A. Yes.

Q. Okay. And how far did you go before you turned off of Main Street?

A. I can't be certain. It could have been three blocks or it could have been five or six. But I did go several blocks up the street, and I turned right, and I think when I turned right, I went – I didn't go very far when I turned right, maybe just one or two blocks at the most, and turned – I made another right turn.

Q. Okay. So you made a right turn off of Main Street?

A. Yes.

Q. And how far did you go before you turned again?

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A. Not very far. It was either one or two blocks, but it was not as far as –

Q. Okay. Mr. Ray, just a short distance would have been a pretty heavy business district. Had you gotten up in that area when you turned off?

A. I have no recollection of just – I really don't know– have no strong recollection of where I turned off right the first time. I'm just estimating this.

Q. Okay. And what were you looking for?

A. A service station.

Q. All right. Did you find a service station?

A. Yes, I did.

Q. Okay. And did you stop there?

A. Yes.

Q. And did you stay there very long?

A. No. I just asked him if he could fix the tire, and the attendant said that, you know, he was busy or it was a busy time of day or something of that nature.

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Q. Okay. And, we're looking at what time?

A. Well, I guess around six o'clock. I wasn't checking my watch, but I based that on the reports.

Q. When you left the room, you had all of your belongings there, your – did you have any clothing with you, any other clothing with you besides what you had on?

A. Yes. I had it out in the car, yes.

Q. I thought you said you had taken it all up to the room?

A. No, I hadn't. I was concerned about it being stolen. The only thing I took to the room was an overnight case, I think it was, and I think I took something to put on the bed to sleep on.

Q. Okay. Did you take what we call a bedspread up there with you?

A. Yes. I took – I may have took a bedspread or sheet up there. I'm not certain just what – I know I took something up there to cover up the bed with.

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Q. Where did you get the bedspread?

A. I really don't know where it came from.

Q. How long had you had it?

A. I don't know that either.

Q. Okay. When you were in the rooming house either time you were up there, did you see anyone else besides the lady that you paid the money to? Did you see anyone else that appeared to be walking around up there or someone who was a resident of that place?

A. No. I didn't see anyone all the time I was up there.

Q. Okay. Mr. Ray, after you paid her for the money to rent the room, did you ever go into the bathroom?

A. I may have, but I don't have no recollection of it.

Q. Where was the bathroom in relation to the room that you rented?

A. Well, I subsequently discovered that it was across – across the hall and further back down – back down the hall.

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Q. It was on the same side of the building as your room?

A. Yes.

Q. Okay. Can you describe the bathroom for me?

A. No, I can't.

Q. You don't remember what –

A. Well, I have seen pictures of it. I can describe it now, yes.

Q. Did the bathroom have a window in it?

A. Yes. The pictures I saw, it had a bathtub in it, and it had windows in it and a toilet bowl, and I believe that was it.

Q. Okay. Did you ever look out the window in the bathroom?

A. No, I didn't.

Q. When you were in the bathroom, was that the first time you were up there, the second time you were up there, the third time you were up there?

A. I don't know if I was in the bathroom. I said I may have been in it, but I don't have any kind of recollection of

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being in it.

Q. Let me ask you something. You first paid her the rent for the room, and how long were you there before Raul came up roughly?

A. Not very long. Once I got back – I was in the room, I don't think it was over five minutes at the most, probably more like three or four.

Q. And that's when he suggested you go get the binoculars; is that right?

A. Yes. There was also a – a suggestion I bring my clothing up there too.

Q. All right. Was that the first time – in other words, when he came up first, is that when he suggested you bring your clothing up, the first time he came up?

A. Yes. He mentioned that early on when we first got there.

Q. Okay. So the first time you were there some five minutes when Raul came up, and he suggested you go get your personal articles, whatever it might be, and bring it up to the room; is that right?

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A. Yes. He mentioned we might be there two or three days during the conversation.

Q. Did you tell him you had checked in under the name of Willard – used the name Willard?

A. No. We had had a conversation before about what – my name. He wanted me – he suggested I check in under the name of Galt when we – when I met him at the New Rebel Motel. And I told him I didn't want to do that. I thought it would be a mistake if there was going to be guns around there. So –

Q. But you did do that, didn't you?

A. Pardon?

Q. You did do that, didn't you?

A. No, I didn't.

Q. In the New Rebel Motel, you didn't check in under the name of Galt?

A. Yes, I did there, but when we was talking about renting a room at the – subsequently at Jim's Grill or something, it was some conversation about renting a room

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there. But I don't think there was any – it was a – I can't recall just exactly what it was, but there was some – somewhere I got some recollection about using my name for renting rooms. And so I just used the name Willard.

Q. Okay. You, were there some five minutes when he came up and suggested you go get your personal articles out of your car. You did that; is that correct?

A. Yes, that's correct.

Q. You were back up there, and how –

A. I don't know when I got the articles. I got them sometime during that first – one of them trips. I brought the overnight case up there and a sheet or a bedspread.

Q. Had you brought it up there before you purchased the binoculars and brought those up there?

A. I really don't know, but I know I brought them up there. But I don't know just when I brought them up there.

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Q. All right. About what time did you go get the room roughly? You were supposed to meet him at 3:30, and you were a little late. What time – would it have been 4:00 o'clock, 4:30?

A. When I rented the room? Yes, I think it would have been – it's really just hard to say. I think it would have been somewhere between 4:00 and 4:30, in that general area because I know I was late when I got up there. It wasn't no 3:00 or 3:30.

Q. Okay. All right. You had got in the Mustang and left and gone to look for a service station. What happened then?

A. Well, as I mentioned, the attendant at the service station I stopped at, he said that it was either a busy time of day or he couldn't get it right away. I wanted to get it fixed right away. And then I think it was another service station across from it or across the street or maybe on the same side of the street. One time I thought maybe I would stop there, but I'm not – I can't swear to that. I really don't think I

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did.

Anyway, I left there, and after – I couldn't get the tire fixed, and I kept on going south, and then turned right, which would have brought me onto Main Street. And then when I got to Main Street, I looked –

Q. Were you going north or south on Main Street?

A. Pardon?

Q. Were you going north or south on Main Street?

A. I wasn't on Main Street then.

Q. I thought you said you got on Main Street.

A. I was going to get on – try to get on Main Street.

Q. Okay.

A. I don't know what the street was I was going south on, but I turned right in order to get on Main Street because I had been – I had made the square then. When I got to Main Street, I looked right, and there appeared to be some policemen there or people running around down there.

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Q. Were you going north or south on Main then?

A. I wasn't going south. I was coming to the intersection. I was going west.

Q. You were not on Main Street?

A. No, I wasn't on Main Street at that time.

Q. Okay.

A. I was right at the intersection.

Q. All right.

A. It appeared to be this policeman or someone running around down there, and there was also – I saw a squad car down there. He was parked either at the intersection or near the intersection. It looked like he was blocking off the street to me. So instead of turning right and going back in front of Jim's Grill, I turned left in the direction out of town.

Q. Okay. Where did you go from there?

A. Well, I drove through – the neighborhood I drove through looked like it

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was kind of a – well, it was a run down neighborhood. It was a black neighborhood, and I drove kind of slow through there. And finally I got on one of the main streets. I think was veering off to the left where I could, you know, get on one of the main streets. And then when I got on one of the main streets, I just kept driving slow.

And somewhere – it was my intentions – I was going – I had Raul's phone number, and I was going to talk to his intermediary and ask him what, if anything, was going on there. So I didn't want to room at a place where, you know, the police just raided or something. So anyway, after –

Q. Where was his intermediary supposed to be?

A. I don't know his name.

Q. Where was he supposed – you don't know where was it in the same area code as Memphis or a different area?

A. No, it was New Orleans.

Q. Okay. And what time are we talking about here roughly?

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A. Well, it was – I imagine it would be a little after six o'clock.

Q. How did you try to call him?

A. I didn't call him.

Q. You did not call him?

A. No. I was going – I intended to call him, but on the way out of town, I think I was – I got to – about 10 or 15 minutes, there was a report on the radio that Martin Luther King had been shot. And then wasn't paying much attention to that, but subsequently I – there was another report, and they said they was looking for a white man in a white Mustang and –

Q. Why did you think that might be you?

A. Well, I was a white man in a white Mustang, and, you know, I was driving a – there is not too many, you know, white man in a white Mustang driving around town. So –

Q. How do you account for that, Mr. Ray?

A. How do I account for it?

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Q. That there are not many white men driving white Mustangs?

A. Well, I assume there is not many white Mustangs around.

Q. What makes you think that?

A. Well, that would be involved in crimes. Of course, they wouldn't. Have had to have been. The only thing is the car fit my description. I would assume – I would have had to assume that they would probably have been looking for me.

Q. You know there was a report that there were two white Mustangs parked out there that day, don't you?

A. Yes.

Q. And did you see another white Mustang besides yours?

A. I don't have any – I don't have any recollection of that, no. I seen that – there was several white cars parked along there, that's the only recollection I have, in that general area there on the other side of the street.

Q. Did you call this number that

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you had for Raul?

A. No. After I – after I got the second report about the white man in the white Mustang, then I decided, you know, not to contact him. Instead of – I think I – by that time I was probably in Mississippi. So the first opportunity I had I turned left and got on the – got on another highway going towards Birmingham.

Q. Okay. So you intended to leave?

A. Yes.

Q. Okay. Did you contact Raul then any time that day or the next day?

A. No. I never had any more contacts with anyone after that, with him or anyone else.

Q. Well, why did you not contact Raul because you had left your personal belongings back there? You knew he had the gun that you had purchased back there. I mean why did you not contact him?

A. I could contact his intermediary, but I certainly wouldn't want to contact him if someone has been murdered

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or a major crime had taken place. I just assumed I had been had or something.

Q. Well, you had no reason to contact him several months before that.

A. Well, there hadn't been any serious crimes taken place where I was a suspect.

Q. But what made you think you would be involved in this, Mr. Ray, if you hadn't actually done it?

A. What makes me think I would be involved in it?

Q. Yes, sir. What made you think that any police officer or any law enforcement official would think you were involved in this if you weren't actually involved in it?

A. Well, they were stopping a white man in a white Mustang.

Q. How did you know that?

A. Well, they had the report on the radio, so they must have been stopping them.

Q. Did you know of anyone they stopped in a white Mustang? Did you hear them

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say, we stopped X number of people in a white Mustang – white men in white Mustangs?

A. No. But they had a report out on the police radios to look for a white man in a white Mustang as a suspect in the shooting of some individual. You have to – it was

more to it than just the Martin Luther King case. I had 20 years in the Missouri prison, and didn't want to get, you know, stopped for anything.

Q. Okay. Well, now, we're looking at about six o'clock, and you left and you entered the state of Mississippi you think?

A. Yes.

Q. All right. And where did you go from there?

A. Well, I turned left and went to Birmingham, and on the way to Birmingham it started raining slightly, and I threw everything – all the camera equipment – Raul never did pick it up in Mexico. He told me to just hold on to it. I threw all the camera equipment in a ditch and wiped my prints off the Mustang, and then I went on –

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and then I drove on into Atlanta.

Q. But, now, let me make sure I understand something. Simply because you heard that Dr. King had been shot and there was a white man in a white Mustang they were looking for, you assumed it was you?

A. Yes.

Q. Is that right? You had no other reason to –

A. Well, I assumed it was possible – a strong possibility that they were looking for me just based on what I had heard on the radio.

Q. Well, Mr. Ray, were they looking for you because you actually did it?

A. No, I don't think they were.

Q. You wound up in Birmingham at what time?

A. I wound up in Birmingham about – sometime during the night. I don't know what time it was.

Q. Okay. That, same night or the next day?

A. No. It would have been the same

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night. I would say it was about one or two o'clock.

Q. All right. Did you try to call Raul or his intermediary then?

A. No. Once I left, I didn't have no further contact with Raul or his intermediary or anyone else after I left Memphis.

Q. You never did try to contact him?

A. No, I never did.

Q. Well, I mean is there some reason for that because you had been contacting him pretty regularly the last few months before that.

A. Well, I had, but the situation was different. Before that we hadn't had – I hadn't – you know, I hadn't been – any indications that there was any crimes committed. And the radio report, you know, they changed that altogether.

Q. I thought you had been sitting here telling me yesterday and today you knew he was into crime all the time. You knew he

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was doing criminal activities or thought he was.

A. Yeah, but we wasn't – it wasn't – it was a different situation. If you commit a crime and you get away with it more or less, taking something across the border, you don't just – there is no reason then to cut off all contacts with some individual. However, if you are involved in something, and the police are going to connect you with some, type of serious crime, then you – I know that's the way my thinking is, get away from them and –

Q. Well, did you think Raul had committed this crime?

A. Well, I really didn't know. I think it's a possibility of it. Someone – of course, someone had been up there with him. I didn't know.

Q. What made you think he committed it?

A. Well, I didn't necessarily think he committed it, but he was up there, and he was interested in the rifle, and you had to

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come to that conclusion.

Q. Well, you knew Dr. King was in Memphis and knew where he was staying, didn't you?

A. I didn't know anything about Dr. King, no.

Q. All right. You – how long did you stay in Birmingham?

A. I just went – I just drove through there.

Q. All right. And where did you go from there?

A. I went to Atlanta.

Q. And how long did you stay in Atlanta?

A. Well, I arrived there, I would say, in – I would say it was daylight, seven or eight o'clock, and stayed there about– I caught a bus out of Atlanta about four o'clock. So I stayed there from about eight o'clock until four o'clock.

Q. All right. And where did you go on the bus ride?

A. I went to, I believe it was,

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Indianapolis, Indiana. I'm not certain.

Q. Did you Stay all night there or did you leave there and go on somewhere else?

A. No. I think we got there about two or three o'clock in the morning, and it was a layover there. And from – and then from there I went to Detroit on the bus.

Q. Okay. Where had you left the Mustang?

A. I left it in Atlanta.

Q. Where in Atlanta?

A. I left it in a private parking lot.

Q. At that time, Mr. Ray, when you left the Mustang, did you think you were a suspect in this assassination?

A. Well, I thought it was a possibility of it, yes.

Q. Other than the fact you had a – you were a white man in a white Mustang, what else led you to think that?

A. Well, just our whole actions before that. We had been involved in criminal activities and drug smuggling

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apparently, and then he asked me to purchase the rifle. And I just more or less had to assume based on my situation at the time, you know, the police were after me on other charges, that I could very well have been involved indirectly in the Martin Luther King murder.

Q. Well, were you involved indirectly?

A. Indirectly?

Q. Yes, sir.

A. I probably was, yes.

Q. To what extent?

A. Well, I was hauling Raul around the country and doing things for him. I didn't have any was involved indirectly, but I didn't necessarily know what he was doing.

Q. Okay. Did he ever mention Dr. King to you?

A. No, he didn't.

Q. Did you ever see him with a newspaper or reading anything about the accounts of Dr. King's activities?

A. I never seen him reading any

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newspaper.

Q. Okay.

A. The only time he read a newspaper or anything was when we – when we was, I think, looking for the Arrow Marine Supply when we was trying to purchase the rifle.

Q. But let me ask you something. You said you hadn't listened to the news, you told me earlier, because you didn't know anything Dr. King's accounts. Why were you listening to the news on this particular night after the assassination? You happened to be listening to it?

A. I always leave the radio on when I'm driving because it's kind of boring.

Q. But you took note of the news this night?

A. Yes.

Q. You hadn't taken the news of any of the events before that, but you did this night?

A. Yes.

Q. That's a true statement?

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A. Well, I don't know what you're suggesting. I turned the radio on. Whatever comes on the radio, that's what I listen to.

Q. I asked you earlier if you had seen newspapers. We were having tremendous riots in Memphis. People had been killed. Dr. King was there, and you said you didn't know a thing about any of this, and now all of a sudden after he's assassinated, within ten minutes, you know he's been assassinated?

A. Well, it was on the radio, and, of course, there was riots all over the United States at that time.

Q. Yes, sir. That was on the radio and tv and the newspaper, the riots too, all the headlines.

A. Yeah. But if I would have been just driving down the street and something about Martin Luther King or anyone else, I wouldn't have thought anything about it, but they was talking about a white man in a white Mustang, and I was kind of hyped up anyway because I saw the police in that general area, so naturally I took notice of it.

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Q. Okay. Mr. Ray, the police were in that general area when you got there because there were plenty of police officers at the fire station no more than a block or so away, almost within sight of it. You didn't see that?

A. Did I see them?

Q. Yes, sir. There were plenty of them there when you got there if you got there when you say you did.

A. Well, when are you talking about? When I first went there before –

Q. When you first went there and moved the Mustang and brought it up in front of Jim's Grill where you said you parked it some 15 or 20 feet away. Did you see plenty of police officers within a block there?

A. No. I don't have no recollection, and I don't have any recollection of them seeing me there.

Q. Well, you're bound to have driven north on Main Street at some point if you

parked on the right side facing north next to Jim's Grill, and it was just south of

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this where the fire station was located.

A. It's my understanding all these police were called off a couple of hours before Dr. King was shot. So I think the only police there was in the fire house just based on records I have read.

Q. All right. You had traveled through Indianapolis and onto, what, Canada?

A. From Detroit, yes, I went to Canada.

Q. All right. And then how long did you stay in Canada?

A. Well, I arrived there – let's see – probably April 6th, and I stayed there until – well, I stayed there until I got a passport, whatever date that was.

Q. Okay. How did you – how did you get a passport? What did you do to get a passport this time?

A. Well, the first time I went to Canada I called up the travel agency, and they give – they told me about – I needed a guarantor, someone who knew for me for two years before I could get a passport and swear

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who I was.

The second time I went up there, instead of calling the travel agency by telephone, I went down there personally, and I talked to the travel agent.

Q. What name did you use? Who did you tell them you were?

A. What name did I use then? Well, I got a name out of a newspaper, Raymon George Sneyd.

Q. Okay.

A. So I explained to the lady – I told her I was from a town in north Canada – I can't think of the – Sudbury. And I told her I was a used car salesman from there, and that – I give her some type of story where I was having trouble getting identification. I wasn't from the Toronto area. And she explained to me – she said there was – she said you need a guarantor for two years who will swear that they know you, and I told her, you know, I didn't know anyone in the Toronto area because I was from Sudbury. So then she told me that –

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Q. Had you ever been in Toronto before this?

A. Well, I went through there, I believe it was, in 1959 on the way to Montreal.

Q. Okay.

A. But she told me that there – there was another clause in the passport law that if you would sign a sworn affidavit saying who you were representing yourself as, you could get a passport.

Q. Well, what identification did you have to prove that you were who you said you were?

A. Well, at that time I don't believe I had any identification. I just had the guy's name. Subsequently I think I got his birth certificate, but I wrote the Registrar General's office and sent in \$2. I found out how to get the birth certificate.

Q. Okay.

A. But I never did need that anyway. But anyway, I signed this, affidavit saying I was so and so. But before I applied

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for it, I had three different names, and I called up some of these individuals, this list of three names, and I found out that Raymon George Sneyd never had a passport,

so I assumed then his photograph wouldn't be on record. So I applied – I applied for the passport in his name.

Q. And you did get it?

A. Yes.

Q. Okay. You left then Toronto, and where did you go?

A. Well, I bought a round trip ticket to London, England.

Q. Okay. How much did you pay for that?

A. I think about \$350.

Q. How long had you been in Toronto when you left?

A. Well, I had to wait for the passport. I guess it was about sometime in May.

Q. Okay. And you had been there since April the 6th?

A. Yes.

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Q. Okay. Did you get any more money from any source?

A. No, I didn't.

Q. Now, you told me in Memphis you had 15 or \$1,600?

A. That's about what I had, yes.

Q. All right. And you stayed there from April until in May?

A. Yes.

Q. And where were you living?

A. Well, I was living at two addresses. I was living on Ossington Avenue. I checked in there first, and I told the lady I worked – let's see – I told her I worked days, I think

it was. And then I checked into another room on the street right around there. It was a couple of blocks from there. I don't recall the name. That was – some Chinese lady owned it, and I told her I worked nights so that way I would have a reason to be –

Q. How much were you paying for these rooms?

A. Not too much, 10 or \$12.

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Q. Was it 10, 15, \$20 a night?

A. Yes, a week.

Q. A week?

A. Yes.

Q. Were you working anywhere?

A. Was I working?

Q. Yes, sir.

A. No, I wasn't.

Q. Okay. Did you pull any robberies?

A. No, I didn't.

Q. Okay. About when did you leave to go to London, May what?

A. I just can't remember those dates. It was sometime in May, but I –

Q. The middle of May, first of May, last of May roughly?

A. It was probably the 8th or 10th, 9th or 10th. I don't know.

Q. Okay. And you flew on what airline?

A. The British – BOA, I believe it is.

Q. Had you ever been to London

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before?

A. No, I hadn't.

Q. And you had one passport?

A. Yes.

Q. All right. Did you – when you arrived in London, how long did you stay there before you left?

A. Well, when I first arrived there, I exchanged the ticket for a ticket to Portugal.

Q. And what was the purpose for that?

A. To go to Portugal?

Q. Yes, sir.

A. Well, I was going to try to catch a ship to some English speaking country in Africa.

Q. Rhodesia?

A. No, not necessarily. Any – the first country I was going to try to go to was Nigeria and Biafra. There is two countries there, Nigeria, and Biafra is a province of Nigeria.

Q. How long were you in London

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before you exchanged your ticket?

A. Before I exchanged the ticket?

Q Yes, sir.

A. Same day.

Q. Same day?

A. Yes.

Q. You didn't stay in London then overnight before you left or did you stay overnight?

A. I don't believe I stayed overnight. I think I left that night. I think I arrived there in the morning and left at night.

Q. And you flew on into Portugal?

A. Yes.

Q. And how long did you stay there?

A. Ten or twelve days.

Q. Okay. And what did you do while you were in Portugal?

A. Well, at that time I was getting kind of low on money. I was going to try to catch a ship. That's the cheapest fare. So I –

Q. How much money did you have?

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A. I really don't know. It wasn't too much by that time, a few hundred dollars, but I just can't recall.

Q. Now, had you purchased a round trip ticket from Toronto to London?

A. Yes.

Q. And you exchanged the ticket for a ticket to Portugal?

A. Yes.

Q. Did you have to pay anything to do that?

A. I don't – I really don't know how much they cost me extra or I got something back. I just don't recall it.

Q. When you were in Portugal, where did you stay there?

A. The Hotel of Portugal.

Q. Did you see anyone there that you knew?

A. No. I seen some individuals that worked in the government, but didn't see anyone there that I knew.

Q. And then after you left there, where did you go?

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A. After I left Portugal?

Q. Yes, sir.

A. Well, after I couldn't get out of the country, I was having problems getting a visa and all that, I went back to London.

Q. Mr. Ray, why did you pick Portugal? I mean, of all countries, why did you pick there to go from London?

A. How come I went to Portugal initially?

Q. Yes, sir. I mean why did you decide to go there instead of some other country?

A. Well, it's a seaport, and, you know, you can – I assumed that – I knew a little bit about geography, and I assumed you probably could catch a ship out of there. I didn't have too much money. I tried to –

Q. You never tried to contact Raul?

A. No. When I was in Portugal, the only one I contacted– I did contact some Portuguese official in the Foreign Ministry and asked him about, you know, going to

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Biafra or something. And he recommended some private organization, and I checked with it. But that's the only – that's the only contacts I had ever had in Portugal.

Q. Well, let me ask you something. After you left Memphis to go to Birmingham to Atlanta and on into Indianapolis and Detroit and Toronto, what is the reason you didn't contact, Raul again? He had been supporting you for months, and why didn't you support – why didn't you contact him again?

A. You mean after the Martin Luther King homicide?

Q. Right. I mean had no reason to think he was involved in it, did you?

A. Well, I had to suspect he – he was in the rooming house, and subsequently I found out, you know, from reports – I mean, that would have been the last individual I would contact. I mean I didn't know who he was. He could have been a – you know, he could have tried to kill me or something. I was concerned about, you know, surviving. I wasn't concerned about, you know, contacting

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him or what he could do for me.

Q. Well, you had been doing all these things for him previously, and he hadn't tried to kill you. You even had a – you even gave him a gun, and he didn't try to kill you?

A. Yeah, but he wasn't involved in no murder charge then either.

Q. But you didn't know what he had been involved in. You didn't know who the man was, did you?

A. Well, I assumed he was involved in it because he was in the rooming house.

Q. But you didn't know his last name, never knew where he was from, never knew anything about him, did you?

A. No.

Q. He could have killed 10 people for all you knew, couldn't he?

A. He could have, yes.

Q. And you weren't afraid of him then, all these times you were in the rooms with him, and you rode to Atlanta and Birmingham with him, and you had got him a

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gun and all, and you weren't afraid of him then, were you, Mr. Ray?

A. No, I wasn't. I wasn't concerned with him then because I had no reason to be, you know, afraid of him. I have been connected with a lot of criminals. I wasn't afraid of them, but you get one of them where they're involved in a murder or something like that, you have to be a little cautious with them.

Q. Well, what made you think he would – if you called him on the telephone, now, what made you think that would lead to where you were? I mean you knew how to make a telephone call without it being –

A. Well, what was the point – there was no point in calling him on the telephone unless I was going to meet him or have him send some money or something.

Q. Well, you had had several contacts before. You called him from Los Angeles. You were calling him from other cities. Over the several months you had called him many times, hadn't you?

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A. Yeah, but I didn't have no reason to call him after that. The only reason I called him is asking for some money or to have a meeting with him. I didn't – certainly didn't want to have any meeting with him.

Q. Well, you hadn't had any hesitance in calling him before this, though, asking for money, had you?

A. Yeah. Well, I was moving pretty fast, you know, after I thought. The police were after me, and I didn't – I just didn't have no interest in contacting him or anyone else I knew. I didn't even contact my brothers or no one.

Q. And the only reason you thought the police were after you is because you were a white man in a white Mustang when you left Memphis? That's the only reason you –

A. Well, initially that's what I thought, but I got to hear more newspaper reports and things, and I –

Q. Well, what would newspapers and reports – I thought you didn't read the

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newspaper and didn't keep up with the news?

A. I bought a – I buy – I used to buy a newspaper every morning and read it if there was something interesting. I don't remember everything I read in the newspaper.

Q. But that wasn't interesting when you were in Mississippi at the Desoto Motel, and you were going into Memphis, Tennessee where we had had riots and people killed? That wasn't interesting to you knowing you were going right in there in the area?

A. That would not have been interesting to –

Q. That wasn't interesting to you?

A. No.

Q. Okay. But this was interesting after you left Memphis knowing that the only reason they had to suspect you was that you were a white man in a white Mustang. That was the only reason, and you became interested in the news then?

A. Well, that would have been a personal interest. I mean you're talking about riots. That doesn't interest me at

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all. I didn't care what the – you know, what the riots were doing.

Q. Then when you get back to London the second time, you were arrested, weren't you?

A. Yes.

Q. Mr. Ray, were you ever in behind Jim's Grill at any time?

A. No, I wasn't.

Q. You were never there?

A. No.

Q. All right. Did you ever see the Lorraine Motel any time you were in Memphis –

A. I don't have any –

Q. – where you actually looked at it?

A. I don't have any recollection of ever seeing it. I may have seen it, but I don't know.

Q. Have you ever actually seen – I'm talking about with your eyes – Dr. Martin Luther King where you actually looked at him in person?

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A. I have seen him on television.

Q. No, sir. Have you ever seen him in person?

A. No.

Q. You have never –

A. No, I haven't.

Q. Okay. Have you ever identified a photograph of someone that you thought was Raul?

A. Yes, I did. In the late 19 – late 1970's, yes.

Q. Was that the person?

A. Yes, it was.

Q. It was the person?

A. I was almost certain it was, yes.

Q. Okay. What led you to think it was the same person? I mean, was there anything about him, any scars about him, anything such as change of hair or same – what led you to think he was the same person?

A. It was just the physical characteristics of him, and he just looked like him.

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Q. The photograph you saw, was it of his whole body, waist up, just face or what?

A. No. It was the – it was his face.

Q. Okay. Have you been shown another photograph recently of some person that you identified as being this individual?

A. I think we should reserve an answer on that because we're checking into things. This thing is –

Q. Well, Mr. Ray, I know all about that. We're checking into it, but I'm just asking you, is this the same photograph you had seen earlier?

A. You mean the one they showed to me recently?

Q. Yes, sir.

A. Well, I think I better reserve an answer on that until maybe – well, not to – not to –

Q. Mr. Ray, I already know what you're supposed to have said. So I mean you can reserve it if you want to. I already

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know what you were supposed to have said.

A. Yeah. The point is –

MR. PEPPER: Listen to what he's going to say now.

Q. I understand.

A. The point is that I keep records of all this, you know, the time back, but sometimes your records get mixed up. And you send them to someone because – so I want to keep these as specific as I can when I start testifying because one reason is I have always had have a lot of problems with the news media, and if you're wrong on a date or a time or something like that – I'm talking about the dominate news media – well, they'll say, Well, Ray, he's lied about this, he claims he was here at 4:00 o'clock, and he wasn't. He was there at 4:30. And generally these people have been very hostile, and they just look upon someone like me as – with by background as more or less vermin. So I don't want to give them any excuse this time in this situation to, you know, make a big issue out of a small matter. So I want to

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get all the details straightened out before I –

Q. Well, were you shown a photograph of some person purporting to be Raul within the past few days?

A. Yes, I was.

Q. Other than the two times in Jim's Grill – that you have identified as being in Jim's Grill, were you ever in there any other time?

A. I thought maybe I was in there a third time, but I probably wasn't. And I just – I think it was just twice.

Q. You had gotten a passport in Toronto after you were there the last time, which took you, what, one day to find out what it took to get a passport?

A. Well, I went to Kennedy Travel Agency, and the lady there, she explained it to me, you know, the procedure to get – to obtain one.

Q. But you had contacted a travel agency before that when you were there before to try to get –

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A. Yeah. I made a mistake. Instead of going directly to the travel agency when I went to Canada the first time I tried to make those – get the information all on the telephone, and consequently I didn't get the information about this special procedure where you sign a sworn affidavit saying your – you know, you're who you're representing yourself as.

Q. Were you ever in Houston, Texas?

A. No. I don't believe I was, no.

Q. Did you have any reason to think that Raul was ever in Houston, Texas?

A. Well, I know the people that's been investigating Raul and Percy Foreman, he's from Texas too – but I don't know – I'm not conversing with all these investigations.

Q. Did Mr. Foreman tell you he knew Raul?

A. No. He didn't – he didn't say anything about whether he knew Raul. He mentioned – the closest he ever come to Raul, there was a picture in, I think it was

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Life Magazine, and three bums were arrested on the Kennedy assassination, and he wanted to know if the Prosecution would arrest him and bring him to Memphis, would I identify him as Raul. And I said no because the individual in the picture was – he had some resemblance toward Raul, but it wasn't Raul. But other than that, he never mentioned – that was the last time he ever mentioned anyone named Raul.

Q. Before today – before yesterday have you ever seen Mr. Jowers face-to-face?

A. No, I haven't. I don't have no recollection of ever seeing him.

Q. Okay. Do you have any knowledge of any involvement he had in the assassination of Dr. King?

A. Do I have any knowledge? Not direct, just what I have heard on – you know, through the news media.

Q. All right. As to the Prime Time – *ABC* Prime Time –

A. Yes.

Q. – that's the only thing you

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know, what you saw on there?

A. Well, the lawyer discussed this lawsuit with me and certain aspects of it, but –

Q. Do you know of any witness that says that he had any involvement in it?

A. Do I know of any witnesses?

Q. Do you know of any witnesses or been told of any witnesses that says Mr. Jowers had any involvement in this assassination?

A. The only thing I know is what, you know, I have read in the newspapers and what the attorneys have – they haven't – the attorneys – well, they don't go into all the details, and I let them handle it. I have got enough to do without, you know, staying briefed on all the details of this case.

Q. Okay. Mr. Ray, you have been in prison now for 26 years?

A. Yes.

Q. Twenty- six years ago Friday; is that right?

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A. Well, I can't –

Q. Well, actually you pled guilty?

A. Yes, 1969.

Q. Twenty-six years of your life?

A. Yes.

Q. Mr. Ray, under oath, did you assassinate Dr. Martin Luther King?

A. Did I?

Q. Yes, sir.

A. No, I didn't.

Q. Did you ever shoot at him?

A. No.

Q. Do you know who did?

A. No, I don't.

Q. Did you write that book?

A. Yes. I wrote it, but I'm not responsible for everything in it.

Q. Well, who actually did the – actually put it together?

A. Well, I'll try to explain it from the beginning. Initially this book was written by – published by one Tupper Saussy.

MR. BLEDSOE: Leaving off on

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page 285, line 13, going to page 292, line 14.

THE COURT: Well, let's break for lunch here at this point.

(Lunch recess.)

THE COURT: Are we ready for the jury?

(Jury in.)

THE COURT: All right. Are you ready?

(The deposition of James Earl Ray was continued to be read to the jury with the excerpts noted as follows.)

MR. BLEDSOE: 292, line 14. This is on page 296, line 6.

Q. Okay. Did you ever know a Frank Liberto, Mr. Ray?

A. No, I didn't.

Q. Have you ever heard that name called?

A. Yes, I have.

Q. When did you hear it called?

A. I don't know the first time. I think there was something about it in the – there was a Congressional committee investigating

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the Martin Luther King case in 1966-1977, 1978. I think then they referred to Frank Liberto.

Then I believe – if that's the Memphis produce person you are talking about, I have heard it from some other source, but I can't recall just what all the sources I have heard it from.

Q. You have never heard that name called before sometime later on? You never –

A. I think the first time I heard it was 1977 or 1978.

Q. Were you ever at the L & L & L Produce Company in Memphis at any time? Have you ever been there?

A. No, no.

Q. Okay. Were you ever in a bar in Memphis that you can remember except the bars you mentioned earlier?

A. No. Just the ones on Main Street is the only ones I can recall.

Q. Okay. Other than Raul, did you have any contact with other persons in Memphis when you were there?

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A. No, I didn't.

Q. And you have only been in Memphis one time other than passing through this other than the time you spoke to us about on April 4th, 1968 – well, really April 3rd, 1968?

A. That's correct, yes.

Q. Have you ever heard of a man by the name of Joe Cacamecei?

A. No, I haven't.

Q. Have you ever heard of a man named Larry Mann, M A N N?

A. No, I haven't.

Q. All the time you were with Raul, Mr. Ray, did you ever notice anything peculiar about him? I had asked you before if he was right-handed or left-handed, had any scars on him. Did he like to – did he smoke, chew gum, anything about him that you can tell us about?

A. No, I don't believe he smoked. I'm not one hundred percent, but I never did – I don't have any recollection of seeing him smoke. Mostly our conversation was just business conversation. There was no social

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conversation. Generally I don't pay too much attention to males anyway unless I'm concerned about, you know, some type of violence.

Q. When you were in New Orleans – when you left Los Angeles and drove to New Orleans, did you meet Raul again? You met with Raul in New Orleans back in December of 1967?

A. Yes, I did.

Q. Okay. Where did you meet him?

A. The Le Bunny Lounge on Canal Street.

Q. Did you meet him more than once?

A. No, just that one time.

Q. Okay. How long were you in his presence, then?

A. Not too long.

Q. I mean, five minutes?

A. Thirty minutes probably.

Q. Well, of course you had ridden with him between New Orleans – I mean Atlanta and Birmingham. That took some hours, didn't it?

A. Well, we were on the freeway, but it didn't take too long.

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Q. Well, I mean, it took you at least two or three hours to drive from Atlanta to Birmingham?

A. Yes.

Q. So you were with him all this time, and you noticed nothing about the fact that he smoked or chewed gum, any – right-handed or left-handed, any scars or anything about him?

A. No, I don't believe – I don't believe he did chew – I mean smoke.

Q. Okay. When you left the Mustang in Atlanta, was it locked?

A. I believe it was, yes.

Q. Okay. According to the FBI report, there were a lot of ashes in the ashtray and the car was generally dirty. Do you know how that came about?

A. No. There were cigarette butts in the ashtray they claim, but I never did look in the ashtray because I don't smoke, and there wouldn't have been no point in me checking it, but I don't know – I don't know how they got in there.

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Q. Okay. You have a lawsuit against Mr. Jowers now, Mr. Ray, in a case pending in Supreme Court. Is there any other type litigation pending that you are involved in at this time?

A. Litigation, yes, sir, there is.

Q. What else?

A. Well, I have one in – I have two lawsuits in the district court here in Nashville, one of them is trying to get ex-Governor Ed McWherter's criminal – I'm trying to get the file on him when he was under investigation for criminal activities several years ago.

Q. You are losing me.

A. Well, in 19 – two or three years ago, several of McWherter's aids were under investigation for corruption, and two of them committed suicide. And I have been trying to get a copy of those records.

Q. How do you think that would affect your case?

A. Well, McWherter, he has been very hostile toward my interests, I guess would

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you call it, and I just want to see what his motive is.

Q. You have two lawsuits pending in US District Court here in Nashville?

A. Yes, that's one of the other one –

Q. Who is your lawyer on that case?

A. That is *pro se*.

Q. All right. What else?

A. The other one – the other one is a – it's a Freedom of Information Act. Both of them is Freedom of Information Act. The other one is for some other government records. I can't recall just exactly –

Q. Where is it pending? Is that in the Federal Court also?

A. It is also in the district court here in Nashville.

Q. Okay. You've got those two pending and you've got the one in Memphis, and have you got an appeal to the Supreme Court? What else? Anything else?

A. I have got one in Washington DC for the classified records of the Martin Luther King case. I'm waiting on a decision on

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that.

Q. What court is that in?

A. It is in the United States District Court for the District of Columbia.

Q. And it's *pro se* also?

A. Yes. And I have got one against the Tennessee Board of Paroles.

Q. Okay. Where is it filed?

A. It is in the Circuit Court in Nashville.

Q. Okay. And what's the nature of the lawsuit?

A. Well, we contend when I had a parole hearing – not a parole –

Q. Last year?

A. Yes. Apparently the parole board decided beforehand not to give me a parole. They had a hearing beforehand which would have been in violation of the Open Records Act, the Sunshine Law, and I have an attorney representing me on that named Andrew Hall in Wartberg, Tennessee.

Q. Any other litigation pending other than what we just talked about?

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A. I may have some. I can't think of right now, but I think it is – I believe that's it.

Q. Okay. You had quite a number of lawsuits you filed in the past for libel and other – haven't you?

A. Yes.

Mr. Garrison: Let me have just a second here.

A brief recess was taken.

Mr. Garrison: I don't have any further questions.

Mr. Pepper: I'm sorry?

Mr. Garrison: I don't have any further questions.

Mr. Pepper: Okay. I have just a few matters to go back over to amplify the record, and then I will be through.

Cross-examination by Mr. Pepper.

Q. James, it is very difficult for you to recall physical lay-outs as well as times of any procedure twenty-six years afterwards. Do you recall when you parked the car by or around Jim's Grill facing north on the afternoon of April 4th, do you recall seeing a fire plug anywhere?

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A. I don't specifically recall seeing one. I could have seen it.

Q. But you don't remember seeing a plug, a fire plug, at this point anywhere? Would you – if there was a fire plug around where you parked, would you have been concerned about parking too closely to it or attracting police attention, or would you have avoided that?

A. Oh, yes, I wouldn't have parked around no – I wouldn't park around a fire plug, no.

Q. Right. So if I advise you as a matter of fact there was a fire plug south of Jim's Grill –

A. Uh-huh.

Q. – would you say then that you would have endeavored to park away from that plug so that you wouldn't have parked – have been illegally parked?

A. Yes. I wouldn't park around it. I wouldn't have done anything to get, you know, a traffic violation and possibly get arrested, if that's what you mean.

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Q. And if you were parking away from that – away from that plugs, would you have parked – because you were talking about being close to Jim's Grill – would you have parked north or south of that plug if the plug was south of Jim's Grill?

A. And I had a choice?

Q. Yes.

A. Well, I suppose I would park north of it if I had a choice unless it was right in front of Jim's Grill.

Q. If there was a space there?

A. Yes, I would –

Q. But your testimony here is that you don't recall – you don't remember now – your current recollection is that you don't remember seeing that plug –

A. No, I don't.

Q. – at this point that you would have parked north of there? Directing you [to the very early part of your testimony, you mentioned a fellow who was an FBI informant named Jack Gawron.](#)

A. Yes.

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Q. All right. With whom you had some contact –

A. Yes.

Q. – and did some time with your brother. Do you know if Mr. Gawron today is alive or dead?

A. He is dead.

Q. He has died?

A. Yes.

Q. Did you or anyone else associated with you as far as you know have any further communication with Mr. Gawron about this case in recent years before he died?

A. No, not about the Martin Luther King case, no, not about –

Q. Not about that?

A. No.

Q. Do you have any reason to believe that Mr. Gawron had any communication or any contact with the FBI at the time you knew him and you were on the run?

A. No. The first I knew he was an informant is when he testified against my brother on

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the bank robbery charges in 1971.

Q. But you don't know whether or not he was in touch with the FBI at the time you saw him when you were a fugitive from Jefferson Penitentiary?

A. Well, I don't have any proof that he was in contact with the FBI, but subsequently he told them that I had robbed a bank in Illinois, so he must have been in contact with them in 1968.

Q. All right. James, do you recall when you went to pick up room in Cherpes' Boarding House in Birmingham, how you learned about that boarding house and how you got that room there?

A. I either got it out of the newspaper or drove around. I can't recall now. I think I probably got it out of the newspaper, but I'm not certain.

Q. Do you remember the exact name that you used when – that is on your – on your Alabama driver's license?

A. Eric S Gault – Eric Starvo Gault.

Q. And I, for the record, want you to

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indicate, if you can, why did you use the name – the middle name Starvo at that point in time?

A. I really don't know. It was just another alias. I probably got – I probably heard about it or read about it or something.

Q. Did anyone tell you that you needed a middle name – that you needed a full middle name for an Alabama driver's license?

A. No, but generally everyone has a middle name, so I – but I got the name Gault before I ever thought about applying for an Alabama driver's license.

Q. Did you come by that name Starvo yourself?

A. Yes.

Q. Do you ever recall using it on any other occasion?

A. No, not that – no. I believe that's the only time I ever used that name.

Q. When you left Mexico and you were going to California and going to Los Angeles, was it your idea to go to Los Angeles or did Raul at any time suggest that you go to Los

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Angeles?

A. When we was in Mexico?

Q. Yes.

A. No, he asked me where I was going at, and I told him probably Los Angeles to try to get out on a merchant seamanship or something of that nature. I don't know just what I told him. He said okay. He said, if you go up there – when you get up there, check the post office general delivery when you –

Q. All right. Now, James, counsel for Mr. Jowers has raised a question about this – about maps and markings on maps.

A. Yes.

Q. And I have seen a number of maps. Would you just explain in your own words why you have put markings on various maps that you have had from time to time?

A. Well, usually when I go into a large city, if I'm going to be there any length of time or think I'm going to be there any length of time, I'll put maps on – certain markings on them to get any bearings on where downtown is and where I came in on and things

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of that nature. In other words, just get my bearings – get your bearings on the city and where you are at.

Q. Okay. In Birmingham you mentioned several times being at the Starlight –

A. Yes.

Q. – Lounge and meeting Raul there. Did you at any time go to the Gulas Lounge, which is somewhat outside of Birmingham?

A. You said it is outside of Birmingham?

Q. It is actually within the city limits, but it is sort of – it is a way from the downtown area. It is called the Gulas Lounge.

A. No, I don't think so. The only thing I may have testified to before, I was in a lounge – it might have been that name. The lounge I'm talking about is not too far from the train station, so it couldn't have been that. It wouldn't have been outside of town.

Q. During the period of your fugitivity, which was from April 23rd, 1967, until you fled to Canada, you said it was your general

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practice to buy a newspaper every day?

A. Yes.

Q. And what interested you – what did you read about in the newspaper? Why did

you buy that newspaper every day and did you read it cover to cover? Was it there there something in particular that you looked at? What was your interest?

A. No. I would just go through and read it in general, and I would read the sports page, and other than that, it is just something I kind of got in the habit of doing, but it wasn't anything in there specifically that I was, you know, looking for.

Q. During the time you entered the United States following your escape, which would have been in late August, early September, 1967, until Martin Luther King was killed on April 4th, 1968, did you at any time take a note of where Dr. King was in the United States, what he was doing or where he was speaking anything at all about his movements?

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A. You mean from the time I escaped until April the –

Q. From the time you came into the United States – I'm really talking about that period of late August –

A. Oh, yes.

Q. – until –

A. No, I didn't. The answer is no.

Q. And when you went to Atlanta in March coming from Los Angeles, leaving Los Angeles and coming to Atlanta, did you know for a fact he was at the time – whether or not he was in Atlanta?

A. No. I didn't know anything about him at that time, no.

Q. Did you have any idea why Raul wanted you to go to Atlanta?

A. No. He didn't say. The only thing he said – once we got there, he said, you know, we was going – he wanted me to drive him to Miami in three or four days, but I don't know – he didn't explain what that deal was. So –

Q. So you didn't know why he wanted you

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to go to Miami?

A. No.

Q. And you didn't know why he wanted you to go to Atlanta?

A. No.

Q. You have testified that and you have said before that Raul seemed to have – when he stretched at one point he seemed to have – you saw in his back pocket as his jacket raised up something that looked like a transmitter radio when he was newspaper the room. Could that have equally been a walkie-talkie?

A. Well, subsequently I thought maybe that's what it was, but I didn't know – I didn't pay that much attention to it.

Q. Okay. For the record, let's make it clear. When you gave a description of what the bathroom looked like, were you describing the bathroom from your present recollection of how you remembered seeing it or from the photographs that you have observed subsequent to the time?

A. No. It is the photographs. I've

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seen photographs of the bathroom and the – I think it was a palm print on it and – the one I've seen – or a place where a palm print was and a bathtub. Yes, I saw –

Q. Do you have any present recollection of what – of how that bathroom looked?

A. No, I don't.

Q. James, did you have – did you at any time during the – all of the relevant period here when you were wandering around the United States and taking instructions from Raul and doing various things from him and for yourself when you were out of contact with him, did you at any time have a hint or any indication or a sense yourself that you would be becoming involved in an assassination conspiracy

against Martin Luther King?

A. No. It was just common crimes, as far as I was concerned, smuggling and selling guns and things of that nature.

Q. There was never any hint in your mind or indication that you were involved in any – getting involved increasingly in the

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conspiracy to kill Dr. King?

A. No, there wasn't, no.

Q. When was the very first time that you actually thought you might have been so involved, however unknowingly or implicated or set up?

A. That would have been sometime after I heard the report that Martin Luther King had been shot in Memphis. I can't remember just exactly my thought process all the way, but sometime not too long after that I assume that I might have been put in the position where I could, you know, get a murder charge against me.

Q. Did you come to believe at some point in time that Arthur William Bradford Huie, whose name had been raised by counsel here, was in fact relaying information to the FBI?

A. Yes. Well, he – first he was publishing all this information to the – in the magazine, which was the same thing as furnishing it to the FBI, and also Percy Foreman, he told me at one time that William Bradford Huie could get information from the

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FBI in a few hours that would take him a couple of weeks to.

I don't know why Foreman told me this, because he was representing me, but usually it is my experience you don't give the police – police don't give you information without you giving them information. So I assume that he was

cooperating with the FBI.

And subsequently I learned, too, through some of these books he wrote – and I think one of them was *Three Lives in Mississippi* – that he was, you know, he contacted – he would – he would work with the authorities to – in racial cases.

Q. Was William Bradford Huie ever the promotor of an offer to you to admit guilt in this crime in exchange for money and a pardon?

A. Yes, he was. When the Congressional committee was investigating the case – now, this was in 1977 or 1978. I think it was 1977 – he contacted my brother, Jerry Ray, and he said that – this was the time that

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Ray Blanton was having some problems with the authorities, Governor Ray Blanton of Tennessee, and Huie told him on the phone that if I would go in front of the committee and admit to shooting Martin Luther King or words to that effect, that he would give us two hundred fifty thousand dollars and he could get me a pardon from governor Blanton.

He mentioned the fact that – I think Jerry asked him – my brother asked him how he would do it, and he said, well, Blanton is having problems of his own, and he was going to work it out through some way based on Blanton's problems. But – so, anyway, my brother went and told Mark Lane about this. He was representing me at that time.

So Mark Lane advised my brother to go contact Huie again and asked him to say the same thing on the phone. So Mark Lane gave him a – something you can tap the phone with, some type of device you fit on the phone. So Huie told him subsequently that same thing, that he could give us – he would

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give us two hundred and something thousand dollars if we went in front of the committee and took full responsibility for the Martin Luther King murder.

And then after the transcript from Martin Luther – after he got the transcript of the

tape-recordings of this, Mark Lane sent the tape-recording and the transcript to the Select Committee investigating the Martin Luther King case.

Q. Did a previous attorney of yours named Jack Kershaw – do you recall whether Mr. Kershaw also communicated a similar offer from Mr. Huie to you?

A. Yes. I can't remember the details, but he made contact with William Bradford Huie, and I just don't – I don't have a clear recollection of that. That would have been more or less hearsay, but the one was – he contacted my brother on the phone, and I have actually heard the tape-recording of it. And I have read the transcript of it.

Q. Now, in your description of Raul, could you just amplify and only by giving us

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an approximate estimate of his age as you recall him in 1967 or 1968?

A. Well, sometimes it is difficult to give someone's age, but I just assumed he was between thirty-five and forty.

Q. At that time?

A. Yes.

Q. Okay. Okay. I think that is all I – that's all I have.

Mr. Garrison: Let me just –

Dr. Pepper: Ask him another question, too, in regard to some of these you have asked him here.

Redirect examination by

Mr. Garrison.

Q. Mr. Ray, I'm having problems with your – some of your testimony. I'm going to be honest with you. You had a map of Atlanta, and you have just now testified to Dr. Pepper today that you had a habit of getting maps when you entered large cities. Well, you entered Memphis I know for sure, Birmingham I know for sure. You had never been there before. Did you have a map where you had any markings on those cities?

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A. Well, in Memphis I didn't think I was going to be there very long, a day or so.

Q. But you said you really didn't know how long you would be there? He told you you would be there three or four days?

A. Well, after he told me, but I had other things to do besides, you know, run out and start looking for maps. I was running errands for him, and, of course, you know, we left there the same day – I left there the same day. So I didn't have no opportunity to buy maps.

Q. Well, you were in Birmingham several days and you get get a map there, either.

A. I possibly have a map of Birmingham. I don't know what all maps are in my personal property. There is a list of them, but Birmingham is a – you know, it is not really a large town like Atlanta.

Q. Was a palm print found in the bathroom at this rooming house of yours?

A. I understand there was. I think I seen a picture of it.

Q. Can you account for that?

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A. Well, I think William Bradford Huie claimed it was mine, but subsequently they found out it belonged to a policeman.

Q. Okay.

Mr. Garrison: That's all I have.

MR. BLEDSOE: That's the end of our deposition reading.

MR. GARRISON: Your Honor, we have a document we'd like to have marked as an exhibit.

(The above-mentioned document was marked Exhibit 37.)

MR. GARRISON: Your Honor, the defendant rests.

THE COURT: All right. Do you have any rebuttal evidence?

MR. PEPPER: Just very few pieces of rebuttal evidence, Your Honor.

Your Honor, firstly, plaintiffs would like to submit and have marked into evidence three newspaper articles that were published at the time:

One deals with the existence of a second white Mustang. The other two deal

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with the presence of someone in the bushes.

In this article on 4/5/9 68, in the *Commercial Appeal*, a journalist, Robert Samsut, reports, "After the shot, Solomon Jones – who was Dr. King's chauffeur – said he saw a man with something white on his face creep from a thicket across the street."

In an article published on the same day in the *Memphis Press Scimitar* by Wayne – attorney, then-journalist, Wayne Chastain, Chastain quotes Solomon Jones as saying, "He looked over his shoulder, and about twenty-five feet away he saw a man jump out of some bushes and run. He had something white on his face."

If these may be marked collectively, Your Honor.

(The above-mentioned documents were marked as Collective Exhibit 38.)

MR. PEPPER: Then there are a few very brief comments from a deposition that plaintiffs would like to have read into the record at this time as well. They are strictly rebuttal evidence.

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If Your Honor please, we'd like to – I'd like to introduce a new member of the defense team, Ms. Stacy Clinton, who would just do a Q-and-A with me. We'll put these in as

quickly as we can.

THE COURT: All right. The deposition of whom?

MR. PEPPER: This is a deposition of woman called Betty Jean Spates. We've tried for months and months to contact her and tried to bring her to court. It was taken on the 3rd of November, 1994.

THE COURT: Mr. Garrison, are you familiar with this?

MR. GARRISON: Your Honor, I have the deposition here. If Dr. Pepper wants to read it, I won't read any parts in. I'll let the jury decide.

THE COURT: All right. Go ahead.

MR. PEPPER: Let's turn firstly, please, to page 11.

Question: When you became employed at Jim's Grill, did you work full-time like

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forty hours or two days a week? How would you describe it, the best you recall?

Answer: All I know is I was there every day.

Question: About what time would you go to work, if you recall?

Answer: No certain times. Sometimes I would go at four o'clock in the morning and stay until closing.

Question: Okay. Okay.

Answer: Not straight through. I would leave and come back.

Question: What time usually would closing be? What time would you usually close?

Answer: I guess around three o'clock in the morning.

Question: So it was almost open twenty-four hours a day?

Answer: Yes.

Question: Now, you mentioned that you worked some other place.

Answer: Seabrook Wallpaper.

Question: Were you working there at

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the same time at these two jobs?

Answer: Yes.

Question: Did you go to work at Seabrook's before Jim's Grill or after or about the same time?

Answer: I don't remember.

Question: Where was Seabrook's?

Answer: 421 South Main.

Question: Where was it in relation to Jim's Grill? Was it very close? Across the street?

Answer: Yes, across the street.

Question: What did you do at Seabrook's, Ms. Spates?

Answer: I was a shipping clerk.

Question: Would you have been a full-time employee with them?

Answer: Yes, I guess so.

Question: When you worked at – started working at Jim's grill, Ms. Spates, did you wait on tables? Is that one of the things did you?

Answer: Yes.

Question: Did Mr. Jowers sell

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beer?

Answer: Yes.

Question: Did you serve beer to the customers?

Answer: No.

Question: You did not. Okay. Did you operate the cash register?

Answer: Sometimes.

Question: Okay. Did you do any cooking?

Answer: No.

Question: Okay. Did Mr. Jowers stay in the restaurant most of the time or was he in and out also?

Answer: He was in and out.

Question: Okay. How many days a week would he stay open?

Answer: Seven.

Question: Seven days. All right. Do you recall, Ms. Spates, about what month in 1967 or what season, if it had been summer or fall?

Answer: In the summer.

Question: In the summer of 1967,

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you worked continuously on up until sometime in the future. Is that correct?

Answer: Yes.

MR. PEPPER: Let's move to page 41, down to line 19.

Question: I want to be sure we know what you do remember. This is a quotation. I vividly recall that Loyd was once again nowhere in sight inside the grill at about six p.m. So again I went back into the kitchen for him. Do you remember that statement?

Answer: I just don't remember these times.

MR. PEPPER: Reference here is to an affidavit that she is being questioned on.

Question: Okay.

Answer: Yeah, I remember saying it.

Question: Okay. Question, in quotation marks, while I remember hearing what sounded like a firecracker going off, and within seconds, Loyd came running through the back door carrying another different

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rifle. Do you remember that statement?

Answer: Not exactly like that.

Question: Okay. Well, essentially is that statement correct, what I just read to you, the paragraph?

Answer: Would you read it again, please?

Question: Question, quotation marks, while there I remember hearing a sound like a firecracker going off, and within seconds, Loyd came running through the back door carrying another different rifle.

Answer: Yes.

Question: Question, quotation marks, he was white as a ghost and very excited and wearing black trousers, a white shirt, and a black bowtie, as usual. The gun he was carrying had a shorter barrel than the first one, and the handle was a darker shade

of brown. Full stop. It also had a scope and something screwed on to the end of the barrel.

Answer: Yes.

Question: Question, quotation

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marks, he looked like a wild man. His hair was all messed up, and he had obviously been on his knees on the damp ground because the knees of his trousers were wet and muddy. He looked at me and saw me looking at him and said words to the effect, you would never say anything to hurt me, would you? And I said, no, of course I wouldn't. Do you remember that?

Answer: Yes.

MR. PEPPER: Move down to line 21.

Question: Question, okay. Quotation marks, only twice did he refer to the incident, once as it happened and he saw me watching him and then sometime later when he said to me some words to the effect, you would never say anything to hurt me, would you? Do you remember that?

Answer: I don't even understand what you just read.

Question: Let me say see if I can get another version of it here. Okay. Quotation marks, only twice did he refer to

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the incident, once as it happened and he saw me watching him and then sometime later when he again said to me words to the effect, you would never say anything to hurt me, would you?

Answer: Yes.

MR. PEPPER: Let's move on, please, to page 46.

Question: Question, again in quotation marks, I finally told the details of this story to Dr. William Pepper, the attorney for James Earl Ray, in 1992 and was going to testify at the *HBO* tele-trial of James Earl Ray but did not testify because I was too frightened. Is that true?

Answer: Yes.

Question: Question, speech marks, recently I was interviewed by investigators from the TBI – the Tennessee Bureau of Investigation – who I understand have been looking into Loyd Jowers' story at the request of Shelby County Attorney General, end of quotation marks. Is that true?

Answer: I really didn't understand

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that.

Question: Question, recently I was interviewed by an investigators.

Answer: Yes, that's true.

Question: Question, quotation marks, I recall that he did not ask me what I knew about the killing of Dr. King or what I saw but only asked me to answer yes or no to various statements contained in Mr. Kenneth Herman's affidavit of 25th January, 1994. They also asked me if I had been offered money for my actual story. I said no.

Answer: True.

Question: Question, Mr. Herman's statement was basically correct as to what I saw, and I told them so. Is that true?

Answer: Yes.

Question: Question, quotation marks, I was therefore surprised to be shown an article in the *Tennessean* newspaper on Thursday, February 10th, 1994, which stated that the Shelby County Attorney General said three witnesses, including myself, who had tied Jowers to the assassination now said

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nothing about Jowers' involvement, full stop. Do you remember that? It says Ms. Jowers, but, I'm sorry, Ms. Spates.

Answer: Yes.

Question: Question, quotation marks, I said no such thing to the TBI investigators and resent any statement I did. I will not retract the truthful account of the events which I witnessed around 6 p.m. on Thursday, April 4, 1968, which confirm Mr. Jowers' involvement. Is that true?

Answer: True.

Question: – this is being quoted again – "I confirmed that no one has paid or offered to pay me any money for relating what I saw. Based on everything I know, James Earl Ray was not the person who shot Dr. King. Other persons have tried to get me to change my story, saying that if I did so, I would benefit financially. I refused to do so and will continue to refuse. I resent any attempt by the Attorney General or his TBI investigators to imply that I am telling lies for money. The story I told is actually

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against my interest but nevertheless I tell it because it is the truth, and I believe that an innocent man is in prison. Do you remember that statement?

Answer: That's true.

MR. PEPPER: Turn next, please, to page 83, line 21.

Redirect examination by

Mr. Garrison.

Question: Ms. Spates, let me ask you a couple of other things and I'll be through. On the day before this occurred, do you remember seeing any money in the restaurant there or any place?

Answer: I don't know if – yeah, I remember seeing money.

Question: Where was the money?

Answer: It was in the stove in the kitchen.

Question: Where was the – tell us where the stove was located in the kitchen. Upon entering from the front door, would it be to your right or left?

Answer: The left.

Question: The stove would be to

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your left?

Answer: Yes.

Question: Question, when you saw the money, Ms. Spates, did it appear to be a lot of money or a very small amount? Would you describe it for us?

Answer: I don't know the denomination, but it was from the front of the stove forward, but I don't know whether it was all the way back lined up back there, but it was a lot from the front.

Question: It was bills?

Answer: Yes.

Question: It wasn't coins?

Answer: No.

Question: It was bills, right. Were they wrapped with something did it appear, or was it all stacked up on top of each other?

Answer: They were stacked very neat, so I don't know.

Question: You couldn't tell the denomination, like if they were dollar bills, five, ten, fifteen, what they were?

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Answer: No.

Question: Was it a large stack of bills?

Answer: Yes.

Question: Okay. Would it have been say four inches, six inches, a foot? What would be your best –

Answer: If this is the front of the stove right here, it was all the way from about the top of the stove.

Question: Was it packed up pretty high, the money?

Answer: Yeah, from the bottom to the top.

Question: Had you ever seen any money before all the time you were there before this?

Answer: Pardon?

Question: Had you ever seen any money before this time that you noticed it? Had you ever seen any money like that before all the time you worked there?

Answer: No place.

MR. PEPPER: Move back, please, to

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page 21, line 24.

Question: Ms. Spates, let me ask you this: Did you and Mr. Jowers engage in a sexual relationship during the time we're speaking of here in 1967, 1968 and on into the 1970's?

Answer: Yes.

Question: More than once?

Answer: Yes.

Question: Many times, you'd say?

Answer: Yes.

Question: Okay. And that would have been at both 418 South Main and 990 Oakview is where this took place?

Answer: I'm not for sure about Oakview.

Question: Okay. Would there have been any other place other than 418 South Main?

Answer: No.

Question: That would have been it mostly?

Answer: Yes.

Question: Do you recall any other

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person ever being present when you and Mr. Jowers engaged in any type of sexual activity?

Answer: No.

MR. PEPPER: That's all, Your Honor. Thank you.

MR. GARRISON: I'd like to read some other portions.

THE COURT: Are you going to read them yourself?

MR. GARRISON: Yes.

THE COURT: All right.

MR. GARRISON: These are some other questions that were asked of Ms. Spates on this date when she was present giving her testimony, beginning on page 5 with line 7.

This question was asked Ms. Spates:

Ms. Spates, I'm Lewis Garrison, you and I met I believe one time before this. Is that correct?

Answer: Yes.

Question: Okay. Ms. Spates, I want to ask you some questions. If there is anything that I ask you that you do not

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understand or you want me to speak louder, if you will tell me, I'll be glad to do it so I'll help you understand what I'm trying to ask you. You are here where a subpoena was served on you. Is that correct?

Answer: Yes.

Question: You understand the subpoena is in effect a court order for you to appear here and give your testimony to what you know under oath. Do you understand that.

Answer: Yes.

Question: The same as if you were called upon to go into court in this case and you were in a courtroom with the same oath as would you take then. Do you understand that?

Answer: Yes.

Question: Ms. Spates, will you tell us your full name.

Answer: Betty Spates.

Page 7, beginning with line 9.

Question: Ms. Spates, if I'm not mistaken, you and I met in my office back several

months ago. Is that correct? Do you

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remember that you came to any office one day?

Answer: One day, but I don't remember when.

Question: That is the only time you and I ever met before today, am I correct?

Answer: Yes.

Question: Let me ask you so we can – of course, let me remind you that you are under oath again. To get the record clear, when you and I met before, we never discussed any payment to you about any kind of statement or any facts of this case or anything about you would make any amount of money?

Answer: No.

Question: In fact, I never discussed with you any money amount, amount of money, in this case that would you be paid or promised or anything, have I?

Answer: No.

MR. GARRISON: Skipping over to page 25, beginning with line 14.

Question: Let me is you ask you

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something. Do you recall on that date or any date before that date did Mr. Jowers ever exhibit a weapon, gun, rifle, pistol or anything like in your existence?

Answer: I can't say that – what now?

Question: On that day or any day before that did Mr. Jowers ever exhibit or show you a gun or did you see him with a gun, pistol, rifle, anything?

Answer: Yes, I've seen him with a gun.

Question: What kind of gun was it?

Answer: I've seen him with a rifle. I've seen him with a pistol.

Question: Before this date of April 4th you had seen him with one?

Answer: I really can't remember that date. I do know I have seen him with one since I've known him.

Question: You've seen him with a rifle at some time since you've known him?

Answer: Yes.

Question: The rifle that you saw

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him with – the rifles you saw him with, do you remember did they have a scope on them where you look in?

Answer: I don't remember.

Question: Ms. Spates, on the date of April 4, 1968, do you recall any incidents that day, that afternoon, in the area of the range around six p.m. where you heard something, a noise in the back of the grill?

Answer: I can't remember the time or whether it was that date.

MR. GARRISON: Page 27, line 2.

Question: What did that sound like to you?

Answer: Kind of sounded like not a loud backfire.

Question: Where did it appear to come from?

Answer: I have no idea.

Question: Could you tell us where you were in the grill when it happened when you heard the noise?

Answer: In the kitchen.

Question: Do you recall was anyone

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with you?

Answer: No.

Question: You were by yourself?

Answer: Uh-huh.

Question: Where was Mr. Jowers?

Answer: I don't remember.

MR. GARRISON: Page 28, line 4.

Question: Do you remember, Ms. Spates, did you see Mr. Jowers with a gun, a rifle, at or about the time or after the time you heard this noise that sounded like car backfiring?

Answer: I don't remember.

Pages 31, beginning with Line 15, **question by Dr. Pepper.**

Ms. Spates, you say you were not asked questions like this. Can you tell us this: Did someone appear to ask you something about this such as the questions there?

Answer: Two TBI men came to my house.

Question: Do you remember they

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were recording what you said?

Answer: Yes.

Question: And they also wrote out some statements and answers. Do you remember that?

Answer: Yes.

Question: Did you read that at any point?

Answer: No, I didn't read it.

Question: Okay. And did they ask you to sign it?

Answer: Yes.

Question: And swear that you were telling them what you remember about it?

Answer: Yes.

Question: Okay. Were there any questions they asked you that you did not understand?

Answer: No.

Question: Did you understand all the questions they asked you?

Answer: Yes.

MR. GARRISON: On page 52, beginning with line 19.

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Question: Ms. Spates, back before the assassination of Dr. King on April the 4th, 1968, had you ever seen a gentleman whose name was James Earl Ray?

Answer: No.

Question: Have you ever seen the gentleman whose name is James Earl Ray?

Answer: Yes.

Question: I'm sorry?

Answer: Yes.

Question: Would you tell us when and where you first saw James Earl Ray?

Answer: On TV.

Question: Okay. Was that the first time you ever heard his name called?

Answer: Yes.

Question: When you saw him on TV, did you recognize him as being someone you had seen – ever seen previously?

Answer: No.

Question: At any time?

Answer: No.

Question: You never – you had never seen him in the rooming house near

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Jim's Grill, in Jim's Grill or any place close by?

Answer: No.

MR. GARRISON: Your Honor, I have an exhibit that was taken by the Tennessee Bureau of Investigation that I'd like to read to the jury at this time. These are the –

THE COURT: You may.

MR. GARRISON: – are the statements which were marked as an exhibit to her testimony.

"It wasn't unusual to see Loyd with a handgun but not a rifle. As to Kenneth Herman's statement that I said James Earl Ray is innocent, that is false. I have no information that James Earl Ray is innocent of the murder of Dr. Martin Luther King. I

also didn't see Loyd Jowers come into the rear of Jim's Grill at six p.m. I was at Seabrooks working when some of the girls started crying and saying Dr. King had been shot. I ran across the street to Jim's Grill to be with my sister Bobbie. The policemen

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came in and told us to go to the kitchen area of the grill. We were locked in the grill for about an hour with other patrons. Maybe a week before the murder of Dr. King, my Sister Alta showed me a lot of money in the kitchen of Jim's Grill in a broken stove. We were going to get some, but Loyd put a German Shepherd in the back there so we couldn't get it.

Question: Ms. Eldridge" – this is Ms. Spates Eldridge – "are you familiar with William Pepper, Kenneth Herman, Loyd Jowers and Wayne Chastain?

Answer: Yes, all except Wayne Chastain. Originally I lost my job at the Arcade Restaurant due to the publicity continued coming from the death of Dr. Martin Luther King. I did not see Loyd Jowers come in the rear – into the restaurant on 4/4/68 with a rifle or gun of any kind around six p.m. I did see him come in the grill between eleven and twelve noon on that day. I went over there to talk to my sister Bobbie. I was a shipping clerk at Seabrook. From

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eleven a.m. to three p.m. I did see Loyd come into the rear of the grill with a rifle. I asked him what he was going to do with the rifle.

Who wanted you to say he saw Loyd on 4/4/68 with a rifle at six p.m. rather than between eleven and twelve noon which you say is noon?

Kenneth Herman, Loyd Jowers, reporters from London.

Who did you work with at Seabrook?

Answer: I don't remember any names.

Do you have any recollection of meeting or seeing James Earl Ray at Seabrook

buying wrapping paper on 4/4/94?

No.

Do you have any information to offer which may reveal James Earl Ray is innocent of the murder of Dr. King?

No.

Did you give your mother or your brother, Essie White, a rifle to keep for you which may or may not have been used to kill

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Dr. King which you got from Loyd Jowers?

No."

MR. GARRISON: Your Honor, I'd like to have this marked as an exhibit.

(The above-mentioned document was marked Exhibit 39.)

MR. PEPPER: Your Honor –

THE COURT: Yes.

MR. PEPPER: – Plaintiffs would like to move into evidence the entire text of the deposition.

THE COURT: All right. Anything further?

MR. PEPPER: No, Your Honor.

THE COURT: All right –

MR. GARRISON: Your Honor, there is a matter I want to take up out of the presence of the jury for a moment.

THE COURT: Oh, okay. Ladies and gentlemen, there a matter that the lawyers want to discuss, and it would be improper for you to hear that discussion. So would you please –

(Jury out.)

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(Short recess.)

THE COURT: Mr. Garrison.

MR. GARRISON: If Your Honor please, at this time we've completed all the testimony and proof, and I'd like to move the Court to take some action on this matter.

If Your Honor please, first of all, I'd like to renew my motion yesterday for mistrial. If my client had been here, he would be testifying at this point. He is not here because he is not able.

Also, if Your Honor please, I'm moving for directed verdict in the case based on three grounds. First of all, there has been no proof of any damages at all. There has been no proof anyone has been damaged. There is no pain and suffering, nothing as far as damages.

Secondly, if Your Honor please, as to whether my client, Mr. Jowers, was involved in the conspiracy, as Your Honor may recall, three weeks ago yesterday you read to the jury what a conspiracy consisted of. There has been no proof that he was involved

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in a conspiracy here.

Thirdly, if Your Honor please, we've alleged in our defense to begin with, which has been known for a long time, that the statute of limitations expired on this case. I've given Your Honor several cases here that I think are applicable, and certainly in this case the statute of limitations would have expired long before the suit was filed.

Your Honor, to go back over this matter, as far as the damages are concerned, there has been no proof that anyone was damaged in any way. There has been no

conscious pain and suffering, no expenses, there has been no anything that has been proven as far as damages in the case.

Secondly, the only thing Mr. Jowers has been accused of is taking in a box and taking in some money and coming out the back door, which now the witness has refuted and said shes didn't say that. There has only been one witness.

Even Mr. King, when he testified, and also the other witness, said that Mr.

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Jowers simply said I did what I had done previously that. That was to take in some money from Mr. Liberto which I had done previously. He said, I had no knowledge that this would be to assassinate Dr. King. He said, I had done this before. He said they told me simply I would have a box that would be delivered. I didn't know what it was. It didn't say what it was on the box. I simply took it and was told to be at the back door, not knowing what I would be given, but he said, I was given a gun. According to his statement, it was smoking.

If Your Honor please, he might be guilty of perhaps not reporting a crime, but that's after the fact. Here we are where he is charged with conspiracy, and there is nothing to indicate that he was part of any plan to assassinate Dr. King in any conspiracy. There is nothing to indicate he took any action in that regard knowingly, that he was knowingly taking any action as part of the conspiracy to bring about the assassination of Dr. King.

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There has been no proof offered at all that he had done anything except what he had done previously, take in some money from Mr. Liberto, according to him, which he had done previously, also, that a box would be brought into his place, not knowing what it was for, what it would be used for, not knowing what was in the box. He was told to be at the back door and accept something, and that is all that has been offered here to Court.

If Your Honor please, as far as the statute of limitations is concerned, way back in 1993 Mr. Jowers was questioned by all of the newspapers, television, Prime Time, and certainly back then it was known whatever his involvement was, what he

claimed was his involvement, which I just stated is all that he has ever said.

Now, if Your Honor please, there are numerous cases which I've cited here that certainly would indicate this case would bar the statute of limitations. Mr. King and Ambassador Young said they met with

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Mr. Jowers but they never stated the dates which would bring it within the one year. Even if they didn't know it until then, they never told this jury the dates they met with Mr. Jowers.

Even assuming that they had no knowledge of Mr. Jowers' involvement, up until that point they would have had to say they met with him on a certain date and we filed suit within twelve months, because that's what the cases say. Certainly, if Your Honor please, there has been no proof to that effect.

Mr. King has testified that he met with Mr. Jowers twice, but he didn't state the dates. He didn't say, we made some reasonable effort to discover what Mr. Jowers' involvement was in this case. There has been no proof as to that.

If Your Honor please, in addition to what I've already given you is another case of *Gosnell versus National Chemical*, which is cited as 674 Southwest 2nd 26 Series. The Supreme Court says, "We point out that this

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finding," which they had previously said the one year rule applies to wrongful death statute, "has no bearing on the burden of proof at trial which in this case would require the plaintiff to prove that she acted with reasonable diligence to discover what had happened."

So, if Your Honor please, there has been absolutely no proof here at all that anything was done to discover what Mr. Jowers' involvement was, if any, in this case.

Based upon all the testimony the Court has heard here and the jury has heard, there is no way in the world that they could even presume that the suit was filed within the statute of limitations period, even if you go back to 1993.

The case that I cited, your Honor, *Brasswell versus Carruthers*, the Court holds very stiffly that the one-year statute of limitations for personal injury claims alleged applies to a suit alleging conspiracy.

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If Your Honor please, in this case with what testimony there has been, there was been no proof of damages, no proof of conspiracy, there has been no proof that there is any effort made to discover anything that Mr. Jowers did or had any part in this. There has been no explanation as to what efforts were made, which certainly the plaintiff would have had the burden to do. I think, if Your Honor please, there should be a directed verdict for the defendant.

THE COURT: Mr. Pepper.

MR. PEPPER: Thank you, Your Honor. As is the case with the Court, the plaintiffs have just been hit with this motion virtually at the midnight hour. It seems that defendant is determined at all costs to keep this matter from going to a jury and the facts of the case from being decided by a jury after all the proof has been in.

With respect to the damages issue, your Honor, three members of the King family

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have testified before this Court, and they have testified in clear language as to what the loss of Martin King as a husband and a father meant to them as a family. It should not be incumbent upon that family to appear here and justify the pain and suffering that they have felt all of these years. I submit respectfully –

THE COURT: Let me ask you this: Was there not a stipulation as to the damages?

MR. PEPPER: That's what I thought we had agreed, Your Honor. And the damages that Dexter King testifying to as having accepted following our stipulation was that the family would seek only one hundred dollars as a payment against the funeral expenses. That was an actual dollar amount.

I don't think the family should be held to task for not wanting to receive a large sum

of money from the jury in this case. There was that agreement. And we had agreed – I thought we had agreed that there was a hundred dollars as a funeral expense

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offset.

If it please the Court, your Honor, I respectfully disagree with my colleague. There has been such an overwhelming amount of evidence in this case as to the involvement of the defendant in a conspiracy that the only reason that plaintiffs have not moved for a directed verdict is because plaintiff wished these issues to go before a jury and wished to have a jury verdict as opposed to imposing that burden upon the Court.

We submit that the testimony and the evidence that has been supplied to this Court and jury is overwhelming indicates and a conspiracy. It is from the defendant's own mouth, it has come from his own mouth and his own experiences and his own admissions that are now in evidence here. His admissions at various times clearly indicated he was involved. He has admitted being involved, although he has said he was unknowingly involved in what was going on. Plaintiffs have testified, provided evidence, that that is simply not credible, Your Honor.

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With respect to the statute of limitations issue, your Honor, in evidence is the tape of the meeting. It was put into evidence and it was testified to here by Ambassador Young and Dexter King. And very clearly on this tape, your Honor, is the date of that meeting which has been before this Court from the time that this has been admitted in evidence. The date is the 2nd of March, 1998.

If it please the Court, this action was filed on the 2nd of October, 1998, which is well within the one-year statute of limitations.

Your Honor, plaintiffs maintain that it was not until the meeting that took place between the defendant and Ambassador Young and Dexter King that they concretely knew, had notice, that this man was involved.

Yes, there were rumors. There were reports. But the plaintiffs sought a meeting with

the defendant in order to clarify this issue. They sought and sought that meeting, and finally that meeting came about on the

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2nd of March, 1998. It was not that they didn't try, that they didn't attempt to learn as a matter of their own concern and understanding as to what happened, but they were not able to have that meeting until the 2nd of March, and the action then was filed in the succeeding October.

So plaintiffs submit that it was only at that point in time that they really did know about it.

Further on the issue of the statute of limitation, your Honor, in the case of *Steve Realty versus Ovaso*, 823 Southwest 2nd, 195 Tennessee, 1991, Judge Lanier ruled that the statute of limitations has to be pleaded in the proper time and manner, and if it is not raised in the proper time and manner, it can be deemed at the discretion of the Court to have been waived and it could not be relied upon by the defendants.

We submit, your Honor, that this is not the proper time and manner for this issue to have been raised as we are about to close and go to a jury, and it is a matter of

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discretion for the Court as to whether or not the Court will allow it.

In *Kakamecee* (Phonetic) *versus Thurmond*, 282 Southwest 2nd, 633, the Court in that indication also refused to allow the statute of limitations being applied because it did not do so with promptness.

Your Honor, in such a case a state out of limitations cannot be used for dismissal unless it is clearly – clearly – within the Court's discretion to exercise it. In the Gosnell case that was cited by the defendant, the Court actually held "Reasonable care and diligence in discovering a compensability injury is a question of fact for the jury unless under the facts in the light most favorable to the appellant there exists no genuine issue of fact."

So even in the case of Gosnell this matter – the statute of limitations is a matter for

the Court, and I would respectfully submit, your Honor, that plaintiffs have come well within it.

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So on the issue of damages, your Honor, I think that has been agreed to. It has been stipulated.

And the issue of conspiracy, I think the overwhelming amount of evidence even from the defendant himself indicates that he was involved in the conspiracy. The extent of the involvement is admittedly something to be determined yet.

And in the case of the statute of limitations, Your Honor, it is entirely in your discretion. In our view it is out of time and should not be raised at this moment.

We respectfully request that Your Honor allow this case to go to the jury, which is where we've been heading from the first day.

Thank you.

THE COURT: Let me ask you, who initiated the meeting between Mr. Jowers and the Kings? Can anyone answer that for me?

MR. PEPPER: I'm sorry, Your Honor?

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THE COURT: Who initiated the meeting between the King Kings and Jowers, and Mr. Jowers?

MR. PEPPER: Plaintiffs had been wanting this meeting for quite a period of time and had attempted through defendant's counsel to cause the meeting to take place. But for various logistical reasons on both sides the date that it finally took place was the 2nd of March, 1998.

MR. PEPPER: Your Honor.

MR. GARRISON: Your Honor, let me say this in response to Dr. Pepper: There has

to be some proof from the witness stand that the plaintiffs have taken some steps to reasonably discover the cause of action.

This happened thirty-one years ago. In the first response we filed to this lawsuit months and months ago, we set out that this lawsuit is barred by the statute of limitations.

Of course, it is – the plaintiff has the burden of moving that they either filed it within the time or that they used

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reasonable diligence in discovery that they had a cause of action. Now, your Honor, anyone that watches the news and reads the newspaper in this country knows that back in 1993 Mr. Jowers was on Prime Time and made certain allegations.

Even then, if Your Honor please, the only thing he ever said was, I took in some money from Mr. Liberto, which I had done previously, he told me he would be sending a package, I didn't know what it was, didn't have anything on the box, and that he told me to be at the back door.

Your Honor, is that evidence of conspiracy? And "unknowingly" is not enough according to the law. The law says that a person has to knowingly be part of a conspiracy, that they take some activity in it and the act be carried out.

Here in this case he says he unknowingly did the things he did previously for Mr. Liberto, and that was to take in some money for him. He said he handled money many times previously.

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Now, if Your Honor please, I don't think there is anything close to what we would think of that would require a person to be charged and held liable for a conspiracy. There has to be some proof from the witness stand as far as the statute of limitations that the plaintiffs have taken due diligence or exercised due diligence in trying to find out if they have a cause of action. There has been no proof here.

The only thing Mr. King said – I respect Mr. King and love him dearly – was that we

met with Mr. Jowers. There is no indication of time. There was no indication that they had tried to meet with him earlier.

In fact, Mr. King did meet with Mr. Jowers earlier, months earlier. He knew it then. That was long before, if Your Honor please, as to what Mr. Jowers' statement was to him about his involvement.

If the Court please, as this Gosnell case says, the plaintiff has the burden of proving that they filed it within the time or

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took reasonable steps to discover. There is no proof here. There is no jury question because there is no proof for the jury to decide that they took reasonable steps.

In fact, if Your Honor please, I think certainly I don't believe that Mr. King or Ms. King or the family were lying to the fact that Mr. Jowers had come forth. It was all in the news media. Everybody I guess in the whole country knew, around the world, as far as that goes, that he had made some statement.

At that time would have been the time to investigate it, not years later. At this point, if Your Honor please, it is too late. As I say, we alleged this in our first defense in this lawsuit months ago.

There is no proof here of damages because we had an agreement that if the funeral bill was presented, but it wasn't presented. They've done nothing to prove damages, if Your Honor please.

I think without question, if Your Honor please, that the suit should be

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dismissed and the jury directed to find a verdict for the defendant. The statute of limitations has expired. There has been no proof of damages. There has been no proof, if Your Honor please, that Mr. Jowers was involved in a conspiracy.

I can't think of anyone's testimony that would qualify him to be a part of a conspiracy knowingly. Even if you put him in the light of best thing that the plaintiff has to offer,

there is no proof of a conspiracy.

MR. PEPPER: If we had known we were to provide a funeral bill for the cost of the funeral of Martin Luther King, then we would have done that, if that was required.

We didn't think this was required. We thought it was agreed that there would be a hundred dollar damage claim as an offset as to what that bill was. So I think that takes care of the damages issue.

In terms of conspiracy, the evidence I think bears out in this case that Mr. Jowers has said, and he said in the

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meeting with Ambassador Young and Mr. King, that he knew somebody was going to be killed. I didn't know who was going to be killed. He knew something clearly illegal was going on and he was a part of it.

What he has attempted to say is he didn't know it was going to be Martin Luther King. Both Ambassador Young and Dexter King found that not believable and so testified on the stand here.

With respect to the statute of limitations, it is within the sound discretion of this Court. But that is a real issue. If that has been a viable issue, what are we doing here for four weeks arguing in case? Why wasn't that issue argued at the very beginning, save the State of Tennessee and the plaintiffs and everyone else concerned with this all of the costs that these proceedings have cost, not to mention the time that this jury has had to put in and the disruption of their personal lives?

That's when this issue should have been raised if it is a real issue and not an

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afterthought as we're about to go to the jury and let them decide. I submit it is within Your Honor's discretion to rule on that issue as well.

MR. GARRISON: I'll say one more thing and close as to the issue the defendant can raise an issue of defense at any point during the trial. It was the burden to prove this

on the part of the plaintiff. There has been no proof as far as the statute of limitations. So a point of defense, such as statute of limitations, can be raised at any point during the trial. - at this point we choose to raise it because there had been no proof. If there had been some proof regarding it, that would be a moot question. There has been no proof regarding it such that the plaintiffs have took proper steps to determine they had a claim against Mr. Jowers.

If Your Honor please, from what Your Honor has heard in this case and from the proof on the witness stand, there is none. There is nothing. There is nothing the jury

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can decide as far as the statute of limitations.

THE COURT: All right. As far as the mistrial is concerned, I'll reaffirm my judgment on that and deny the motion.

On the issue of damages, as I recall, we had a meeting in my chambers where we discussed damages, and I thought that the parties had agreed and were going to stipulate that if the jury reached a verdict in favor of the plaintiffs, that the plaintiffs were not attempting to recover a lot of money out of this suit and it was their purpose to have the truth come out and to be sanctified, more or less, by a jury verdict and that the plaintiffs were only seeking nominal damages.

Pursuant to that discussion, the plaintiffs presented proof that they were asking not for the complete funeral expenses but for something nominal, in the area of a hundred dollars, as I recall, and that they didn't even intend to retain that but that they were going to share that with some

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charity. I believe that was the testimony.

As far as the damage question is concerned, then I believe there was some proof of damages in the case. Plaintiffs made it very clear that they didn't intend to recover all of the damages, that they could never recover from the emotional distress and all the pain and suffering that they have experienced, but in the course of the necessity to prove some damages, that they were only going to ask for nominal damages in

the case.

As for the conspiracy, as I recall the testimony, Mr. Jowers himself said that he knew that something was going on and that it was illegal and that he owed Mr. Liberto a favor and that he would have done anything to satisfy his obligation to Mr. Liberto, even if it required him to do something more than just hold money and receive a rifle.

I believe that the proof in this case is overwhelming that he was aware that some illegal action was going to be committed. Under our theory of conspiracy,

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it is not necessary that he knows to whom the damage is going to be invoked. As long as he is a part of the scheme and knowingly participates and it causes injury to anyone, he would then be a part of that conspiracy.

Now, of course, I don't – it is not that I consider Judge Lanier an authority on the question of statute of limitations, but I think long before when the argument first began I had written "waiver" on my notes, because, as I recall, this is the first time that the statute – the question of the statute of limitations has been raised before me, and there has been too much invested in this case to wait until the eleventh hour to raise that issue.

Additionally, I believe it is – the statute of limitations is the kind of defense that is the burden of the defendant to prove, not the plaintiff, and I don't – if this original interview by the Kings and Mr. Jowers, if it was – if it occurred at a time which would invoke the statute of limitations, that would have been the

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defendant's duty to prove.

I believe that at this point, after all of the proof is in, that the statute of limitations, even though – not even deciding whether or not it was a legitimate defense, I believe that it is improperly raised at this time.

For all of these reasons, I'm going to deny the motions. We will go ahead with our arguments and our instructions and jury deliberations.

It is a quarter to four now. It is convenient for the jury to hear the argument and then immediately hear the instructions. It is also a disadvantage if one party argues today and then tomorrow the next party argues and the jury will have forgotten the first one and the second one is the one that he was heavily on their mind.

I hate to put it off until tomorrow. I think maybe we ought to – I don't know what the jurors' plans are, but I would like to know whether or not they have any commitments that would prevent them from

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sitting through this process, which would probably keep us until an ungodly hour tonight if we would go into it, but I think I'm going to consult with them and see whether or not we should go on with this process this evening or whether we should stop now and just start freshly in the morning.

Mr. James, would you please bring the jury out.

(Jury in.)

THE COURT: Ladies and gentlemen, since we're going to be here until midnight, we were wondering if you wanted pizza or barbecue.

We have completed the proof in this case, and it is now time for the arguments of the attorneys for the parties. They are going to tell you, remind you, of what they think the proof has shown and what they think your verdict should be. The plaintiff has the first opportunity to argue, and then the defendant follows the plaintiff. And the plaintiff then has an opportunity to respond

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to the defendant's argument. But that's the end. It doesn't just keep going like that. Once the arguments are complete, then I'll give you your instructions, and you will begin your deliberations.

Now, the parties would prefer that you hear their arguments, get my instructions and go right into your deliberations before you forget the arguments and the instructions.

We can do that one of two ways: We can either go ahead with it until we complete it tonight, or we can just stop now and get into in the morning and make it a continuous process.

I don't know whether any of you have children in daycare or what your problems are, if you have any problems at all. So my question to you is if there is anything that would prevent you from going on this evening, or you would rather go home, come back tomorrow morning? We want to accommodate you. We also want to get it over with. Do you all want to go back to the

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jury room? I'll give you five minutes if you want to go back and discuss it.

A JUROR: Do you mind if we just have five minutes?

THE COURT: Fine.

A JUROR: Thank you.

(Jury out.)

(Three-minute recess.)

(Jury in.)

THE COURT: What say ye?

THE JURY: (Unanimously)

Tomorrow.

THE COURT: That sounds unanimous. All right. Let me suggest this: Tomorrow we start hearing divorces at nine o'clock. We'll transfer our divorces to another division and we'll just get started on this at nine o'clock, if that's all right.

THE JURY: That's fine.

THE COURT: Very well, then. Mr. James.

(The proceedings were adjourned at 3:58 P.M.)

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