

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

**Volume 10**

1 December 1999

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THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE

THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

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CORETTA SCOTT KING, MARTIN

LUTHER KING, III, BERNICE KING,

DEXTER SCOTT KING and YOLANDA KING,

Plaintiffs,

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

LOYD JOWERS and OTHER UNKNOWN

CO-CONSPIRATORS,

Defendants.

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PROCEEDINGS

December 1, 1999

VOLUME X

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Before the Honorable James E. Swearngen,

Division 4, Judge presiding.

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## PROCEEDINGS

(December 1st, 1999, 9:55 a.m.)

**MR. MYERS:** ... work product and certain other items involving confidential informants and the like can be removed and held from the public. Because records have been released does not necessarily constitute a waiver of work product – the work product privilege. That doesn't mean that Judge Beasley or Judge Duire's thought processes were in there. Neither side has come forward and said, here are papers from Judge Beasley and Judge Duire. Here is their stuff on thought processes, mental impressions, beliefs, legal theories of the case.

None of that has been shown or identified as having been produced. And to somehow say something has been waived, without coming in and being specific as to what it is that has been waived, is not valid. I mean, ordinarily if one is going to show a waiver of any privilege, one has got to be fairly specific concerning what it is that's been given up. Yet neither side here has come in and identified that.

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There's been discussions about wanting to talk to an investigator who apparently has been talking to people for several years. This case has been pending for a while. The way the Court systems work, a case doesn't get filed on day one and tried on day two.

And under the discovery rules, which would govern this case, the Rules of Civil Procedure, starting with Rule 26 going through Rule 37, there could have been attempts made to discover this stuff before coming to trial. If all these serious allegations were out there to be raised, why weren't depositions taken before this time?

Why weren't subpoenas put out for depositions? Why weren't records inspected, people called in? In the normal course of a civil action, this is what happens.

And if these people were so important and so critical to the case, and that this is literally pay money or not, why wasn't an attempt made before this time – before now to call these witnesses into court? One would expect that a lawyer

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doesn't want to put somebody on the stand without knowing what he's going to say. That's playing Russian roulette with one's malpractice policy a lot of times.

Supposedly, Judges Duire and Beasley are supposed to have made false statements, and this has supposedly been known a while. Why weren't they questioned before this time? The statute that provides the exemption of testimony from trial does allow depositions in certain cases. That could have been done. It hasn't. These files have been open to anybody. So to determine whether Mr. Jowers had any involvement in the murder of Dr. King, and if this is a public report, then this public report may have identified witnesses, may have identified evidence. Why haven't these people been sought out, questioned and brought in?

Under Rule 602 those would be the people who are competent to testify in this Court rather than bringing in prosecutors who handled the case 30 years ago. There's been talk about missing items of evidence. Not conceding that's true or not. How would

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Judge Beasley and Judge Duire know about that?

The case happened 30 years ago. There's been no – no evidence or suggestion that any of these files have been in their exclusive control or custody over this time. And, in fact, in all likelihood, they became just records within the District Attorney General's office. And given the historical significance of the facts involved, it would not be surprising if many people haven't rummaged through those files. Certainly they would be of interest to academic historians. They would be of interest perhaps to other authors or members of the public who wanted to know something that happened.

What it sounds like is going on is a case that rather than calling these people and checking it out and sifting through the evidence, let's try to bring the lawyers in and get them to do – or an investigator and get them to do our homework for us. And, again, that gets right back to work product.

Lawyers are not required to do somebody else's trial prep, are not required to do

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somebody else's civil discovery. And the law generally protects it except in those extraordinary circumstances where the exclusive control rests perhaps within the lawyer's hands, and then it goes only to factual material. For all these reasons we would ask the Court, again, to quash the subpoena.

**MR. GARRISON:** Your Honor, can I just reply briefly to that?

**THE COURT:** Yes, sir.

**MR. GARRISON:** If Your Honor please, first of all, when the Attorney General says that we didn't take an initiative stand for Mr. Glankler – take depositions, they have filed a report – about a 50, 75-page report to indicate all the things that he did in the investigation. I have seen reports. It's a matter of public record.

So, I mean, I knew what he said. I've talked to him personally more than once. He has told me about my client calling and he recorded a statement and so on and so forth. So, I mean, I don't know what I can

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gain by a deposition. He's publicly made statements about this.

Now, as far as Judge Beasley and Judge Duire, if Your Honor please, they have been on television the last 15 months making statements about this case. Strange that they got on television, they have given press conferences to the press here in Memphis. It's strange they get on television and tell the whole world about what they know about this case but they can't come in here and tell 12 people. And their testimony, if the Court please, I think is absolutely essential to the defense of this case. As far as Mr. Jowers is concerned, it's a very serious case, a historical matter.

And, if Your Honor please, if Your Honor's discretion will permit you to require them to come in – I have two or three questions I want to ask them. And Mr. Myers can object to it if I ask them anything that he feels is not pertinent. But I think that in view of the public policy in this case, in view the historical nature of this case, the importance of it, that they should be

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required to come in and testify, and certainly Mr. Glankler. There's no exemption under any law that I can think of.

**THE COURT:** In checking the statute, 24-9-101, the Court doesn't find any provision that would automatically exclude these parties. One of the most sacred rights in our judicial system is that right to subpoena witnesses on one's behalf.

Now, it's said that these parties – it's anticipated that certain questions may be asked of these witnesses which would be improper. If that is so, the time to react to that would be at the time that the question is asked. At that point the Court would determine the relevance or the admissibility of the answer they gave.

It's also suggested that there were opportunities before the trial to discover or to take advantage of certain information. All of you as lawyers know that during the course of a trial issues arise, and the defendant has no way to anticipate all of the proof that is to be presented by the plaintiff and, therefore, cannot prepare in

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advance always for issues that may arise and know how to construct his defense.

As far as playing roulette by bringing in witnesses that have not been interviewed – first of all, according to the defendant, he has spoken with these witnesses. And in addition to that, if a party wants to play roulette and take that chance, the Court has no control over it.

The bottom line is that the Court does not feel that the motion is well taken, and I'm going to deny it.

**MR. MYERS:** Your Honor, at this time I would just like to ask for sufficient time to file a Rule 9 application for interlocutory appeal on this – on this point. And I would cite in 9(A)(1) irreparable injury. There have been privileges asserted with respect to work product and the like. And if a witness is forced to take the stand and made to testify, that privilege is, for all intents and purposes, lost.

Second, with respect to prosecutorial immunity – and the case is

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going that way in terms of required showing before a prosecutor should be called as a witness. Those very items are of such a nature as they would be lost unless allowed to be fully litigated within the – the appellate process.

**THE COURT:** I'm going to deny your request. Anything further?

**MR. GARRISON:** No, sir.

**MR. PEPPER:** No, Your Honor.

**THE COURT:** All right. The Court is going to take ten minutes.

(Brief break taken.)

**MR. PEPPER:** Your Honor, if it please the Court, the plaintiffs are nearing the end of their case. And in the absence of the defendant, Mr. Loyd Jowers, plaintiffs have decided that based on an earlier deposition of Mr. Jowers, it might be just as cost effective in terms of time to read portions of that deposition into the record and

putting the entire deposition into evidence, along with the relevant exhibits.

**THE COURT:** All right.

**MR. PEPPER:** That saves us

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having to go to Mr. Jowers and deposing him again. This deposition was taken on the 2nd of November, 1994, in an earlier case styled *James Earl Ray, Plaintiff, versus Loyd Jowers, Raul, and other unknown co-conspirators*, Case Number 641892-0.

On Page 238 of the deposition, a question to Mr. Jowers had to do with an interview he had given to an ABC reporter, Mr. Sam Donaldson. And leading up to the question was: "He is saying: Did James Earl Ray kill Martin Luther King? Do you see your answer to that question—"

**Answer** – this is the defendant, **Mr. Jowers** – "yes."

**Question:** "– as it appears in the transcript? Was that your response to that question Mr. Donaldson asked?"

**Answer:** "No."

**Question:** "Then he said, do you know who killed Martin Luther King?"

And the answer, **Mr. Jowers:** "Mr. Pepper, I think I better take the Fifth Amendment on that. Do you want me to read it to you?"

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**Question:** "Yes."

**Mr. Jowers:** "On the advice of my attorney, I invoke the right to refuse to answer on the Fifth Amendment of the Constitution on the grounds that it might tend to incriminate me."

**Question:** "That's fair enough. That transcript that we've entered into the record says: Do you know who killed Martin Luther King, Jr.? The transcript has you saying: Yes.

"You have refused to repeat that answer here before us. Are you prepared, though, to deny that you gave that answer at that time?"

**Mr. Jowers' answer:** "Do you want me to read this to you again?"

**Question:** "Yes."

**Answer, Mr. Jowers:** "On the advice of my attorney, I take the privilege to plead the Fifth Amendment according to the United States Constitution that it might tend to incriminate me."

**Question:** "Mr. Jowers, would you take that position in respect of each of

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those highlighted questions in the text, or is there any of those questions that you feel that you could safely answer?"

**Answer, Mr. Jowers:** "I plead the Fifth on all those questions."

**Question:** "On all of these?"

**Answer:** "Yes, sir. After going back and reading, pleading the Fifth Amendment."

**Question:** "I understand that. You made that clear."

**Dr. Pepper:** "I'd just like to note, Counsel, for the record with exception to the pleading of the Fifth by Mr. Jowers on a basis of the fact that the accuracy of the transcript has been already agreed to and entered into the record, and that being the case it becomes our position –"

**Attorney Garrison:** "Okay.

Dr. Pepper, we will stipulate that the questions were asked and Mr. Jowers gave these answers."

**Dr. Pepper:** "Okay. We accept that stipulation."

(End of Deposition testimony.)

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**MR. PEPPER:** Now, Exhibit 1 to that deposition was the transcript of an *ABC* news PrimeTime Live program, which was televised on December 16, 1993. And in the course of that program, in the course of that interview, the following exchange took place.

(Reading from Exhibit 1.)

**Donaldson:** "Mr. Jowers, did James Earl Ray kill Martin Luther King?"

**Loyd Jowers:** "No, sir, he did not."

**Donaldson:** "Do you know who killed Dr. King?"

**Mr. Jowers:** "I know who was paid to do it."

**Donaldson:** "Was there a conspiracy involving more than one person?"

**Mr. Jowers:** "There was a conspiracy. Yes, sir, sure was."

**Donaldson:** "Were you involved in this conspiracy to kill Martin Luther King, Jr.?"

**Mr. Jowers:** "I was involved in it indirectly."

**Mr. Jowers, continuing on Page 2:**

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"Liberto had done me a large favor. I owed him a favor. You know, at least I thought I did."

**Donaldson:** "Did there come a time when he came and asked you to repay that favor?"

**Mr. Jowers:** "Yes, sir."

**Donaldson:** "And was it a large favor he wanted in return?"

**Mr. Jowers:** "Yes, sir."

**Donaldson:** "What did Frank Liberto ask you to do?"

**Mr. Jowers:** "He asked me to handle some money transaction, hire someone to assassinate Dr. Martin Luther King."

**Donaldson:** "To kill Dr. King?"

**Mr. Jowers:** "Yes, sir. He asked me if I know someone. I told him I thought I knew someone who would probably do it."

**Donaldson:** "And he gave you some money?"

**Mr. Jowers:** "Yes, sir."

**Donaldson:** "Large amount of money?"

**Mr. Jowers:** "Large amount of money, yes, sir. Delivered it to the cafe."

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**Donaldson on a voice-over:** "PrimeTime has been told there was approximately \$100,000 delivered to Jowers in a produce box, but that's not all he received. Jowers says another man came to see him, a man whose name sounded something like Raul."

**Mr. Jowers:** "And he looked like he was part Mexican, possibly part Indian, because he didn't have a heavy beard, talked with an accent."

**Donaldson:** "Did he bring a rifle with him?"

**Mr. Jowers:** "Yes, sir. He brought a rifle in a box."

**Donaldson:** "What did he ask you to do with this rifle?"

**Mr. Jowers:** "He asked me to hold the rifle until we made – he made arrangements or we made arrangements, one or the other of us, for the killing."

**Donaldson voice-over:** "So now Jowers had the money, had the rifle, had been asked to hire a shooter, but he says Frank Liberto also provided a cover."

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**Donaldson:** "Did he talk about the police?"

**Mr. Jowers:** "Liberto? Yes, sir."

**Donaldson:** "What did he say?"

**Mr. Jowers:** "He said they wouldn't be there. Said they wouldn't be there that night."

**Donaldson:** "Did he say there would be a decoy there?"

**Mr. Jowers:** "Yes, sir. Said he had set it up where it looked like somebody else did the killing."

**Donaldson voice-over:** "Enter James Earl Ray. Was he part of the conspiracy?"

**Mr. Jowers:** "He was part of it, but I don't believe he knew he was part of it."

**Donaldson:** "Well, Mr. Jowers, did you find someone to do the killing?"

**Mr. Jowers:** "Yes, sir."

**Donaldson:** "Why would a person participate in a conspiracy to kill Dr. King?"

**Mr. Jowers:** "A portion of it, naturally, was for money. Any involvement I might have had in it was doing a friend –

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doing a friend a favor."

**Donaldson:** "Would it have been because you hated Dr. King?"

**Mr. Jowers:** "No, I didn't hate Dr. King."

**Donaldson:** "Or hated black people?"

**Mr. Jowers:** "No, sir. It was for a friend, doing a friend a favor that I owed him, a large favor."

**Donaldson:** "Well, is doing a friend a favor called murder the kind of favor you would do?"

**Mr. Jowers:** "Depends on how good a friend it is and what you owed the friend."

(End of testimony read from Exhibit 1.)

**MR. PEPPER:** Your Honor, that's the end of the portion of the exhibit to be inserted into the record, and move that the entire deposition of November 2, 1994, and all of the exhibits attached thereto be included in this record as plaintiffs' exhibit at this time.

**THE COURT:** All right, sir.

(Whereupon said documents were

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marked as Collective Exhibit Number 30.)

**THE COURT:** Next order of proof?

**MR. GARRISON:** If Your Honor please, we may have portions of the deposition we may want to read.

**THE COURT:** Oh, okay.

**MR. GARRISON:** If I could have just a second here.

**THE COURT:** All right.

**MR. GARRISON:** Your Honor, my associate, Mr. Bledsoe, is going to read from the deposition.

**THE COURT:** All right, sir.

**MR. GARRISON:** Just read the questions and the answers that were given.

**MR. BLEDSOE:** The beginning of the deposition, question by Dr. Pepper:

(Reading from the November 2, 1994, transcript.)

**Q.** Mr. Jowers, thank you very much for coming. I appreciate your cooperation particularly during this period of time when there has been a great deal of stress and difficulty. And we are very grateful to your

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very able counsel, Mr. Garrison, for assisting in clearing his busy calendar to be here and help us.

We – I would like to begin almost at the beginning in terms of who you are because I've known you for 16 years.

**A.** Yes, sir.

**Q.** But I don't know a great deal about you.

**A.** Yes, sir.

**Q.** So I would like to go back to the beginning. Could you tell us where you were born and where you were raised.

**A.** I was born in Lexington, Tennessee, on November 20, 1926.

**Q.** Where did you spend your childhood?

**A.** I'm sorry, I can't hear you.

**Q.** Where did you spend your childhood?

**A.** I moved from there, I was a two-year old, and my childhood was spent in Kenton, Tennessee.

**Q.** Where did you go to school in Kenton?

**A.** Kenton High School, yes, sir.

**Q.** Did you graduate from Kenton High School?

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**A.** No, sir, I did not.

**Q.** What did you do after school?

**A.** I went into the military.

**Q.** Where did you go in the military; which branch of the service?

**A.** Navy.

**Q.** In the Navy. What did you do there?

**A.** I was the helmsman on the ship. I went to school for six weeks to be a helmsman on a ship.

**Q.** What period of time would that have been?

**A.** What period of time?

**Q.** Yeah, when was that?

**A.** 1944 through '46 – through part of '46.

**Q.** Where were you stationed?

**A.** On a ship out of Norfolk, Virginia.

**Q.** Off the Norfolk coast?

**A.** Yes, sir.

**Q.** And what did you do after the – after you were discharged?

**A.** After I was discharged in Memphis, Tennessee, or Millington, I moved to Memphis and continued living here and went to school.

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**Q.** But you mentioned Millington. Were you sent to Millington as part of your –

**A.** I was sent to Millington to be discharged, yes, sir, from Norfolk.

**Q.** Were you there just for the purpose of discharge or –

**A.** Yes.

**Q.** – were you stationed there?

**A.** No, sir, I was not stationed there, just for purposes of being discharged.

**Q.** You were discharged out of Millington?

**A.** Right.

**Q.** What was your rank on termination?

**A.** Seaman II.

**Q.** What was the nature of your discharge?

**A.** Honorable discharge.

**Q.** And your parents, Mr. Jowers, where were they during all this period of time?

**A.** They lived in Kenton, Tennessee.

**Q.** What was your father's occupation?

**A.** He was a farmer.

**Q.** So you were a farming family?

**A.** Yes, sir.

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**Q.** Did you have any brothers or sisters?

**A.** Yes, sir.

**Q.** Who were they?

**A.** Well, I had an oldest brother named Carl; brother named Max; younger brother named Billy; older sister named Mary; one older one named Nellie and one named Willa Mae, Elsie and Dolly.

**Q.** That's a large family.

**A.** Yes, sir.

**Q.** Did they all survive childhood?

**A.** Yes, sir, all of them.

**Q.** Are they all still alive?

**A.** No, sir, some of them are.

**Q.** Some of them are.

**A.** Oldest brother Carl is deceased; my oldest sister Mary is deceased. All the rest of them are still living.

**Q.** Did any of them move into Memphis or did they stay –

**A.** I have two sisters living in Memphis now, yes, sir.

**Q.** You have two sisters. Who are the two sisters presently living in Memphis?

**A.** One of them's name is Willa Mae

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Witherspoon and the other one's name is Elsie Whitley.

**Q.** Elsie Whitley, and what was the name of the Witherspoon?

**A.** Willa Mae.

**Q.** Willa Mae Witherspoon, and they presently live in –

**A.** Yes, sir.

**Q.** – Memphis?

**A.** Uh-huh.

**Q.** So you would have then entered Memphis for purposes of living around 1946, upon discharge?

**A.** Yes, sir.

**Q.** Where did you live when you came to Memphis in 1946?

**A.** I lived with my uncle at 612 St. Pauly Street.

**Q.** Now, was that your mother's brother?

**A.** My mother's brother.

**Q.** Your mother's brother. And where did you work when you were living there?

**A.** I went to school at JB Cook Company on the GI Bill of Rights. I did finish that course, almost two years.

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**Q.** Yes.

**A.** When I finished that, I went on to the police department. I was a city policeman. I don't know the exact date. Some time in April or May of 1946 through all of 1948. I resigned December 2, 1948.

**Q.** So you were on the police force for nearly two years was it?

**A.** Yes, sir, two years.

**Q.** Two years. And you went to join the police force after you took this training course?

**A.** Yes, sir.

**Q.** You just applied to the police force. Why did you think of becoming a policeman at that point?

**A.** Well, I really can't explain it except it seemed like a good job.

**Q.** So you applied. Did they have – I don't suppose they had any training academies back in those days.

**A.** No, sir, they did not. You got all your training with the older policemen.

**Q.** And what were your early duties when you went on the police force?

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**A.** I went right into a squad car.

**Q.** You were on street patrols?

**A.** Yes, sir.

**Q.** Primarily riding or on foot?

**A.** No, I was riding. They didn't have foot patrols back then.

**Q.** What area of the city were you assigned to?

**A.** Over a two-year period I run, I guess, every ward in the city. They transferred you from one ward to another back then.

**Q.** Right.

**A.** You run this ward, like downtown was Ward II this month, next month you might be in east Memphis, Ward II. They just switched everyone around, switched partners, switched wards, automobiles, the whole nine yards.

**Q.** Who was your partner? You were in a two-man squad car, were you?

**A.** Yes, sir, all cars were two-man.

**Q.** Who was your partner, do you recall?

**A.** I guess probably over two years I was with about every policeman on the force.

**Q.** They rotated you?

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**A.** They rotated the partners also – the partners also every month. I'll give you a couple of names. I can't remember all of them.

**Q.** Sure. Who were some of the people with whom you partnered?

**A.** Johnny Barger, I suppose that was the first one I rode with.

**Mr. Garrison:** You said Barker?

**THE WITNESS:** Barger, B A R G E R. Andy Chitwood was another one. I think those were the first – those were the ones that I got my training from.

**Q. (BY DR. PEPPER)** Right.

**A.** Johnny went on to be field inspector. Chitwood retired. Well, they're both retired. They're both deceased now.

**Q.** Right.

**Dr. Pepper:** Mr. Garrison, as a matter of procedure, do you mind if Mr. Chastain – if he has a question from time to time, if he comes in?

**Mr. Garrison:** Go right ahead.

**Dr. Pepper:** So if there's something that you would like –

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**Mr. Garrison:** Let's go off the record.

(Off-the-record discussion.)

**Q. (BY DR. PEPPER)** So you were – during this period of time you were on squad car duty and you were moving all over the city?

**A.** All over the city, yes, sir.

**Q.** Did they assign you – was this just regular patrol? Did you get assigned particular duties such as vice squad or anti-gambling or anything like that?

**A.** I was a city policeman.

**Q.** So you were on regular detail?

**A.** Back then we didn't have specialized departments like they have now. If you had a crime in your ward, we called them, I guess. They may still be that, I don't know. The police run that ward, done their darndest to solve whatever it was.

Now, they had – the only specialist department they had back then was homicide. The ward called work for the homicide department. If they had any other department other than homicide, I didn't know anything about it.

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**Q.** Right.

**A.** They may have, but I didn't know anything about it.

**Q.** You didn't know anything about it if they did?

**A.** No, sir.

**Q.** Who was the chief of police during these two years when you were on the force?

**A.** I don't remember his first name. His last name was Perry. That was just a figurehead here. The boss was the commissioner.

**Q.** Right.

A. His name was Joe Boyle.

Q. Joe –

A. Boyle, B O Y L E. He done all the hiring and firing.

Q. He did all the hiring and firing. Was he related, as far as you know, to the Boyles who had a financial interest in the Chisca Hotel – to that Boyle family?

A. I think it was the same family.

Q. Same family.

A. I'm not positive.

Q. One of them was a – they were fairly

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prominent local people?

A. Right.

Q. So you think there was a connection?

A. I'm sure it was. Because back then – I'm sure you've heard of Mr. Ed Crump.

Q. Yes.

A. No one did anything here without his approval, believe me they didn't.

Q. He pretty much ran the –

A. That includes the police department.

Q. – city, didn't he?

A. Yes, sir.

Q. Can you remember who some of the inspectors were underneath the chief, such

as the homicide inspector?

**A.** Field inspectors is what they were called back then. Was a name by the name of John Dwyer. No – yeah, John Dwyer.

**Q.** Dwyer?

**A.** Buddy Dwyer? I don't think Buddy and John were the same.

**Mr. Garrison:** Yes, they were the same.

**The Witness:** They were the same,

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but I couldn't remember.

**Q. (BY DR. PEPPER)** So he was an inspector?

**A.** Yes, sir.

**Q.** Who were some other inspectors that you recall?

**A.** Well, now, the inspector, he had a section of the city and they transferred him also. He was my inspector the entire time that I was a policeman.

**Q.** Uh-huh.

**A.** And the lieutenants, the one that had – I don't know how many cars, five or six cars. He would go around and meet every night to make sure we were doing what we were supposed to do. He would be transferred to a section of the city also.

**Q.** Right. But who were some of the names of the people who were either inspectors, captains, whom you can recall now?

**A.** Well, my immediate captain was Captain Lovejohn. I don't remember his first name. If I ever knew it, I don't remember it.

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**Q.** Lovejohn?

**A.** Lovejohn.

**Q.** Right. Okay. Any other captains you recall, any other officers?

**A.** Police officers?

**Q.** Yes.

**A.** I guess if you give me enough time I could remember half of them.

**Q.** Let me just throw some names and see if they make any sense to you. One has been mentioned earlier, "Zachary."

**A.** Yes, sir.

**Q.** What was Zachary's position back in those days when you recall?

**A.** I recall him as being just a regular patrolman like I was on a separate shift.

**Q.** Uh-huh.

**A.** The way that thing operated back then, you can have – he may have been my relief at one time or another. I can't remember all those other policemen.

**Q.** Did you know then Patrolman Zachary?

**A.** Yes, sir.

**Q.** You knew him back in '46?

**A.** Yes, sir, but he wasn't on the same

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shift I was on.

**Q.** Different shift?

**A.** I believe he was my relief shift.

**Q.** Did you come to – continue to know him over the years?

**A.** After I left the police department?

**Q.** Yes.

**A.** Just in passing is all. I think he wrote me a ticket one time after I got out of the police department for speeding.

**Q.** I see. Do you recall when he started to move up in the force?

**A.** No, sir, I do not.

**Q.** Okay. Did you know Sam Evans, Sr., back then?

**A.** Yes, sir.

**Q.** What was his rank?

**A.** Just regular patrolman.

**Q.** He was street patrolman as well. He started out that way?

**A.** Yes, sir.

**Q.** And at the time when you left the force was he still a patrolman or had he moved up?

**A.** He was on a separate shift, sir. I'm

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not sure.

**Q.** You're not sure?

**A.** No.

**Q.** But he was a career policeman as well?

**A.** Sure.

**Q.** Did you know Inspector Evans pretty well when you were on the force?

**A.** Just in passing is all.

**Q.** Did you continue to know him after you left the force?

**A.** No.

**Q.** You didn't have much contact –

**A.** I didn't have any contact with him that I remember.

**Q.** – with him after you left?

**A.** No, sir.

**Q.** How about the man who eventually became chief, McDonald, did you know him back in those days?

**A.** I knew him, yes, sir, but he was field inspector on – well, I guess you would call it, if I was on the first shift, he would be on the second shift.

**Q.** He was an inspector even back then?

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**A.** Yes, sir.

**Q.** That long ago?

**A.** Yes, sir.

**Q.** How about Chief Lux?

**A.** Chief Lux, he was on a separate shift. He wasn't on the one I was on.

**Q.** Was he also an inspector back then or was he –

**A.** I'm not sure.

**Q.** That's fine. These are – I'm taking you back a long way. If you don't remember, just say I don't remember.

**A.** That's fine.

**Q.** How about Graden Tynes?

**A.** Grady?

**Q.** Graden Tynes, T Y N E S.

**A.** Yes, sir, I know him.

**Q.** You knew him?

**A.** Yes, sir.

**Q.** How well did you know him?

**A.** I suppose about as well as I know you or anyone like that.

**Q.** Uh-huh, yeah.

**A.** I'm not sure if he was anything other than a just regular patrolman. I don't think

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he was.

**Q.** Right.

**A.** We went to work at the police department – I think he went to work two or three months after I did.

**Q.** He came on after you did?

**A.** I think so, yes, sir. Either before or after, relatively close.

**Q.** Right.

**A.** I never run with him because he was on a separate shift than I was on.

**Q.** He was. Did you know Jule Ray?

**A.** Jule who?

**Q.** Ray, R A Y. Jule Ray.

**A.** No.

**Q.** He eventually became a captain in the same department as Mr. Tynes, but you don't remember him?

**A.** No, sir, I do not.

**Q.** How about a man who eventually became an inspector, Don Smith, does that mean anything to you?

**A.** I knew Mr. Smith casually. I remember when he left the patrol and went into homicide.

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**Q.** Uh-huh.

**A.** But I'm not sure if he stayed there long. Seems to me he didn't stay there very long.

**Q.** Now, are we talking about the same Smith?

**A.** I'm not sure.

**Q.** I'm talking about Don Smith, not Tommy Smith. Tommy Smith was a homicide detective. Don Smith may have been in homicide at one time, I don't know.

**A.** I only knew one. I didn't know the other one. Don was the one that I knew.

**Q.** Don was the one you knew, okay.

**A.** He was on a separate shift than I was on. I think he was our relief in the squad

cars on occasion back when we were policemen.

**Q.** Right. Okay. Did you, Mr. Jowers, keep contact up with any of these names that we have been through? Now, after you left the force, did you have any kind of ongoing social or other contact with them?

**A.** I did with Grady Tynes, yes, sir.

**Q.** You did. What was the nature of your contact with Inspector Tynes?

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**A.** Well, his wife and my wife went to school together.

**Q.** Right.

**A.** In a little place out from Kenton, Tennessee, called Mason Hall. In fact, they graduated from that school.

**Q.** Right.

**A.** And we – we were fairly close friends. We never talked about police business after I was not a policeman anymore.

**Q.** This was your first wife that you're referring to?

**A.** Yes.

**MR. GARRISON:** Go to 30 to 34.

**MR. BLEDSOE:** Okay. Beginning on Page 30 at the top of the page. I'm sorry, the middle of the page.

(Resume reading from the deposition.)

**Q.** Many years after the fact when you had chance to reflect on the police department back then, was there a fair amount of corruption that you observed in your course of your work as a policeman?

**A.** Well, not a great deal. I think that

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was the purpose of shifting everyone around all the time. It could have been without me knowing about it, but I doubt there was very much.

**Q.** Right. But if there was corruption, what form did it take?

**A.** Well, of course, I can tell you what I heard. I heard the ward was running crap games, allowing bootlegging on Sunday.

**Q.** Minor things like that?

**A.** Minor things like that. But as far as that ever taking place, I just don't know.

**Q.** Right. This is a very useful way of getting facts on the record, Mr. Jowers, by you just saying, this is what I heard, but I don't know or – I'm perfectly happy for you to do that any time you want to. It's a useful way of getting information out without you being in the frame, if you know what I mean.

**A.** Uh-huh.

**Q.** We all hear things.

**A.** Sure.

**Q.** Why did you decide then to leave the police force?

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**A.** Well, they didn't pay enough really for a man to make a living.

**Q.** Right.

**A.** They did not. I drew \$105 every two weeks.

**Q.** Not a lot of money.

**A.** That's not enough money. Even back then it wasn't enough money to really get by on.

**Q.** In the course of your work in the police department and coming toward the end of it, did you have contact with many business people in Memphis?

**A.** Many who?

**Q.** Business people, businessmen.

**A.** Yes, sir.

**Q.** Did you come into contact with some of them?

**A.** Yes.

**Q.** Who were some of the more prominent business people that you knew in Memphis, do you recall?

**A.** Well, I guess I better start with the top, Mr. Ed Crump. I was – you wouldn't call me a personal friend, but I knew him and

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he knew my name.

**Q.** You did know Mr. Crump?

**A.** Yes.

**Q.** How did you come to know Mr. Crump?

**A.** I think the first time I met Mr. Crump was where I was going to school under the GI Bill for JB Cook Company. He and Mr. Cook were good friends. That's the first time I met him.

**Q.** Right.

**A.** That was about – I had only been there a couple of months when Mr. Crump come back.

**Q.** Uh-huh.

**A.** I guess that's the most prominent businessman that I knew.

**Q.** It probably would be. Let's go down from there. Who were some of the other businessmen who you knew?

**A.** Well, Mr. Dave Jolly. He owned Jolly Can [Cab] Company, a large cab company, made a lot of money. I knew Mr. Hamilton Smythe. He was – he didn't own Yellow Cab, but he managed Yellow Cab Company.

**Q.** Did Mr. Hamilton Smythe eventually

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come to buy Yellow Cab?

**A.** Yes, sir.

**Q.** At the time that you knew him, he was just the manager?

**A.** Manager of Yellow Cab.

**Q.** Was he –

**A.** Dave Jolly owned Jolly Cab Company.

**Q.** Was Mr. Smythe a pretty wealthy man or was he just average means?

**A.** His family was wealthy. His father was in – I knew him, not real well. He was in the construction business.

**Q.** Right.

**A.** He built a number of subdivisions over the city. One I can remember in particular out in – well, it's probably Midtown now, but back then it was way out east. In fact, it was out of the city.

**Q.** I see.

**MR. GARRISON:** 40 through 42.

**MR. BLEDSOE:** Beginning at the top of Page 40.

(Resume reading from the deposition.)

**Q.** So you started off at Veterans Cab

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Company in 1948?

**A.** No, I was still a policeman.

**Q.** You were still a policeman?

**A.** Yes, sir. We were organized in – I'm trying to remember the month. It was early '48, but I was still a policeman, continued to be a policeman. No, it was '47.

**Q.** Because you left in '48?

**A.** It was the last part of '47. Seems to me like September of '47.

**Q.** Right.

**A.** I was trying to make it '48, but I resigned in December '48, so it had to be '47.

**Q.** Right. So you were still working as a policeman and you had this Veterans Cab Company?

**A.** I was part of it. Actually, it was against the Memphis City ordinance to do anything like that.

**Q.** Right. Well, people moonlight all the time, particularly if they don't have enough money.

**A.** Right.

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**Q.** They have to do that sometimes. Who was your dispatcher back then, do you recall?

**A.** At the cab company?

**Q.** Yes.

**A.** One of them was Paul Brandon. That was his job.

**Q.** So he actually worked as dispatcher?

**A.** Yes.

**Q.** How long did he stay on as dispatcher for this cab company; do you recall that?

**A.** Oh, a number of years. He went from dispatcher to assistant manager. It seems to me like he left about 1950 and he went on to the police department.

**Q.** He changed. He went to the police department you –

**A.** Police department.

**Q.** – you had come off?

**A.** Sold his stock. I bought his stock in the cab company. Which originally we weren't supposed to be able to sell the stock, but we changed the bylaws of the company where we could buy and sell stock.

**Q.** Did you become the largest stockholder at that point in time?

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**A.** No, sir. Six shares was all I ever owned for a number of years.

**Q.** Who was the largest single shareholder in the company, do you recall?

**A.** We didn't have one individual who owned the majority until a number of years.

**Q.** Uh-huh.

**A.** I think before anyone really got control of the company where I would be just one man was about, heck, I don't know, '54, '55, somewhere in there.

**MR. GARRISON:** 171 through 176.

**MR. BLEDSOE:** Question by Dr. Pepper.

(Resume reading from the deposition.)

**Q.** When you came to work that morning – that next morning that Mr. Chastain is referring to, did you come alone or did you drive anybody with you?

**A.** No, sir, I drove by myself.

**Q.** You drove in by yourself –

**A.** Yes, sir.

**Q.** – that next morning? Were you joined – who was the staff person who came

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on duty? Did you have any employees?

**A.** Bobbi.

**Q.** Bobbi?

**A.** Uh-huh.

**Q.** And how did she get to work that morning, do you recall?

**A.** I have no idea. Rode a bus, I guess.

**Q.** She just came in and she met you there?

**A.** She came in to work, yeah.

**Q.** She came in to work and met you?

**A.** I don't recall whether she was late or not. She could have been, but I don't recall.

**Q.** Right. Mr. Jowers, have you had a chance to look over these statements that you gave back at the time in 1968? During the break did you have a chance to review

them?

**A.** Yes, sir.

**Q.** Is there anything with respect to this statement that you gave to the Memphis Police Department that you discussed with Counsel that you would wish to amend or change at this time?

**A.** No, sir.

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**Q.** That's as you recall it?

**A.** Yes, sir.

**Dr. Pepper:** We'll admit that.

**Q. (BY DR. PEPPER)** This is a statement given – this is not a statement. This is what's known as a 302 taken by the – it's a report of an interview done by the FBI on the 7th of April, 1968, with you. It's even possible you never saw this one before because often – most people don't get a chance to see that. It's an interview with the FBI, but this talks about a stranger who was in the Grill.

And I'm wondering if you recall that interview. Is that an accurate report of the interview that you gave the FBI with respect to that stranger?

**A.** As I remember.

**Q.** It is. It's an accurate report?

**A.** Yes, sir.

**Mr. Garrison:** Dr. Pepper, would you like to have this marked too?

**Dr. Pepper:** I would like to have this marked if that's all right.

**The Witness:** For the record, that

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statement was not given on the 7th.

**Q. (BY DR. PEPPER)** It was not?

**A.** No, sir, the next day. The next day when I talked to the FBI is the only time I talked to them.

**Q.** Mr. Jowers, you're right. The statement was taped on the 7th and it was given the next day by you.

**A.** Right.

**Q.** You're quite right. I'm going to put this in and possibly come back to this. There is a photograph waiting. This statement was given on – the date of this statement is on February 6, 1969. I'm wondering if you would just take a look at that and see if that is accurate.

**A.** Yes, sir.

**Dr. Pepper:** If Mr. Garrison has no objection, we'll mark that and put it in.

**Q. (BY DR. PEPPER)** Now, this is the text of an interview done with you by the *BBC* and it covers a range – covers a range of matters, Inspector Charlie Stephens and his drinking, that you recalled.

**A.** Uh-huh.

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**Q.** It discusses the stranger, you are returning, a whole variety of matters. Would you just take a look at that. I think you have probably seen it during the break, but I just want to be sure that you are happy with what they reported that you said there.

**A.** Yes, sir.

**Dr. Pepper:** We'll mark that.

**Q. (BY DR. PEPPER)** I want to show you this photograph and ask you if you have ever seen this person before, if you recognize him.

**A.** No, sir, I don't recall ever seeing him.

**Q.** You don't recall having seen this man before around the Grill or anywhere?

**A.** No, sir.

**Q.** Okay, that's fair enough.

**MR. GARRISON:** 188 through 195.

**MR. BLEDSOE:** Okay.

(Resume reading from the deposition.)

**Q.** I know, but which staff or waitress, employee, came in that particular morning on April 4th?

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**A.** My cook come in, Bobbi come in her regular time. I think she come in either 7:00 or 7:30. I don't remember the exact time, but –

**Q.** Right. She came in at 7:00 or 7:30?

**A.** Yes, sir.

**Q.** Did anyone else come in with Bobbi that morning?

**A.** No, sir.

**Q.** Who was on duty in the course of that morning?

**A.** I worked the front and Bobbi was in the back cooking lunch.

**Q.** So Bobbi was in the back and you were in the front?

**A.** Yes, sir.

**Q.** So then you would leave at your usual time, did you?

**A.** Yes.

**Q.** Was Bobbi there alone or was there another waitress there?

**A.** Bobbi was alone.

**Q.** Bobbi was alone?

**A.** Yes, sir.

**Q.** Are you saying that Betty Spates did

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not come in that morning at all?

**A.** No, she was in the afternoon shift.

**Q.** What time would she have come in then?

**A.** She was scheduled to come in at 4 o'clock.

**Q.** Do you know or do you recall if she did in fact come at 4 o'clock that day?

**A.** She did not, no.

**Q.** She didn't come in at 4 o'clock that day?

**A.** When I come to work, Bobbi told me that she called in. One of her children was sick. She wasn't going to be able to work.

**Q.** So who did you have working that afternoon?

**A.** No one. I worked myself. I worked it by myself.

**Q.** So you were working that afternoon by yourself?

**A.** Yes, sir.

**Q.** Wasn't Bobbi there?

**A.** She left at 4 o'clock.

**Q.** She left at 4 o'clock?

**A.** Yes, sir.

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**Q.** And Alda, where was Alda?

**A.** Alda?

**Q.** Alda Washington, Alda Mae?

**A.** I don't think she was still working for me at that time. If she was, it was just part time, but she was not working that day.

**Q.** And Rosie Lee Dabney?

**A.** She had already been gone several months before then.

**Q.** She was no longer working?

**A.** No, sir.

**Q.** So really who did you have working? Was Lena working?

**A.** No, sir.

**Q.** Where was Lena?

**A.** Lena had already gone too.

**Q.** She had left, been discharged – she left?

**A.** Right.

**Q.** Bobbi was the only one working?

**A.** I had Bobbi, Betty and myself. And Alda Mae worked part time, but she was not working on that day.

**Q.** She was not working on that day?

**A.** No.

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**Q.** So you went away in the morning. Bobbi was there working.

**A.** Yes, sir.

**Q.** You returned at about what time?

**A.** Four o'clock.

**Q.** At about 4 o'clock. Did you talk to Bobbi when you came back in there?

**A.** Just for a few minutes. She told me that Betty wasn't coming in because one of her children was sick. She did work over that afternoon, it seems to me, about 30 minutes to help me to get ready to handle the night business by myself.

**Q.** So Betty didn't come. Alda stayed – Bobbi stayed with you a little longer?

**A.** Uh-huh.

**Q.** Then she left and that left you there, effectively, all alone?

**A.** Right.

**Q.** Did she give any other reports on any other people that came in that day or that she had seen that day?

**A.** Not anything out of the ordinary. Of course, she didn't have to tell me about Charlie Stephens being down there drunk

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because he was there drunk when I went in.

**Q.** Right.

**A.** Actually, I went right in and went to work because she was real busy.

**Q.** I see. So you went right in and went right to work?

**A.** Yes, sir.

**Q.** What time did you leave that morning, 9 or 10 o'clock as usual?

**A.** I think it was 10:00, 10:30.

**Q.** Ten or 10:30 you left that morning?

**A.** Uh-huh.

**Q.** To return at what time?

**A.** I returned at 4 o'clock.

**Q.** At 4 o'clock?

**A.** Uh-huh.

**Q.** Which car were you driving that day; do you recall?

**A.** I was driving the Cadillac.

**Q.** Where was the Rambler – the brown Rambler station wagon?

**A.** My wife was driving that.

**Q.** Your wife was driving that. When you came back at 4:00 and you parked your car, where did you park?

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**A.** Well, when I turned the corner and drove in there, there was a white car sitting right in front of the building, right in my parking spot. So I pulled right up against him like that.

**Q.** Right.

**A.** Left my car close to the fire plug.

**Q.** Left your car close to the fire plug?

**A.** Yes, sir.

**Q.** What kind of car was that, do you recall?

**A.** All I can recall about it, it was a white or light colored Mustang.

**Q.** Did you look at the license plate?

**A.** It was an out-of-state license.

**Q.** Out-of-state. Did you know which state?

**A.** Didn't pay no attention what state, I sure didn't.

**Q.** Did you notice any other cars parked either behind you or in front of the Mustang?

**A.** Well, in front of the Mustang there was cars all the way to the corner. I didn't move my car down there because there was no place to move it in front of the Mustang or

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back the other way. All that was full of automobiles too.

**Q.** Do you know which kinds of automobiles those were?

**A.** I have no idea.

**Q.** You don't remember which ones they were. When you arrived to work, you proceeded from which street onto South Main? How did you come into South Main?

**A.** I come down – I would come down the expressway and get off – sometimes I get off on Vance, sometimes I get off on Crump and come around. I think that afternoon I come around because I was going in the right direction where I wouldn't have to turn

around.

**MR. GARRISON:** Continue on to 213.

**MR. BLEDSOE:** From there?

**MR. GARRISON:** To 213.

**MR. BLEDSOE:** To 213?

**MR. GARRISON:** Mm-hum.

(Resume reading from the deposition.)

**Q.** Which way did you – which side of

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the street did you come out, did you proceed west on? Which one led you up to South Main Street?

**A.** Huling, Talbot, the one that went right down by the fire station. I'm not really sure which street that is.

**Q.** Well, that's Butler. By the fire station is Butler.

**A.** Butler, yes.

**Q.** So you came up Butler?

**A.** Come up Butler where I would be on the right side of the street.

**Q.** Proceeded north on South Main, pulled right in there and then went right inside?

**A.** Right.

**Q.** Then you began to work. How many people were in there at the time?

**A.** There were several people in there. A lot of them was from M.E. Carter.

**Q.** Do you remember some of the names of some of the people? If you could close

your eyes for a moment, could you recall who were actually in there on the 4th of April around 4 o'clock?

**A.** I really can't. I know Charlie

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Stephens was in there.

**Q.** How long did he stay?

**A.** He didn't stay but a few minutes after I got there.

**Q.** But you don't remember any other ones?

**A.** Absolutely, no, sir.

**Q.** But you have previously – when your memory was fresher back at the time, you did give some names and you've reviewed that.

**A.** At that time I could have told you everyone in there.

**Q.** Sure. But we didn't expect you to recall all of those things. You didn't leave the Grill at any time once you arrived there?

**A.** No, sir, I did not.

**Q.** What did you proceed to do at that point in time when you got in? What did you do? Did you go in the back? Did you work on the counter?

**A.** Right up front working the counter. Like I said, the cook stayed over long enough to get the food out on the steam table for the supper crowd.

**Q.** Then she left?

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**A.** Then she left, yes.

**Q.** Was Harold Parker in there? I'm going to just jog your memory a bit.

**A.** Harold never did come in until – normally around 5:00, 5:30.

**Q.** Did he come in, as you recall, around 5:00, 5:30 that day?

**A.** I think he come in a little earlier than normal for some reason or other, 4:30.

**Q.** Right.

**A.** Because I had only been there a short while when he come in.

**Q.** Right. Now, when Bobbi left, did you – what did you do? Did you take over all of her duties yourself?

**A.** Yeah. Sure. If they wanted a sandwich, I prepared it for them. I waited on them just like a waitress would.

**Q.** There were quite a number of people there at the time?

**A.** Yes, sir, sure was.

**Q.** Around the time we know the shooting took place, as you may recall, was slightly after 6 o'clock.

**A.** Uh-huh.

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**Q.** Where were you at the time?

**A.** I was behind the counter working.

**Q.** The counter being – we've seen it down along on the side?

**A.** Uh-huh.

**Q.** What were you doing?

**A.** When the actual noise went off, I was drawing a beer, a pitcher of beer. It took a few minutes to draw. I had it about half drawn when the noise went off and I quit.

**Q.** Right. What did you do? What did you do when you heard the noise?

**A.** I went back in the kitchen door. It sounded like a noise in the kitchen so I went and checked. Walked by Parker and asked, did you hear that noise? And he said, yes, he did. He didn't know what it was. I looked inside the kitchen and wasn't nothing there. So I went on back to finish drawing my pitcher of beer.

**Q.** What was the next thing that you knew that something was wrong?

**A.** When the police come to the door, they told me to lock the door and don't – there had been a shooting upstairs and told

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me to lock the door and don't let anyone in or out. So that's what I done.

**Q.** So you locked the door?

**A.** Yes, sir.

**Q.** Everyone that was in stayed in?

**A.** Yes, sir.

**Q.** You let no one else into the place?

**A.** Not until the policeman brought a black guy there and told me to put him in there, that he was out in the street and it was too dangerous out there.

**Q.** Who was that black guy, do you know?

**A.** Frank Holt.

**Q.** Are you sure that the man brought to the door and put inside was Frank Holt and not Robert Wheeler?

**A.** I'm sure it was Frank Holt, sure.

**Q.** You're sure of that?

**A.** Yes, sir.

**Q.** Because there is an FBI statement that says that Robert Wheeler was put inside there. You don't recall a second person being put in?

**A.** I'm sure I'd remember if it was, but I don't think so.

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**Q.** Right. At about what time was Mr. Holt put in there?

**A.** Quite a while after that. Could have been as late as 7 o'clock.

**Q.** That late?

**A.** Yes, sir. It was already beginning to get dark and 6 o'clock – it was still real daylight.

**Q.** Do you remember, Mr. Jowers, a particular customer who ordered eggs and sausage in the restaurant that afternoon or at some point in the course of that day, a man who had eggs and sausage and then returned the next morning and also had eggs and sausage?

**A.** Sure, I recall that.

**Q.** You recall that man?

**A.** Yes, sir.

**Q.** In fact, you took some action with respect to that man, didn't you? What do you recall that you did?

**A.** I told the police about him going in there. What made me remember him being there was ordering breakfast up in the day, almost time for lunch.

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**Q.** Right.

**A.** He ordered a breakfast special. I went on working on lunch and I fixed his breakfast for him. The next morning – and they told me if he came back in, be sure to call them. So the next morning around 9:00, 9:30, he come in again, ordered the same thing.

**Q.** Same thing?

**A.** Sitting at the counter, same place.

**Q.** About what time – you're sitting at the counter on the side?

**A.** Sure.

**Q.** About what time did he order this breakfast, this eggs and sausage meal?

**A.** The first time?

**Q.** Yes.

**A.** I think that's the last thing I done before I went home, so it had to be close to 11 o'clock. We already had most of the steam table out.

**Q.** So you were going to leave – you were leaving around 10:30, elevenish; is that what you're saying?

**A.** Yes.

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**Q.** Did you actually prepare that eggs and sausage for him?

**A.** Yes, sir, I sure did.

**Q.** So you served him yourself?

**A.** I sure did. I did also the next morning.

**Q.** Also the next morning?

**A.** Yes, sir. I also went and called the police for him.

**Q.** This is a report of that actually written by, when he was a reporter, Mr. Chastain here. I just wonder if you could, if you would take a quick look at that. And this is – one and two are the relevant portions that deal with this instant.

I'll strike out all the rest, but I want to make sure that that seems to be accurate. If anything doesn't gibe with your memory – I'm trying to get the historical record correct here, or we will change it.

**A.** I don't see anything wrong with it.

**Q.** Is that basically accurate? Is that sort of what happened?

**A.** (Witness nodding head affirmatively.)

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**Dr. Pepper:** What I would like you to do is strike all that that doesn't relate to this. I'm boxing in what I think is.

**Mr. Garrison:** Okay.

**Dr. Pepper:** Just stuff that relates to this.

**Q. (BY DR. PEPPER)** Who was that police captain that told you about this fellow having some real connections here? Do you recall who that captain was?

**A.** No, sir, I do not.

**Q.** Or remember his name at all?

**A.** No, sir.

**Q.** It wasn't Captain Jack Wallace, or it couldn't have been Evans, he was an inspector back then.

**A.** No, sir.

**Q.** You don't remember –

**A.** It could have been, but I don't really know.

**Q.** Or Mulner?

**A.** No, sir.

**Q.** But you do remember this man who appeared and had eggs and sausage in your place on the 4th of April in the late-ish

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morning and then early again the next morning, and you called the police and they came and took him away?

**A.** Yes, sir.

**Q.** Could you tell us now whether this looks like the man or whether you can say whether that was the man. And this is a copy.

**A.** No, sir, I don't believe that's him. No, sir, I sure don't.

**Q.** You don't remember that this is the man?

**A.** No, sir, I do not.

**Q.** How would you describe this fellow? How tall was he? And do you recall, did he have dark hair?

**A.** It would be hard to describe him now because that's been a long time ago.

**Q.** Yes, it has. Do you recall at various times you have identified this man as the man who was there? Do you recall that having been shown these photographs previously, years ago, that you did identify the man?

**A.** It seems now to me I recall seeing

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the picture that I said it looked like him. I didn't say it was him.

**Q.** Okay. Photographs are tricky anyway. This is a mug shot which gives you a

slightly different perspective. Does that ring any bell with you?

**A.** No, sir, it does not.

**Q.** That doesn't either. Okay. That's fine.

Now, during all of this period of time in the aftermath of the shooting of Dr. King, you continued business, did you, as usual in the restaurant?

**A.** Yes, sir.

**Q.** Did you follow the events of the case that were going on?

**A.** The events of what?

**Q.** The events of the case when they apprehended Mr. Ray, brought him back, were you aware of basically what was happening in 1968?

**A.** Just the account of it on the news or the newspaper, yes.

**Q.** Did you ever yourself go up to the courthouse at any time when there were hearings going on with Mr. Ray?

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**A.** No, I did not.

**Q.** You don't recall ever going up there?

**A.** No, sir.

**Q.** Have you ever discussed the case with anyone?

**A.** Not that I recall other than investigators asking me questions. Or they had one investigator there that worked for them, I guess asked me every question in the world I suppose.

**Q.** Which agency was he with?

**A.** What was his name, Lewis?

**Mr. Garrison:** Mr. Hamby.

**Q. (BY DR. PEPPER)** Did the Memphis Police Department call him?

**A.** No, he was a private investigator.

**Mr. Garrison:** Oh, that was Renfroe Hayes.

**Q. (BY DR. PEPPER)** Oh, Renfroe Hayes.

**A.** Mr. Chastain remembers him, I'm sure.

**Q.** We all remember Renfroe Hayes.

**A.** I just couldn't remember his name.

**Q.** He asked you lots of questions, did he?

**A.** Every day.

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**Q.** He just came by and probably asked the same ones over and over again.

**A.** Over and over, yes, sir.

**Q.** He might even have forgotten that he asked them. So, anyway, you were subject obviously to an awful lot of questions.

**A.** Yes, sir.

**Q.** Did you during this period of time ever have any contact with Mr. Frank Liberto?

**A.** No, sir.

**Q.** You never saw him or talked to him or had any contact at all with him?

**A.** No, sir.

**Q.** Nor anyone representing him or –

**A.** No, sir.

**Q.** – being close to him. What happened to Mr. Charlie Stephens during this period of time?

**A.** I don't know if it was that same night or whether it was the next day, but they put a 24-hour a day guard on Charlie Stephens – the police department did.

**Q.** Right.

**A.** I saw him every day.

**Q.** Was he brought into your place to eat

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and drink?

**A.** Sure.

**Q.** Who paid his bills?

**A.** Well, what little pay I got was from the policeman on a portion that was paid, something like 50 some dollars for one time. That was a very small portion of it.

**Q.** That was supposedly from the police department?

**A.** Police Department.

**Q.** That they were going to –

**A.** Yes, sir.

**Q.** – make sure that Charlie was taken care of?

**A.** Right.

**Q.** Did you discuss any of these events with Mr. Knipes who was next door to you?

**A.** No, sir.

**Q.** You never had any conversation?

**A.** I very rarely saw Mr. Knipes.

**Q.** You didn't see him at all after this?

**A.** No, sir.

**Q.** So you had no opportunity to discuss these issues with him or with Mr. Bailey at the Lorraine?

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**A.** No, sir.

**Q.** Not at all?

**A.** No, sir.

**Q.** Then you eventually closed down Jim's Grill.

**A.** Yes, sir.

**Q.** That would have been in '71?

**A.** I think it was July '71.

**Q.** Right.

**A.** I'm almost sure it was.

**Q.** Which of the staff continued to work with you right up until the time when you closed?

**A.** The only person that I had working for me right until I closed was Bobbi.

**Q.** Bobbi continued to work with you?

**A.** Yes, sir.

**Q.** Right until you closed?

**A.** Yes, sir.

**Q.** What happened to Betty?

**A.** She left my employment and went to work for the restaurant on the corner of Main and Calhoun.

**Q.** The Arcade?

**A.** Yeah, Arcade.

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**Q.** She went to work down there?

**A.** Yes.

**Q.** Alda Mae, she was where?

**A.** She just worked for me part time.

**Q.** Still part time. Rosie Lee?

**A.** I think she had already gone before I took over.

**Q.** Rosie Lee Dabney?

**A.** She was already gone.

**Q.** So Bobbi was the only one who was there?

**A.** Yes, sir.

**Q.** Lena had gone?

**A.** Yes, sir.

**Q.** When did – did Bobbi stay right up to the end?

**A.** Stayed right to the day I closed, yes, sir.

**Q.** All right. After the killing, when was the next time that you went out into that back area?

**A.** I believe it was two or three days later. They had already cleaned it up when I went back there.

**Q.** You went back there and saw it

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cleaned up much the same way that we've shown in the photographs earlier?

**A.** Yes.

**Q.** It was all cleaned up?

**A.** Yeah.

**Q.** Did you know how it got cleaned up?

**A.** I have no idea.

**Q.** Do you know who cleaned it up?

**A.** I did not know at the time, but I heard later that the city cleaned it up, a city crew cleaned it up.

**Q.** Did you hear when that city crew cleaned it up?

**A.** No, sir, I did not.

**Q.** When that cleaning up was going on, you did not hear it or see it at all?

**A.** No, sir.

**Q.** Is it possible that they could have done such a big clean up as that without you seeing it?

**A.** The only way I would have known they were out there is if I went out the back door, which I didn't do.

**Q.** So it's possible all this work could have been going on and you wouldn't have

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known anything about it?

**A.** Yes, sir.

**Q.** So you remember seeing it cleaned up a few days afterwards?

**A.** It was several days afterwards.

**Q.** That was the first time you saw it?

**A.** First time I went out in the back.

**Q.** First time you went out in the back?

**A.** Yes, sir.

**Q.** You saw it all cleaned up?

**A.** Yes, sir.

**Q.** Did you go down to the basement that time?

**A.** Yeah. That's the reason I went out to the back, to go to the basement. I don't remember what for.

**Q.** You went down there. Did you see anything different or strange in the basement?

**A.** No.

**Q.** It was basically the same it had been before?

**A.** Yes.

(End of deposition testimony.)

**MR. GARRISON:** That's it. Your

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Honor, that's all from the deposition.

**THE COURT:** All right. You might wonder why we didn't swear him in. He wasn't testifying for himself, he was reading the testimony of someone else. All right.

**MR. PEPPER:** Your Honor, plaintiffs are going to forgo any additional attempts to examine Mr. Jowers believing, on the basis of the record that's created here, that to all of the questions he will likely continue to plead the Fifth Amendment.

Therefore, plaintiffs have one – one final witness, and that witness is Mr. Dexter Scott King.

Now, we thought we might be deposing Mr. Jowers, so Mr. King is just arriving in the city about this time, so we would – we would propose to call him first thing this afternoon prior to closing our case. But Mr. Garrison has informed me that one of his witnesses under subpoena has arrived and is waiting in the hallway. And the plaintiffs have no objection to Mr. Garrison calling his first witness out of turn and – that would be prior to plaintiffs closing their case

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if Your Honor wishes to do that at this hour.

**THE COURT:** All right. That's permissible. We'll allow that. And let me explain to you Ladies and Gentlemen of the Jury, the defendant is going to put on one of his witnesses, but the plaintiff has not yet completed his proof. All right.

**MR. MYERS:** Your Honor, may we approach before this witness? I want to bring one matter to the Court's attention at side bar.

**THE COURT:** All right.

(A bench conference was held at sidebar outside the hearing of the jury.)

**MR. MYERS:** Your Honor, the only request that the State has with respect to Mr.

Glankler, he is the chief investigator for the task force. He runs undercover operatives. And I note that there are cameras in this courtroom. What we ask is if the Court would order that his face not be shown for purposes so that –

**THE COURT:** Mr. Glankler?

**MR. MYERS:** Mr. Glankler.

**THE COURT:** The attorney?

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**MR. MYERS:** He's not an attorney. It's his son.

**THE COURT:** Oh, I see.

**MR. MYERS:** Yes, sir, he is the chief investigator in the drug task force unit.

**THE COURT:** Okay.

**MR. PEPPER:** No problem with that, Your Honor.

**THE COURT:** All right. You can just go whenever you want – do you want them to bring him in?

**MR. MYERS:** I don't know if they have an electronic ability to scramble his face.

**THE COURT:** Well, the cameras – we can't control those other cameras.

**MR. MYERS:** The other question I have of the Court is on this morning's ruling as to objections being made.

**THE COURT:** Okay.

**MR. MYERS:** Would the State be permitted to interpose objections for the purpose of protecting privileges, work product and any prosecutorial process?

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**THE COURT:** I'll rule on all those objections as they emerge.

**MR. MYERS:** And the Court will permit me to make those objections?

**THE COURT:** Sure.

**MR. PEPPER:** Are you going to be able to get him with his face covered, or you may need time to do that? If he's going to take time to do that, we're running into the afternoon now, I suggest we stay with the regular order of things and we'll call our last witness, and then they can put him on. How long –

**MR. GARRISON:** It's going to be rather short I think.

**MR. PEPPER:** I might take a little time with him.

**MR. GARRISON:** He's here and ready.

**THE COURT:** Do you have something to –

**MR. MYERS:** I do not. I thought – I assumed there would be the electronic ability to scramble.

**THE COURT:** He probably can

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handle it. But you have these other cameras that can't do that – the still ones.

**MR. MYERS:** I believe it's in the Court's discretion to ask that pictures not be taken of him, and I would ask the Court to exercise discretion in that regard.

**THE COURT:** I'll do that. I'll do that. I still don't know whose present in the courtroom.

**MR. MYERS:** Yes, sir, I understand. Someone may see him who recognizes him, but our concern is broadcasting his picture at large.

**THE COURT:** I'll tell the still cameras. And let me – let's find out whether or not those cameras can do it. Have that camera man come over here, the TV man.

**THE BAILIFF:** Yes, sir.

**THE COURT:** They are concerned about the identity of this witness over here and want to know if there's some way that you can obscure his face so that it won't be recognizable.

**UNIDENTIFIED SPEAKER:** Excuse me, Your Honor. I'm with Court TV.

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**UNIDENTIFIED SPEAKER:** She's the producer.

**THE COURT:** They're concerned about the safety of this next witness, if his identity is known, and want to know if you can obscure his face so that he won't be recognizable.

**UNIDENTIFIED SPEAKER:** What we can do is shoot the lawyers and – maybe shoot him from here down, not shoot his face, as opposed to obscuring his face. Does that satisfy you?

**MR. MYERS:** That's fine as long as his face does not show.

**UNIDENTIFIED SPEAKER:** And we can report his name and everything?

**MR. MYERS:** I believe so. Let me just check.

**THE COURT:** We'll just wait.

**MR. CARTER:** Good afternoon, Your Honor. My name is Robert Carter. I'm assistant district attorney over there, and I'm the director of the West Tennessee Drug Task Force. Mr. Glankler is currently assigned to our task force, and I'd like to

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strenuously request that his visual image not be made public in this.

**THE COURT:** We've agreed to that.

**MR. CARTER:** Well, if I heard it correctly, we thought about maybe trying to shoot

from his head down. Well, I happen to be here, and I see a number of people with hand-held cameras. I mean, we're talking about his life is at stake.

**THE COURT:** I'm going to tell those hand-held cameras not to take pictures.

**UNIDENTIFIED SPEAKER:** And we can shoot just the attorneys.

**MR. CARTER:** That's fine.

**UNIDENTIFIED SPEAKER:** And not shoot him at all.

**MR. CARTER:** It's not a matter of us trying keep an operation going. This is personal security for this individual.

**THE COURT:** We can accommodate him.

**UNIDENTIFIED SPEAKER:** We do this all the time. We have yet to have that

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problem.

**MR. MYERS:** I understand. And this has been a unique situation, as you know.

**UNIDENTIFIED SPEAKER:** We'll watch the camera.

**MR. MYERS:** Thank you.

**THE COURT:** All right.

(The bench conference was concluded and the following proceedings were held in the hearing and presence of the jury.)

MARK GLANKLER,

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

DIRECT EXAMINATION

BY MR. GARRISON:

**Q.** Hi, Mr. Glankler. How are you today?

**A.** Good morning – or good afternoon.

**Q.** Good afternoon. Let me ask you – I'm not going into any great detail of your background because I understand for security reasons. But let me ask you, among other things, have you investigated or conducted an investigation over the last 24, 36 months –

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the investigation concerning the assassination of Dr. Martin Luther King?

**A.** Yes.

**Q.** All right. And would you tell His Honor and Ladies and Gentlemen of the Jury –

**A.** I'm sorry. I can't hear.

**Q.** And would you tell His Honor and Ladies and Gentlemen of the Jury about when that started roughly?

**A.** I was appointed to begin the investigation in December of '93.

**Q.** All right. Who – was it the District Attorney – who appointed you to do that?

**A.** The District Attorney General.

**Q.** All right. And tell us, how did you go about conducting that investigation. Did you talk to witnesses or how did you – what all did you do?

**A.** There were numbers of things to do. And we did what was our instruction to do. They had a plan and – what they wanted us – or who they wanted us to talk to or attempt to talk to.

**Q.** All right, sir.

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A. The beginning thing started with trying to locate some of the original witnesses.

Q. All right, sir. Would it be a fair statement to say you talked to many witness?

A. Yes, sir.

Q. Took affidavits or statements from many witnesses?

A. Yes, sir.

Q. All right. And did you take the affidavits and reports back to the District Attorney General after you obtained those?

A. Yes, sir.

Q. All right. And after the investigation was concluded, was there a report then written partially by you or by the District Attorney General as to what the findings were based upon your investigation?

A. With all due respect, which District Attorney? I mean, any of those –

Q. Well, I believe that – Rodney started after you; am I correct?

A. Yes.

Q. The present District Attorney is Mr. Gibbons; am I correct sir?

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A. Yes, sir.

Q. All right. There was a report written last year in 1998; am I correct, sir?

A. Yes, sir.

Q. How many pages does that report contain?

A. I do not know.

Q. Did you ever see it?

A. Yes, sir.

Q. Did you ever read it?

A. A portion of it. It's on the internet.

Q. Did you author any of the report?

A. Beg your pardon?

Q. Were you the author of any part of that report?

A. No, sir, I did not write the report.

Q. Was that report based upon – I know you had someone else that worked with you. But was it based upon some of the affidavits that you had taken and some of the investigation that you uncovered in determining what took place here?

A. Yes, sir.

Q. All right. Well, would it be fair to

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say that the report was as much as 40 pages?

A. Sir, I don't know. I wouldn't know.

Q. How long has it been since you read it?

A. Quite – quite some time.

Q. All right. You did read the report?

A. I want to say that – yes, sir. I mean, I've read it, but it's just been so long, and my current reassignment to other duties.

Q. The conclusion of the report was, as I understand it, that –

**MR. MYERS:** I'm going to object on hearsay. I mean, that's – the report – it's getting into out-of-court statements for the purposes of offering them for the truth of the

matter asserted.

**MR. GARRISON:** I'll withdraw the question.

**Q. (BY MR. GARRISON)** Let me ask you this: Did you find anyone else that was involved in the assassination, based upon all the statements that you took and the affidavits, other than James Earl Ray?

**MR. MYERS:** Your Honor, again,

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these reports are in the document. The document speaks for itself. At this point I'm going to renew my objection as to competency to testify. This witness has no personal knowledge of those facts. So that the State doesn't waive – and to preserve that objection, I will raise it again at this time.

**MR. GARRISON:** Your Honor, based on his personal knowledge and the investigation that he did, I think he can certainly answer my question if he knows or doesn't know.

**MR. MYERS:** Your Honor, if you're getting into his opinion as to whether somebody acted alone, whether somebody had help, this gets into work product.

**MR. GARRISON:** Well, we had been through that already, Your Honor. The report has been circulated around the King family and others, and it's generally been seen, so it's no private thing. I think he can answer a question as to whether or not he found anyone else that was involved from his investigation other than James Earl Ray.

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**MR. MYERS:** Your Honor, that's necessarily opinion. Whether in his opinion there was somebody involved, whether in his opinion there wasn't somebody involved.

**MR. GARRISON:** I'm not asking for his opinion. Your Honor, I'm asking what he knows from his personal investigation. I think he can answer yes or no.

**THE COURT:** You're asking him if he has any personal knowledge of the involvement of someone else?

**Q. (BY MR. GARRISON)** Based upon your personal investigation, Mr. Glankler, did you find anyone that told you or gave an affidavit saying anyone was involved in the assassination other than James Earl Ray?

**MR. MYERS:** I'm going to object to the form of the question. It's asking based on the investigation as opposed to personal knowledge.

**MR. GARRISON:** Your Honor, I presume if he investigated it, he has some personal knowledge. I don't know how he can investigate and not have knowledge of it unless he didn't know what he was doing each

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day.

**THE COURT:** Well, you can rephrase the question and ask him of his personal knowledge.

**MR. GARRISON:** All right.

**Q. (BY MR. GARRISON)** Mr. Glankler, you had personal knowledge – you knew what you were doing when you took these affidavits; did you not, sir?

**A.** Yes, sir.

**Q.** Did you know what you were doing then?

**A.** Yes, sir.

**Q.** Did you know what you were seeking?

**A.** Yes, sir.

**Q.** All right. Based upon what you have conducted in the investigation and talking to the people you've talked to and affidavits you've taken, did you find anyone else that told you – any affidavit or any information from any source that anyone had anything to do with the assassination except James Earl Ray?

**MR. MYERS:** Again, objection. There's hearsay called for in this and,

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again, it's going to opinion as opposed to fact.

**THE COURT:** I'm going to allow him to answer that one.

**Q. (BY MR. GARRISON)** All right. What is your answer, Mr. Glankler?

**A.** No, sir.

**Q.** All right. Now, how many witnesses would you say you interviewed? As much as 20, 30, 40, 50? How many?

**A.** Probably closer to the 40, 50 range.

**Q.** I'm sorry, how many?

**A.** I said probably closer to the 40 or 50 range. And I could be even off from that.

**Q.** All right.

**A.** This spanned five years.

**Q.** All right. This was over a five-year period that you interviewed witnesses; am I correct, sir?

**A.** Yes, sir.

**Q.** All right. Now, Mr. Glankler, did you ever have any conversation with a Mr. Loyd Jowers?

**A.** On one occasion, yes, sir, that I recall.

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**Q.** What was the occasion for that?

**A.** He called me.

**Q.** All right. Did you record it?

**A.** Yes, sir, I believe I did.

**Q.** All right. In fact, you've shown that to Mr. Gerald Posner and let him listen to it, who wrote a book about it, didn't you?

**A.** No, sir, I did not.

**Q.** How did he get it in his book? He said he listened to it. How did he get it?

**A.** I don't know how he got it, Counselor. I didn't give it to him.

**Q.** Okay. What was the extent of the conversation with Mr. Jowers?

**A.** Well, I think the crux of it was he was –

**MR. MYERS:** Your Honor, I'm going to object on hearsay as to what Mr. Jowers may have said to this investigator out of court. And under Rule 803 it's classic hearsay.

**MR. GARRISON:** I think it certainly goes to the heart of this case. My client is a defendant, and I have a right to know what statement he's taken from him and

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what was said.

**MR. MYERS:** Of course, evidence has to be admissible even if it does go to the heart of the case. And it falls under hearsay and therefore, under the Rules of Evidence, is inadmissible.

**THE COURT:** Are you suggesting that it was a statement against his interest?

**MR. GARRISON:** Your Honor, I don't know what it was. He claims to have a statement from Mr. Jowers. He's been claiming that for years. And I've never had the privilege of it, and I think I'm entitled to know what the conversation consisted of, what was said.

**THE COURT:** Do I understand the statement itself was not a part of the file that you

—

**MR. GARRISON:** No, it was never delivered to us, and I've never had it or any way to review it.

**THE COURT:** I'll allow him to answer.

**Q. (BY MR. GARRISON)** Can you tell us,

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Mr. Glankler, the extent of the conversation you had with Mr. Jowers? And it was about this assassination, wasn't it?

**A.** First of all, it was a conversation, not a statement.

**Q.** Okay.

**A.** He called me.

**Q.** And it was about the assassination, wasn't it?

**A.** Well, he called me to complain, as I tried to answer a moment ago.

**Q.** All right. Tell us about that.

**A.** It was an unexpected call. He calls, and he's upset that we had interviewed a number of his siblings and relatives.

**Q.** His relatives, all right. Go ahead.

**A.** And said that they had no knowledge about any of the reports in the paper and on television and whatnot. And he was upset with the fact that we had gone to talk with them.

**Q.** All right.

**A.** And I simply explained to him that that was part of the investigative process. I'm trying to remember what else he

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mentioned. He did mention to me that he didn't – he didn't want me to call any more of his relatives. Well, you know, okay. And one of the other things he was adamant about was about the rifle. And that he told me that was the correct rifle.

**Q.** And we're talking about the one that's over and held by the Criminal Court Clerk right now?

**A.** Mr. Garrison, I asked him. If I remember correctly, I said, are you talking about the one that was in the bundle that was dropped and that kind of story, and he said yes.

**Q.** He said that was the rifle?

**A.** That's what he told me.

**Q.** Okay.

**A.** And he just wanted to reiterate that his family members didn't have any knowledge one way or the other. In fact, commented that he probably would be getting in trouble for calling. And I said, you know, your attorney didn't want, you know, us to talk to you. So he called me on his own is all I can tell you. And that's really all I remember

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about it.

**Q.** That's about the extent of the conversation?

**A.** Yes, it wasn't very long.

**MR. GARRISON:** Okay. That's all I have.

**THE COURT:** Okay, Mr. Pepper.

**MR. PEPPER:** Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. PEPPER:

**Q.** Good afternoon, Mr. Glankler.

**A.** Good afternoon, sir.

**Q.** Mr. Glankler, this Court and Jury have heard evidence about various aspects of plaintiffs' case related to the assassination of Martin Luther King and the involvement of Mr. Jowers. Let me ask you, in the course of your investigation, did you consider whether the brush area behind the rooming house was cut down?

**MR. MYERS:** Your Honor, I'm going to object in terms of deliberative process, mental impression and everything else as we discussed – I'm renewing my

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objections that were raised in the hearing this morning.

**MR. PEPPER:** Your Honor, Mr. Glankler conducted an investigation. This is a critical area of the case. We're dealing with a fact as to whether or not something took place. His investigation should have related to that – that incident. Plaintiffs simply want to know if he investigated it and what was the result.

**THE COURT:** If he investigated it?

**MR. PEPPER:** If in the course of his investigation he considered that – that event.

**THE COURT:** Well, I'll sustain the objection then.

**Q. (BY MR. PEPPER)** Mr. Glankler, did you ever interview [Mr. Maynard Stiles](#) whose testifying –

**A.** I know the name, Counselor, but I don't think I took a statement from Maynard Stiles or interviewed him. I don't think I did.

**Q.** Did you ever interview [Mr. Floyd](#)

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[Newsom](#)?

A. Can you help me with what he does?

Q. Yes. He was a black fireman who was assigned to Station Number 2.

A. I don't recall the name, Counsel.

Q. All right. Ever interview [Mr. Norville Wallace](#)?

A. I don't recall that name either offhand.

Q. Ever interview [Captain Jerry Williams](#)?

A. Fireman also?

Q. Jerry Williams was a policeman. He was a homicide detective.

A. No, sir, I don't – I really don't recall that name.

Q. Fair enough. Did you ever interview [Mr. Charles Hurley](#), a private citizen?

A. Does he have a wife named Peggy?

Q. Yes.

A. I think we did talk with a Peggy Hurley or attempted to.

Q. Did you ever interview a [Mr. Leon Cohen](#)?

A. Again, I just don't recall without –

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Q. Did you ever interview [Mr. James McCraw](#)?

A. I believe we did. He talks with a device?

Q. Yes, the voice box.

A. Yes, okay. I believe we did talk to him, yes, sir.

Q. How about [Mrs. Olivia Catling](#) who has testified –

A. I'm sorry, the last name again.

Q. Catling, C A T L I N G.

A. No, sir, that name doesn't –

Q. Did you ever interview [Ambassador Andrew Young](#)?

A. No, sir.

Q. You didn't?

A. No, sir, not that I recall.

Q. Did you ever interview [Judge Arthur Haynes](#)?

A. No, sir.

Q. Did you ever interview [Mrs. Bobbi Balfour](#)?

A. Yes, sir.

Q. Did you interview [Attorney James Lassar \[Lesar\]](#)?

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A. Lassar?

Q. Lassar.

A. I don't recall.

Q. Did you ever interview [Mr. Royce Wilburn](#)?

A. I don't recall that name either.

Q. Ever interview [Mr. J.B. Hodges](#)? He's a former MPD patrolman.

A. I don't recall.

Q. Ever interview [Reverend James Orange](#)?

A. I know that name came up in the investigation. I've heard it. I don't recall having the opportunity to speak with him. I don't think we did – or I did anyway.

Q. Ever interview a Portuguese journalist who interviewed Raul's wife – the alleged Raul's wife – a woman named [Barbara Reis](#)?

A. A Portuguese journalist?

Q. Yes, who was covering this case.

A. I don't recall that name.

Q. Did you ever interview [Mr. Jack Saltman](#)?

A. Well, Mr. – if you say

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"interviewed" – I don't know if that would be the proper term. But he had been to our office a number of times to give information.

Q. Did you ever take a statement from him?

A. A direct statement?

Q. Right.

A. No, sir, if you're talking in terms of formal – I don't recall taking one from him, no, sir. I know that he came to talk to us and was wanting to offer information about things and –

Q. All right. Did you ever interview a [Mr. Bill Hamblin](#)?

A. Hamblin?

Q. H A M B L I N, close friend of [Mr. McCraw](#)'s for 15 years.

A. Again, Counselor –

Q. Okay.

A. – I really don't recall. There's so many names. I'm trying to remember the ones I can.

Q. I appreciate that. I appreciate that. It's been a long investigation for you

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as well. [Mr. J.J. Isabell \[Isabell\]](#)?

A. Again, it's a name it seems like I've heard. I don't believe I did.

Q. How about [Mr. Carthel Weeden](#), did you ever interview him?

A. Say that last name again for me.

Q. Carthel Weeden.

A. No, sir.

Q. Do you know who he is?

A. To be honest with you, I can't pull it up right this second.

Q. He's the captain of Fire Station Number 2. He ran the fire house –

A. Okay.

Q. – in the approximate locality of the killing. He was in charge of everything that happened in that fire house.

A. Okay.

Q. Did you ever interview [Reverend Walter Fountroy \[Fautroy\]](#)?

A. No, sir.

Q. [Mr. Louis Ward](#) – you ever interview Mr. Louis Ward?

A. I don't recall. It's a common name, but I don't recall his name.

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Q. Did you ever interview Mr. Steve Tomkins [Tompkins] who was a *Commercial Appeal* reporter?

A. I don't – I don't know if we interviewed him, but I recall there was an article in the paper. I remember his involvement. That's about the best I can do for you on that – or alleged involvement.

Q. All right. You ever interview a cab driver named [Jimmy Adams](#)?

A. I don't recall that name, no, sir.

Q. Did you ever interview a former *New York Times* journalist, a *New York Daily News* correspondent named [Earl Caldwell](#)?

A. Earl Caldwell? Not that I recall.

Q. You never interviewed him in the course of your investigation?

A. Beg your pardon?

Q. You never interviewed him in the course of your investigation?

A. I just don't recall that name.

**MR. PEPPER:** I have no further comments about this investigation – no further questions for this investigator.

REDIRECT EXAMINATION

BY MR. GARRISON:

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**Q.** Mr. Glankler, you worked on documenting this investigation on behalf of the State of Tennessee, weren't you?

**A.** Yes, sir, at the instruction of the District Attorney General.

**Q.** That's Mr. Barrout (phonetic) that you started out with?

**A.** Yes, sir.

**Q.** And did you ever find any witness at all that you ever talked to that indicated that Mr. Jowers had anything to do with the assassination?

**MR. MYERS:** Again, this is hearsay, Your Honor, and witness statements, part of the record and speak for themselves.

**MR. GARRISON:** Your Honor, I think I have a right to ask him if he – of his own personal knowledge of the investigation what he found. It's certainly a pertinent question.

**MR. MYERS:** The question of necessity is asking him to draw conclusions if there's – if there's something in that statement that would lead him to conclude that somebody acted alone or there were

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other –

**MR. GARRISON:** Let me ask it another way.

**Q. (BY MR. GARRISON)** Mr. Glankler, of all the people you talked to, did anyone ever state to you that Mr. Jowers had anything to do with the assassination?

**A.** Counsel –

**MR. MYERS:** That's hearsay, and I'm going to object on those grounds.

**THE COURT:** It also is – asks the question of whether or not there was any kind of selective prosecution. I'm going to allow him to answer.

**Q. (BY MR. GARRISON)** Can you answer the question, Mr. Glankler?

**A.** I'll try. We talked to a number of people as you know.

**Q.** Yes.

**A.** Some people tried to support claims of Mr. Jowers' involvement. But in the interview process, you know, like – especially –

**MR. MYERS:** Your Honor, may we approach a minute?

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**THE COURT:** Yes.

(A bench conference was held at sidebar outside the hearing of the jury.)

**MR. MYERS:** Your Honor, this is the first time I've heard the words "selective prosecution." I would draw the Court's attention to *United States v. Armstrong* cited in the State's memorandum from this morning. In *U.S. v. Armstrong*, before any inquiries into selective prosecution may be made, the person alleging – making such allegations, number one, make a specific allegation of it.

Number two, has come forward with credible proof that there was indeed a selective prosecution by showing someone else was deserving of it.

My understanding of this was that from the way this is cast, it was not a matter of – a question of selective prosecution, it was a question of somebody was involved or not involved. And –

**THE COURT:** I believe you're right. And I believe we have ridden this horse as much as we can anyway.

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**MR. GARRISON:** Okay.

**THE COURT:** I'll reverse my ruling and sustain his objection.

**MR. GARRISON:** All right.

(The bench conference was concluded and the following proceedings were held in the hearing and presence of the jury.)

**Q. (BY MR. GARRISON)** Mr. Glankler, the report that was written had a conclusion to it, didn't it? It had a concluding point to the report, didn't it?

**A.** That being the one from the Attorney General?

**Q.** At the end of the report.

**A.** The Attorney General did.

**Q.** It gave a number of witnesses that had been interviewed and what each said.

**MR. MYERS:** Your Honor, that document speaks for itself. And if it's a document that's evidenced, I'm going to object on those grounds.

**MR. GARRISON:** Well, Your Honor, if he will produce a document, that will be great. We'll let the jury look at it if he

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will produce a document. Otherwise I think I've got a right to ask him about a report that he authored and investigated.

**MR. MYERS:** Well, Your Honor, counsel seems to have a lot of knowledge about a report he's never seen.

**MR. GARRISON:** I have seen it.

**MR. MYERS:** And if it has been seen, presumably counsel ought to have a copy, and that could be entered into evidence. That's the best evidence as to what this report says.

**MR. GARRISON:** Your Honor, unfortunately, I don't have a copy. The King family let me read it. And he knows about it, he helped author it, and I think I've got a right to ask him about it.

**MR. MYERS:** He didn't testify that he helped author it, Your Honor. He said that he investigated it and others authored it. So he's being asked to testify as to a

document he's really not competent to testify to.

**MR. GARRISON:** Your Honor, if counsel will agree to produce the copy of the

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report for us, well, that will be super, and we'll end this right now.

**THE COURT:** What's the question again?

**MR. GARRISON:** If he will agree to produce a copy of the report, then that will be fine.

**THE COURT:** What was the original question?

**MR. GARRISON:** The original question was: Was there an ending point to the report?

**MR. MYERS:** I believe he was asking what did the report say.

**MR. GARRISON:** No, I didn't. I asked him if there was an ending part to the report.

**Q. (BY MR. GARRISON)** Isn't that what I asked you, Mr. Glankler?

**A.** You asked me if – I thought you said ending part or a conclusion or something along that line.

**THE COURT:** Did the report have a conclusion?

**MR. GARRISON:** Yes, sir.

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**THE COURT:** Oh, he can answer that.

**Q. (BY MR. GARRISON)** All right. Did it have a conclusion?

**A.** Best I recall, I believe it does, yes, sir.

**Q.** And did it conclude the fact that Mr. Ray acted alone in this case?

**MR. MYERS:** Your Honor, I'm going to object. That's hearsay. That report is an out-of-court declarant, and second –

**THE COURT:** I'll sustain the objection.

**MR. GARRISON:** All right. That's all I have.

**THE COURT:** Anything further?

**MR. PEPPER:** Nothing further.

**THE COURT:** Do you have anything? Do you want to be heard?

**MR. MYERS:** No, Your Honor.

**THE COURT:** All right. You're free to leave.

**THE WITNESS:** Thank you, Judge.

(Witness excused.)

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**THE COURT:** I think we ought to take our lunch break now. We'll do that and we'll resume at 2 o'clock.

(Lunch Recess.)

**THE COURT:** All right. Mr. Pepper, are you prepared to go forward?

**MR. PEPPER:** Yes, we are, Your Honor.

**THE COURT:** All right.

**MR. PEPPER:** At this time plaintiffs call their last anticipated witness, Mr. Dexter Scott King.

DEXTER SCOTT KING

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

DIRECT EXAMINATION

BY MR. PEPPER:

**Q.** Good afternoon, Mr. King.

**A.** Good afternoon.

**Q.** Thank you for being with us this afternoon.

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

**A.** Dexter Scott King, 449 Auburn Avenue, Atlanta, Georgia, 30312, which is my business

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address.

**Q.** And what do you presently do?

**A.** Well, I currently serve as chairman, president and chief executive officer of the [Martin Luther King, Jr., Center for Nonviolent Social Change](#).

**Q.** In Atlanta, Georgia?

**A.** That's correct.

**Q.** And how long have you been in that position?

**A.** Almost five years. Exactly five years at the end of this month.

**Q.** Tell the Court and the jury what you have done previously, what other activities you have been in?

**A.** Well, I've worked at the King Center for a number of years in different capacities heading up the various programs, serving as a special assistant to the founder, my mother, [Coretta Scott King](#).

**Q.** How old were you, Mr. King, when your father was taken?

**A.** I was seven years of age.

**Q.** Do you recall any feelings, any emotions or thoughts that occurred around

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that time?

**A.** The thing I remember most is that we were all trying to move on with our lives. My mother was very strong and very stoic and what I felt was a strong example. So in retrospect, I feel like we really didn't have an opportunity to mourn because we transformed that experience into a triumph over tragedy, or so we thought at that time.

**Q.** How long did that kind of stoicism continue?

**A.** I would say literally up until the past couple years when we first got involved with new information and evidence regarding my father's death.

**Q.** And could you describe for this Court and jury how it was that you and the family eventually did decide to become involved with this issue?

**A.** Well, it was actually a *New York Times* reporter that had reached out to my family when James Earl Ray first went in the hospital, when it was first reported that he was in a coma and having liver trouble, which I believe must have been December of 1996.

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I'm not – my dates are not necessarily accurate, but I remember it was December. Then January, I remember vividly because I was away on vacation after the King holiday the latter part of January, and I was out of the country, so I called to check my answering service, and there was a message from a reporter, which I didn't know at the time, because it was just a paging service, and the only thing there was a number, but I called the number and essentially was told by the reporter that they were working on a story, that they were sorry to bother me, they felt it might be a

little awkward, but they had gotten word from the Ray family that they wanted to reach out to us, the King family.

While it was awkward, they felt that their loved one was innocent. They never wanted to bother us in the past, but because he was near death or having a terminal illness, it was kind of a now-or-never proposition. All they were really asking is would we come and testify, would we make a plea for a trial, not dealing with any sense

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of guilt.

At that time we had not seen the evidence. Of course, we knew of your work, but we had not seen anything. We basically caucused with the family, and all of us were traveling in different places, but by phone on a conference call we took a consensus to find out how we should respond, and the general feeling is that whether he is innocent or guilty, the man deserves a trial, a real trial, which he never received, to hear the evidence and get information out.

I think at that point we were resolute about that, that we were going to make this statement. And that's what happened. Late February, mid-February, we held a press conference where all of the family members were present and we essentially said why we were making a stand, taking a stand, in support of the trial.

From that point forward we, of course, reached out to you, which at that time we were presented with certain evidence and we began to see the picture and it became more evident that this had to come out, there

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had to be a forum for information at least to be heard.

As you know, my mother and I came to Memphis, came here and testified in Judge Brown's courtroom, in regards to testing the rifle. From that point forward things evolved. For want of a better term, there was a snowball effect where people started coming forward independently, just reaching out to myself, to my family, and all kinds of information started coming forward.

**Q.** It sort of opened up the gate?

**A.** Yes. It was really literally a flood gate of information and people who – I recall one letter I read from a gentleman who said, you know, I've been in silent sympathy with your family for the past almost thirty years, and it discussed their background, the fact that they served in various capacities in the federal government, the Central Intelligence Agency, Federal Bureau of Investigation, and the fact that we are on the right track, that Ray did not do it, you are right, stand your ground, we support you, the fact that these things happened, it is

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happening today, the way in which he was set up, that's common protocol.

So all of these types of letters came in. The interesting thing is we didn't know what to believe, because we are not investigators. We have no experience in deciphering what is fact from fiction. But in this instance so much information came to the forefront that we were looking for a forum where the, quote, experts could really separate truth from – you know, fact from fiction.

**Q.** And what is the best forum? What did you come to believe was the best forum for that to take place?

**A.** We felt a court of law, where we would have twelve independent jurors who could hear information and determine for themselves. I just felt if twelve people – whatever decision they came up with after hearing the information, we could live with that. That would help to bring about closure and resolution.

**Q.** Mr. King, how do you answer the criticism that has been leveled at the family

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that the family's involvement in this case at this point in time is driven by profit or by a concern for generating a project, a movie project, or something of that sort to generate money?

**A.** I've heard that before, and it is appalling to me. Not to be dramatic about it, but for anyone to insinuate or to think that we or anyone, frankly, would try to profit off of

someone's tragedy, off the tragedy of a loved one – you know, the question that would often be asked is why now, why thirty years later? Well, I was seven years old. What am I going to do, ask, well, I want to know who killed my father at seven years old?

Sure, I wanted to know, but the thing that was so interesting is all my life, the main question that has been asked over and over by reporters or common folk is do you believe James Earl Ray killed your father?

Now, I'm thinking to myself – almost I guess thirty years now people continue to have asked that question,

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including the media, and it is ironic that the only reason we got involved with this was because the press beat our door down until finally we made a statement. Our typical posture was no comment. We just didn't deal with it. Maybe we were in denial. Who knows. I believe we really were trying to move on with our lives.

So there is a bit of resentment, because the very forces that drew us into this are now saying, why are you doing it? Yet you can't close Pandora's box once you open it. It evolves. So it is the most hurtful thing, frankly, to have to endure, someone questioning it.

**Q.** How do you answer the criticism, though, of the family has been manipulated from the beginning of its involvement up to the present time and even into these proceedings here, that these proceedings are all part of a manipulation of the family?

**A.** Well, that, again, is hard to hear. I would have to say, coming from not only one generation or let's say two parents who were in their own right very strong individuals

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who carried a mantle of leadership, to think that somehow we could be manipulated is really insulting, because what that is saying is that, you know, this family was able to make sacrifices and to contribute to ultimately what I believe has been one of the

most important social movements in this country and endure so much, along with others, endure so much trauma and tragedy, and yet somehow we all of a sudden have lost our minds.

I mean, that doesn't – it is not logical. So no, we have not been manipulated. I think we have done what most people do when they see something in front of them that doesn't add up. You ask the question. Then one question leads to another.

Certainly, as I said, this was not something that we sought out, it ought sought us out. I think that makes all the difference in the world.

**Q.** Historically have you become aware of what happened to your father and his organization after he came out against the

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war in Vietnam on April 4, 1967?

**A.** Yes. He made the statement at the Riverside Church in New York "[why I oppose the war in Vietnam](#)." Interestingly enough, as we've been going through this period, it is so amazing for me that as soon as this issue of potential involvement of the federal government came up, all of a sudden the media just went totally negative against the family. I couldn't understand that.

I kept asking my mother, what is going on? She reminded me, she said, Dexter, your dad and I have lived through this once already. You have to understand that when you take a stand against the establishment, first you will be attacked, there is an attempt to discredit, second, to try and character assassinate, and, third, ultimately physical termination or assassination, in that order.

Now, the truth of the matter is if my father had not – if he had stopped and not spoken out, if he had just somehow compromised, he would probably still be here with us today.

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**Q.** If he remained a civil rights leader?

**A.** Exactly. If he had just talked about riding in the front of the bus, being able to sit down at lunch counters, that was not threatening. In fact, that expanded the economic base when there was integration.

But the minute you start talking about redistribution of wealth and stopping a major conflict, which also has economic ramifications, and he understood the injustice and the disparity of African-American men fighting on the front lines in a disproportionate number losing their lives with their white comrades but yet could not even come home and eat at the same lunch counter with their white comrades they just fought with in Vietnam or could not live in the same neighborhood or any number of things, he saw this was a major injustice and what it was doing to the black family, the way it was destroying families, all these young black men being sent away and dying in disproportionate numbers.

So to make a stand, the fact that a lot of people, soldiers who were on leave

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were hearing his message, and there was this fear of, you know, desertion, black soldiers saying I'm not going to fight this unjust war, why am I here, so he was certainly seen as a threat. Unfortunately he was not. It was a real tragedy. As he said, there cannot be any great disappointment where there is no great love, I'm forcing my country to live up to its truth. And the rest is history.

**Q.** Has the family suffered economically and [the King Center](#), the work of the perpetuation of the legacy of Martin King, have they suffered economically similarly to what occurred to SCLC and your father back in 1967?

**A.** I would have to say yes. While it is very hard to quantify losses in terms of dollars and cents, I can certainly tell you that I have seen a difference in the way we have been dealt with by corporate supporters, contributors, when, quote, controversy strikes.

As you know, most businesses don't like controversy, right, wrong or indifferent, no one wants to be seen as

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embracing something that is controversial. And yet that is the way – I remember doing an interview and the reporter asked me, aren't you concerned, it sounds so controversial? I said, no, have you forgotten that the man which we honor – this was around the King holiday celebration – was one of the most controversial individuals of his time.

In fact, tell me how he went from being public enemy number one in the 1960's to a national hero with a holiday in the 1980's. Explain that to me. Well, the point I'm making is that he can be relegated to I-have-a-dream land because he is not here.

Certainly in death he can be martyred and put on a pedestal, but does America really want to deal with what he was fighting for, what he ultimately died for, in terms of solving the triple evils of poverty, racism, violence and war.[?]

**Q.** Do you think the atmosphere created by the media, which has in effect established an icon figure, do you think that kind of atmosphere contributes to portraying him in

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terms of his last years of struggle?

**A.** Yes. I have to believe from everyone I spoke to who knew him intimately from outside the family that those were some of his most depressive years in terms of really facing up to the fact – as he talked about here in Memphis, I've been to the mountain top, I've seen the promised land – that he had to know that things had really gotten bad.

He was on his way to Washington for the Poor People's Campaign and March, which would bring together all of these forces from different walks of life, that this could no longer be relegated to minority status but Appalacian Whites, Chicano Mexican-Americans, Native Americans, African-Americans, all coming to the steps of the nation's capitol to say we will not leave here until poverty is solved.

That has not been addressed today. And because it was not addressed then, his voice had to be silenced. That's why we're here, to get the truth out. My hope is that in this process, in a court of law, we I

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think still have the last vestige of hope in a democracy to have a jury, to have a forum to get the truth out, because it is sad what I've witnessed with the media, it is just sad in a republic that is supposed to be independent when there is not an independent media on certain issues, particularly when it comes to issues of national security where there is this fear that the people cannot handle it, we cannot allow this out, this truth out.

That is so disheartening. But yet a court of law still I believe, the judicial process, is the last hope of allowing the truth to come forward.

**Q.** In terms of the impact of the media, have you personally experienced among close friends of yours a reaction that has been the result of media coverage of this case over the last few years?

**A.** Yes. I mean, the past three years in specific, since we've been actively seeking the truth, has been probably the most traumatic period of my life for whatever reason. I've had to really reassess so many

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things, because I was not aware of the impact that it was having on me personally and my family.

But I would have to say in one incident I recall a very close friend who grew up in Tennessee, happens to come from a prominent family in Tennessee – we went to school together – and I remember her saying when I first got involved that James Earl Ray is guilty, why are you all involved with this? I kept listening to her. I just heard it go on and on. Finally I stopped her and I said, why do you think that? What are you basing your facts on? She said, well, that's what they said on the TV, that's the basis, the news.

I stopped and I said, let me explain something to you. I took her through this whole scenario of how disinformation works and how more importantly mental and psychological warfare and brainwashing works, that if you hear something over and over and over again, right, wrong or indifferent or true or false, it will become habitual and it will automatically program you in a sense.

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The sad thing is that she stopped and acknowledged it, you are right. I said, now let me show some of the things or explain some of the things that have been explained to me and you make your own choice.

The thing I appreciated about your approach to all of this, because it was very awkward, you were representing the accused, if you will, and as you know for many years we were not really comfortable with even addressing this issue, because we didn't know anything, however, when you told me, the thing that impressed me when we first sat down, was you said, listen, you are the family of the victim and you have every right to see every shred of everything, everything, talk to witnesses, anybody that I've had the opportunity in my ten-year trek of work and investigation, and you had an open-book policy. You said, you tell me who you want to talk to, who do you want to see, and you judge for yourself. You didn't put any words in my mouth. You didn't try to lead us down any path. You just said, here, put it on the table, look at it and make your own

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judgment.

But I think there are so many people who were so – this is not really an issue of logic or intellect, this is an issue of emotion. So many people are emotionally predisposed because of thirty years of programing, including ourselves. We always felt James Earl Ray may have been involved, but we also believed there was probably extensive involvement, but then after seeing the evidence, it was just clear that that was not the case.

**Q.** This Court and jury have heard extensive testimony yesterday on exactly the issue that you've just been addressing, [the power of the media](#), particularly the visual media.

Let's move on. Did there come a time after you got involved with the case and seeking a trial that there was an opportunity for you to meet with the defendant in this case?

**A.** Yes.

**Q.** And in fact did you not have two meetings with this defendant?

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**A.** Yes, I did.

**Q.** And was the first meeting not attended by you and me together with defendant's counsel and the defendant?

**A.** That's correct.

**Q.** And then you had a second meeting with Ambassador Young and the defendant and his counsel?

**A.** That's correct.

**Q.** The Court and jury have heard [Ambassador Young's testimony](#) and also [a recording of that meeting](#) that I believe you made, was made in your presence. Would you tell the Court and jury what you recall from the two meetings that you had as to the defendant as to admissions against his own interest – which makes it possible for you to tell them in the courtroom – what do you recall defendant admitting in those meetings?

**A.** Well, he admitted first and foremost that he had been contacted by Frank Liberto, who he described the relationship with Frank Liberto as someone who helped him out in the past and was essentially calling in a chip or favor and that Mr. Liberto said that he would

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send over to his place, over to Jim's Grill, a package, and in that package would be some money. It was in a produce box, the normal delivery that he would receive.

Subsequently, after that box was delivered, a gentleman, he was told, would be by to pick it up. Well, that gentleman was described as Raul. That he would come by and pick up the money, and then from there he would be delivering another package, which would be a rifle.

Now, that package was delivered I believe the morning of April the 4th. At that time the rifle – he said he was told to be at the back door at six o'clock. Well, the rifle was going to be picked up prior to that. I may have my details a little sketchy in terms of timing. But the gist of it was that he would meet or did meet a gentleman at the back door to pick up the smoking rifle.

He described that gentleman as Earl Clark. The next day –

**Q.** Just for the record, Earl Clark, a Memphis Police Department officer?

**A.** Lieutenant, I believe. He said he

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was clear about that because they were hunting buddies. He knew Earl Clark very well.

After I guess the incident, he said he threw the slug down the commode and tried to flush it down the commode, and essentially that clogged up the commode, you know. I remember that very well because he couldn't get it to, you know, to flush basically. And the next morning the rifle was retrieved, and that was pretty much his recollection.

Well, actually, no, he also said that there were people who met there, officers he knew, from the Memphis Police as well as what he said were government types, which he assumed to be FBI and other government agents, meeting in his establishment with these officers that he knew, that he did know from the Memphis Police, and he interpreted those meetings as planning meetings. So in effect his place was being used as a staging area.

**Q.** Did you ask Mr. Jowers questions throughout the course of that meeting?

**A.** I did. I continuously asked him was

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he – you know, was there anybody else or anything else that he was not telling me. And my sense was that – maybe I shouldn't speculate here. I know I shouldn't

speculate. But my sense is that he did not want to – he felt uncomfortable a little bit and a little bit embarrassed in front of me in saying or admitting that he had involvement in the killing of my father. I could certainly understand that.

What I said to him is, you know, my family is not in this for retributive justice. We're a forgiving family. My father was stabbed by a woman who took – almost took his life before I was even born, and he forgave her. So we're not in this to put people in jail. We want the truth to come out.

His fear, obviously, was admitting something against his own – you know, that would be used against him, and yet I felt like he wanted to get something off his chest. I felt like he wanted to make something right before he left this earth.

It was a little bit awkward, but I

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have to say that I'm glad that, you know, I feel a sense of liberation in knowing more about what happened, what has happened in this tragedy. It has certainly helped to better deal with it.

**Q.** Did you form the impression that he was being truthful to you?

**A.** I did. I really felt that. So did Ambassador Young. We talked about it afterwards a few times, actually, and compared notes.

I think that in spite of the fact – keep in mind that this was the second meeting with myself and Ambassador Young. The first meeting was, of course, myself along with you. The story was consistent. So there was not a change between the time you and I met with him and then subsequently when Ambassador Young and myself met.

**Q.** Did you have the impression from those two meetings that he was knowingly or unknowingly involved in what he was doing at the time of the assassination?

**A.** I felt like he was knowingly involved but didn't fully want to admit it, or, as I

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said, felt uncomfortable because of the awkwardness of who I was. But it was obvious that he knew what was going on to me.

**Q.** Now, he mentioned this figure, Raul, having picked up the money at one point in time and delivered a weapon. Did he identify a photo spread – of a photo spread did he identify a photograph of him for you?

**A.** Yes, he did.

**Q.** If we can put this up.

(Photographs displayed on an overhead projector.)

**Q.** We can see the photo spread that has been in evidence here in the Court. I don't know if you can see it. Which of these six individuals did he identify as Raul to you?

**A.** The second one down on the right in the middle.

**Q.** Here?

**A.** Yes.

**Q.** This picture here?

**A.** That's the one.

**Q.** He said this was the man who delivered the money and subsequently – I'm sorry, picked up –

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**A.** Picked up.

**Q.** He picked up the money and then delivered the rifle?

**A.** Correct.

**Q.** Did he know anything else about this person or say anything else that you recall?

**A.** Well, he said something about, you know, he thought Mexican or wet-back or something, but he didn't want to – you know, he didn't know which nationality he

was. But he was definitely, you know, of Spanish – he thought of Spanish descent.

**Q.** Did you come away with the belief that the fatal shot that killed your father was fired from the bushes, the brush area, behind the defendant's grill?

**A.** Yes, I did.

**Q.** Did he say what he did with the murder weapon, the actual murder weapon, not the throw-down gun, the actual murder weapon?

**A.** I believe he said he threw it in the – I'm sorry. That was another piece of that. That someone picked it up, and I believe he said he heard they threw it in the

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river. But I – I don't remember who, the details of who picked it up and how it got, you know, supposedly thrown in the river.

**Q.** Now, Dexter, at one point in time when the family had come out and started asking questions, being involved in this case, were you and the family contacted by a former FBI man?

**A.** Yes, we were.

**Q.** Who this was officer?

**A.** Donald Wilson.

**Q.** What did Mr. Wilson tell you, discuss with you, again, very contrary to his own professional and personal interests?

**A.** Well, he told me that he had received some evidence, actually obtained evidence from a crime scene dealing with the white Mustang which was alleged to have been James Earl Ray's vehicle and said that he had traveled to the crime scene along with a senior agent. He was essentially kind of a new rookie agent, if you will, and the veteran agent had him tag along to the crime scene.

And when he opened the door, these

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pieces of paper fell out, these items that he instinctively just picked up, retrieved and put them in his pocket. And ultimately he had held on to these items for quite some time.

He said the thing that made him come forward was he saw my mother and I on *CNN*, which in this case is good to have the media putting it out there, but he saw us testifying in I guess Judge Brown's courtroom and asking – making a plea for the truth to come out. And at that time he felt that really moved him to resolve this after so much time.

**Q.** Where did these articles, these items that he showed you, where did he get them, where did they actually fall from?

**A.** The inside of the car, the door. When he opened the door, they just hit the ground.

**Q.** This car, which car was this again?

**A.** This was the white Mustang that James Earl Ray had ditched in I believe Capital Homes, which is a housing project in Atlanta.

**Q.** And these pieces of paper were in an

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envelope or loose and fell out of the car?

**A.** Correct.

**Q.** And he picked them up and kept them?

**A.** Yes, he did.

**Q.** Why did he hold on to them all these years?

**A.** Well, he tried to give me some history, which I thought was fairly interesting, because it speaks to his motive, but he talked about when he joined the Bureau fresh out of law school here in Tennessee, I think, where he went to school, and he saw working for the Federal Bureau as being a way to help with civil rights.

He really seemed to be committed to making a difference in the cause of justice in this country at that time. And he said the most incredible thing happened to him literally on his first day on the job, or let's say his first day in training, when he was going – or assigned to go to the academy.

He was assigned to a black rookie agent, I guess they were rookie agents when they were going through training, and they

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were in Virginia, I believe it was, at a rooming facility where they all stayed, and when they went to check in, his black roommate was denied admission.

He said he was just so sure that the brass, top brass, were going to really come down on these people, this resident manager, if you will. And he watched the way the situation was handled, and he said, you know, from that day forward, I knew I made the biggest mistake of my life.

What he was saying is that the black agent could not room with him, that Director Hoover and all the top brass didn't do anything about rectifying the situation. So – and he said when it just really hit him is a few years later the agent, the black agent, was killed in the line of duty, and at his funeral I believe in Chicago he was talking about how the director and everyone was there talking about how great this guy was, and all he could remember is when the guy really needed support, they were nowhere to be found.

He said once he started learning

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about the climate and the culture of the Bureau and how this type of thing would happen, he instinctively felt that if he had turned in that evidence, his superiors would have – it would have ended up missing.

And I don't remember, there was another incident, and I can't remember whether this happened before or after the Mustang was discovered, but he and his agent – I mean he and his partner happened to see a gentleman that fit the description of

James Earl Ray somewhere in their travels, and they radioed into headquarters to ask what to do, whether to apprehend or to let him go, whatever, and they were told basically to come back immediately to headquarters and basically sign off.

He said again from that incident he knew that he was making the right decision, because he really believed this could have been the man, but they were told to not proceed.

**Q.** To your personal knowledge, what has happened to Agent Wilson since that time?

**A.** He has been character assassinated.

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He has also said that his wife has been somewhat terrorized. Just different types of harassment tactics have been used to silence him, to intimidate him.

I witnessed for myself the way this whole thing was handled in the media, and the first knee-jerk response that came out was that this guy was not even an FBI agent. I watched literally the news cycle of how within minutes first he is not an agent, second, well, he wasn't on the crime scene detail – which is true technically, because the car was impounded and taken to the garage where it was taken apart by special agents to go over it with a fine-tooth comb, which he was not officially apart of that detachment, but he was definitely on the scene – and ultimately there were quotes from former FBI agents saying, well, whatever he has is fabricated.

Now, how can you make an unilateral statement when you haven't even seen what he has? So it amazed me to watch how this man was attacked for coming forward with something. And he really believed – the

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saddest thing about this whole episode is when I met this gentleman, I could see the sincerity. He was a man who was to me the epitome of a do-gooder government bureaucrat who really joined the service to do the right thing, who wanted to serve his country, who believed in the constitution.

And he was so shocked, I think almost naive, because he kept saying, I want to make sure that the Attorney General Janet Reno gets this information personally. And I remember thinking how, you know, maybe naive that he was, but he believed that if he forged ahead, that the right thing would be done. You know, I really feel sorry for him, to be honest with you, because I don't think he had a clue.

**Q.** There were a series of articles written by one local reporter who tried to get this story out and they were published and plaintiffs would like to move their admission into evidence at this time.

(The above-mentioned documents were marked Collective Exhibit 31.)

**Q. (BY MR. PEPPER)** I'll put up on the

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screen now a document or a piece of paper. It is not very clear, but what it is is a telephone directory page. Have you seen that before?

**A.** Yes, I have.

**Q.** Do you see this writing up here?

**A.** Yes.

**Q.** Can you make that out from that distance?

**A.** Yes, I can.

**Q.** What does it say?

**A.** Raul.

**Q.** The name Raul?

**A.** Yes.

**Q.** Do you recognize this as one of the – poor copy though it is, and we're only doing with a copy here, but do you recognize this as a copy of one of the pieces of paper that he found in the – that fell out of the Mustang?

**A.** Yes, I do.

**Q.** Okay. I'll put up a second photocopy of another document he gave you, another piece of paper. Do you recognize this piece of paper as one that you were shown by Agent

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Wilson?

**A.** Yes, I do.

**Q.** What did you make of this? What did you think this was?

**A.** Payment, like a payment schedule or list of payments made.

**Q.** It looked like a schedule of some monies that were to be paid?

**A.** Yes.

**Q.** Does this appear to be some sort of list of payments or a payment sheet?

**A.** Yes, correct.

**Q.** You said he said this also came from the Mustang?

**A.** Yes, it did.

**Q.** This list of payments, at the bottom of it, do you see this writing here?

**A.** Yes, I do.

**Q.** Can you make that name out?

**A.** I cannot. From here I cannot make it out. It is very –

**Q.** It is very fuzzy, isn't it?

**A.** It is very fuzzy.

**MR. PEPPER:** Let me do this, Your Honor. Let me make take the copy up and

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ask the witness to take a look at it closer.

**Q. (BY MR. PEPPER)** Is that helpful at all?

**A.** I am still having a hard time.

**Q.** Then you should not identify it if you can't. That's fine.

**MR. PEPPER:** We will move the admission of both of these collectively as the next exhibit.

**THE COURT:** Did you identify that as one of the documents that was shown you to by the agent?

**THE WITNESS:** Yes, I did.

(Whereupon, the above-mentioned document was marked as Exhibit 32.)

**Q. (BY MR. PEPPER)** At the time you met with Agent Wilson, did you also discuss another document that was in the car at the time that fell out and that he retrieved at the time?

**A.** Well, he talked about other information he had obtained, but he didn't go into detail at the time. I subsequently found out about the other information.

**Q.** How did you personally come to learn

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of this other piece of information?

**A.** I believe it was from a reporter with the *Atlanta Journal Constitution* and an article that actually he subsequently wrote about it, about the evidence, and the fact that the Justice Department I believe had subpoenaed that separate – that additional piece of evidence.

**Q.** What was that additional piece of evidence that the subpoena was issued for?

**A.** It was a piece of paper or a card, I don't remember the exact instrument, but it was paper or a card with the phone number to the Atlanta office of the FBI.

**Q.** The phone number of the Atlanta office of the FBI in James Earl Ray's Mustang?

**A.** That's correct.

**Q.** Did there come a time, Mr. King, as a result of all of this activity that you decided to meet with James Earl Ray?

**A.** Yes.

**Q.** Why did you decide to take that step and meet with the man who had been accused of killing your father?

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**A.** Well, first and foremost I didn't believe that he had actually pulled the trigger at the time. My feeling was even if he had, based on the upbringing that I have, that I've had and my family, that it would have been the right thing to do.

Being raised in a Judeo-Christian home or faith to practice what you preach in terms of forgiveness, if he didn't do it, then I felt, which I did feel, I was there on the grounds of this man has also suffered an injustice, but regardless of either scenario, somehow we both, victim/victimizer, both victims, however you look at it, had some type of commonality.

So for me spiritually meeting with the accused, if you will, was important for me to personally eye to eye meet this man and ask him did he do it while in my heart I did not believe that he did, but I needed to do that for the record, if you will.

I thought about the fact that – again, some people were really outraged. They were upset with me, why did you meet with him? As I said earlier, this has been

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an emotional issue and not an intellectual or logical issue, issue of logic. People just react to what they've been conditioned to.

Again, I've had to draw on my earliest experiences of dealing with an assassin when my grandmother was killed in 1973 – I'm sorry, in 1974. I was there with my grandfather when he forgave his wife's killer, my grandmother. And yet – of course, I knew about my father forgiving the woman who stabbed him and almost took his life.

So there was a precedent set growing up. In our home we were always taught don't hate white people, don't hate the person who did this. So I didn't see it as being out of character to meet with him.

**Q.** It was really a part of the family's practice and process, wasn't it? Did you go with your grandfather to visit your grandmother's killer in prison?

**A.** Well, no. Actually, while she was on the operating table we walked over to where he was being kept, because there was an altercation to apprehend him. He had to have

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treatment as well. We went over to meet with him.

My grandfather asked him why he did it. Essentially he said, I came to get you, and when I get out, I'm going to get you. My grandfather simply said, son, God bless you, and I'm going to pray for you and I'm going to forgive you for your sins.

Of course, standing there witnessing this at a very young age helped me to understand what forgiveness was all about, and having that strong spiritual foundation and base is really what has sustained us for all this time.

**Q.** So it is not just your father's example in life and times but your grandparents as well?

**A.** Yes, that's correct. When my father was killed, I remember a lot of things that happened, but I wasn't old enough to really understand, you know, the whole forgiveness concept. I do remember it was an ominous period.

I remember us really feeling very awkward about him coming back to Memphis that

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last time. For whatever reason, we felt something was going to happen. I know I felt that. It was very ominous. That was the extent of it. I didn't know why.

**Q.** Now, did there come a time when you progressed in your consideration of this case and the family's quest for answers and truth that you decided to ask the Justice Department or the President of the United States in the first instance to open an investigation?

**A.** Yes.

**Q.** What has happened with respect to that request and would you describe how it has proceeded?

**A.** Yes. Well, initially we had a meeting with President Clinton asking him to open an investigation. At that time we were requesting what we saw as a similar model to South Africa's Truth & Reconciliation Commission. We really felt if this truth was going to come out, it had to be done in the context of amnesty or immunity and a healing, a cleansing, that when there are crimes against the people, if you will, by the

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State, there has to be some type of process so that people can come forward without fear of reprisals.

So that was our first request. And that was not granted. What he said he would do is he would speak with the Attorney General, Janet Reno, and ultimately she made the decision that she would do what was called a limited investigation, which would focus on, quote, new evidence.

What we tried to explain to her is that we believe that while you can refer to the, quote, new evidence ala Donald Wilson, ala Loyd Jowers, the old evidence, quote, was flawed. In fact, it has not thoroughly been reviewed.

So to pigeonhole it into this, quote, new investigation or only focusing on new evidence, is probably not going to serve us because you are only going to be in effect drawing conclusions that don't deal with the a holistic picture.

In order to do this, and the last time I checked, there is no statute of limitations on murder, but the reality is

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that, you know, you have to deal with everything, and yet that request was not granted. So we were very disappointed. But we wanted to at least in the spirit of, you know, reconciliation, give the powers that be the benefit of the doubt to try and come up with something that made sense.

We still to this day don't know where that stands. But I can say that I'm not optimistic, because I just – the signs or the things that typically would point towards optimism have not been evident. This is totally a gut feeling.

I noted it is customary to be silent during an investigation until all facts are in, but the thing that has always been ironic to me is that if we're the victims of the family, then everyone from the DA locally to the Justice Department is supposed to represent our interest, at least that's what I thought growing up watching Perry Mason and everything and the like, but in this instance it seems like we have been put on the opposite side of State, and we've, rather than being embraced and our cause being

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supported and us getting equal justice and fighting for our rights, we've been almost summarily dismissed.

So I don't know. I mean, I always try to remain optimistic. I do believe there are things bigger than all of us that can intervene and ultimately in the end, as my father would say, the arc of the moral universe is long, but it bends towards justice. To me I interpreted that as meaning it may not come out in your lifetime, but in time all things are revealed.

**Q.** But what about those who finally say that this is important for the family and it is important for you from a personal standpoint that the truth be developed and it emerge, but is it necessary for the nation, for this Republic, to go through this siege, this anguish, this torment again?

**A.** Oh, certainly. Anyone who says just let it go, I mean, let's face it, nothing is going to bring him back, the thing that will certainly resolve and allow for healing, closure and healing, is resolving it so it is not still in this land of uncertainty.

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Anyone who has had a tragedy – certainly my family is high profile, but we're no different than any person who has lost a loved one and just simply want to know what happened, whether it is a car accident or anything. I mean, you want to know how your loved one left, if you will.

Certainly in this instance where there was so many questions that were not answered and this thing was put to bed so quickly, it is always inevitably going to come back up.

So what has been happening is that for whatever reason there are those who have tried to suppress it, don't want to deal with it, because it is a can of worms, but I have to say, like anything that has not been resolved, it will haunt you until it is resolved. And that's not just the victim. It is the victimizer. It is those who represent the victims and the victimizers, because we are all, as my father used to say, inextricably tied together by a garment of destiny.

You cannot separate and say, well,

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that happened then, so we shouldn't deal with it, because to me it is just like it was yesterday. I mean, I remember what I was doing when he was killed. I remember details of everything. And because that has not been resolved, I know for me personally it has affected me in so many ways didn't even realize until recently of thinking I had dealt with and I really had not.

So this in a real sense from a personal side but then from a holistic side, in terms of the people, in terms of the masses, yes, it has to be dealt with because it is not about who killed Martin Luther King, Jr., my father, it is not about necessarily all of those details, it is about why was he killed. Because if you answer the why, you will understand the same things are still happening. Until we address that, we're all in trouble, because if it could happen to him, certainly it can happen to – if it can

happen to this family, it can happen to anybody.

**Q.** In his honor's courtroom here – this may be a court of last resort, Mr. King.

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**A.** That's correct.

**Q.** – why should the nation, this Republic, be concerned about the why, about the why and the how of what happened to Martin Luther King, Jr., aside from the family interest, the nation, this Republic, why is it important to know?

**A.** Well, it is important to know so it will not be repeated. That's the injustice. It should not be repeated. That if we say we're true to our calling, as he talked about in the "I Have a Dream" speech, about the bad check, he talked about the importance of all Americans coming together, black, white, it didn't matter, but people of goodwill being given an opportunity to have life, liberty and the pursuit of happiness, that's what we're all here for, and how can you have that in a so-called democracy if the democracy, if the State, the Republic, do not like what you are saying and you are told from childhood that you have freedom of speech, freedom of press, freedom of all this, but the fact of the matter is if what you are saying goes against what certain people believe you

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should be saying, you will be dealt with, maybe not the way you are dealt with in China, which is over, but you will be dealt with covertly and in some way the same result. The result is the same.

Personally I would rather someone tell me you have no rights, you can't speak, than to think I have the rights and yet I'm in mental bondage because I'm thinking I'm free all along but there is a long leash that the minute I say something that doesn't fit with the elite or with the special interests, I'm in trouble.

That is what Martin Luther King, Jr., represented, someone who spoke for all of us, who spoke for the least of these who were not heard. That's why this is important, because this really opens the issue up of why he was taken from us in the first place.

**Q.** I'd like you to address two final issues, if you would. There has been evidence in these proceedings that photographs were in fact taken of the assassination by military personnel.

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**A.** Uh-huh.

**Q.** They were on the roof of a fire station, no less. In all likelihood, those films, those photographs, of the entire event of the assassination of your father exist today in some archive, deeply buried, perhaps, but in some archive of the Pentagon.

What would you say to the Department of Defense, to the military intelligence structure of the United States, to the government of the United States that controls perhaps that photographic visual evidence of the truth in this case, what would you ask them to do with that information, those photographs?

**A.** I think the information should obviously, all of it, should come forth, should be brought out. I understand why it hasn't been.

There is fear, obviously, that if the truth were to come out, who would – what would that say? I mean, really, we are talking about, quote, a political assassination in modern-day times, a domestic

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political assassination.

Of course, it is ironic, but I was watching a special on the CIA, and they say, yes, we've participated in assassinations abroad but, no, we could never do anything like that domestically. Well, I don't know, but what's to say, you know, whether you call it CIA or some other innocuous acronym or agency, killing is killing.

The issue becomes what do we do about this? Do we endorse a policy in this country, in this life, that says if we don't agree with someone, the only means to deal with it is through elimination and termination? I think my father taught us the opposite, that you can overcome without violence, that there are ways, because when you use violence, you leave residue that the next generation will come back,

and it is a vicious cycle. You never solve the problem.

So I would say that all information, evidence, should be – there should be full disclosure. To be honest, I mean, if the family of the victim – if you want to look at it in terms of first right, if there is a

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protocol, if we're saying we can forgive and let people off the hook, then why can't anybody else?

I mean, if you can measure suffrage, and technically we say, well, we suffered the greatest loss, if you can measure it that way – I'm not saying you can – but if we're saying we're willing to forgive and embark upon a process that allows for reconciliation, why can't others? That's all.

**Q.** This action – finally, this action is against Loyd Jowers as a defendant and other unknown conspirators. If evidence emerges at this trial in this civil courtroom that could or should result in the prosecution, the criminal prosecution of other individuals, is the family interested in pursuing criminal prosecution of others known and unknown involved in this assassination?

**A.** No. We have never been interested in criminal prosecution. As I stated before, this was not about and is not for us about retributive justice. We're not in this to

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make heads roll.

We're in this to use the teachings that my father taught us in terms of nonviolent reconciliation. It works. I mean, we're living together in the South today because of that great movement, black and white together, different types of advances that have occurred as a matter of a peaceful, nonviolent movement. We know that it works.

So, therefore, we have to be true to our cause. We have to practice what we preach. So what we're saying is that we're not looking to – we're not looking to put people in prison. What we're looking to do is get the truth out so that this nation can learn and know officially.

I frankly feel I already know the truth. And, I mean, if the world never finds out officially, it is never broadcast across the world, that's a tragedy. But I can move on with my life knowing that I now know what happened. I believe that in my heart.

So this proceeding is almost really technically our final legal remedy, and I

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think – I know it has been long and drawn out and the jury has had to do such a tedious task at deciphering all of this body of evidence, and I think – and testimony, and I think that that certainly has to be considered, that there was no other way to do it, this was a last resort, we tried everything, we did everything humanly possible.

We've not gained anything. We've lost financially. We've – I could spend days giving you countless examples of the agony and the defeat. And when people ask that question, are you in it for money, what money? People back away. Everybody I know who has been associated with this has been – has paid a price. You know, I don't – it is not a benefit.

The only benefit is that the truth has to ultimately come out, because that's what we all believe in. I believe we all stand for justice and want the right thing to happen. So ultimately as a last resort in this proceeding, to say that we're not looking for great remuneration, it is the

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total opposite, we're looking for nominal damages, but we're looking for the truth. And you can't put a price on the truth. So that hopefully answers your question.

**Q.** It goes a long way to it, but in terms of Mr. Jowers, and the final issue is an issue of damages, Mr. King, because this is a civil action, a wrongful death action against the defendant, and damages inevitably raises its head, and whilst you have said we're only interested in nominal damages, that needs in a plea to the jury to be spelled out with a degree of more specificity.

What would be in your mind an appropriate sort or type, quantity, number of damages and for what purpose would those damages be used if you were to ask

this jury to award damages with a number figure, what would make sense to you and the family at this point in time?

**A.** Well, the number I'm a little bit fuzzy on because, you know, numbers are so subjective. But let's just say for the sake

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of this proceeding, let's say we were granted a hundred dollar –

**Q.** Suppose the request were to be framed in terms of a hundred dollars which would go toward the funeral expenses of your father. What would you do – if that were the case and you were given that award, what do you think you might appropriately do with that money?

**A.** I think it would only be fitting that any sum of money, no matter how small or large, go to benefit some cause that he would have wanted or been associated with. Because this is Memphis, because of what it represents, he was here supporting the sanitation workers for their plight, and I would certainly support and want to see some benefit, whether it be their welfare, the Sanitation Workers Union Welfare Fund or something along those lines that the family could contribute that sum to and even, you know, contribute more out of our pockets.

I just think that we need to bring closure to this. It something as minimal as the fact that even to this day I have awkward

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feelings when I come here. I'm still – it is not any reflection of the people, because the people are wonderful. Everybody rolls out the red carpet, bends over backwards to be hospitable.

But until this injustice is settled, then all we can really do is try to deal with what he would have done, and he was here to support a campaign that dealt with man's inhumanity to man, and now that we're rounding out and coming to the end of this journey, my hope is that this will be not an ending but a beginning, a launching pad, so that an example can be set here in this courthouse in this city and in this state to show people, to send a message that it does not always have to be the way that

people think or what they assume, that impressions and opinions, no matter what anybody writes in a column or an editorial, that hopefully people's hearts have been moved and their heads have been dealt with and there will be a verdict that is one of fairness and justice.

**MR. PEPPER:** Mr. King. Thank

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you very much.

**THE COURT:** Let's take a break before cross-examination.

(Jury out.)

(Short recess.)

**THE COURT:** Mr. Garrison, do you want to cross-examine the witness?

**MR. GARRISON:** Do you want to bring the jury?

**THE COURT:** Yes. That might be a good idea.

(Jury in.)

**THE COURT:** All right. They wanted to start without you all, but I told them we can't do that.

You may proceed.

CROSS-EXAMINATION

BY MR. GARRISON:

**Q.** Good afternoon, Mr. King. How you are today?

**A.** Fine. How about yourself?

**Q.** Fine. Thank you. Mr. King, you and I have talked about this matter quite a few times, haven't we?

**A. Yes, we.**

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**Q.** As a matter of fact, I've been to Atlanta and I've talked to your family and you about this, haven't we?

**A.** Yes, we have.

**Q.** [When Mr. Jowers met with you in Jackson, Tennessee](#), and again [in] Little Rock, Arkansas, with you and Ambassador Young, he freely and voluntarily told you what he knew about this case. He answered your questions the best he could. Am I correct, sir?

**A.** Yes, he did.

**Q.** Mr. King, when you met the first time with Mr. Jowers, he apologized to you for any part he may have played in this, didn't he?

**A.** Yes, he did.

**Q.** And he also told you that he did not know at the time that the main target was Dr. King, he told you that, didn't he?

**A.** He did say that.

**Q.** That he had no idea that Dr. King would be assassinated or knew anything that was going on?

**A.** That's true. He did say that.

**Q.** I believe he also told you that he was – he had an agreement or had been asked

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by Mr. Liberto to handle some money and he had handled money before on other occasions before this. Do you recall that?

**A.** Yes, I do.

**Q.** Let me ask you, Mr. King, you had talked to Mr. Jowers and Ambassador Young, too, about immunity for him, did you not, sir?

**A.** Yes, we did.

**Q.** In fact, Reverend Lowery, what was his position?

**A.** He was President of the Southern Christian Leadership Conference.

**Q.** And he came here and spent the better part of a day and met with Mr. Gibbons in an effort to try to obtain immunity for Mr. Jowers. You are aware of that, aren't you?

**A.** Yes, I am.

**Q.** And Mr. Gibbons refused?

**A.** That's correct.

**Q.** Can you tell us this: Did you ever have any meeting with either Mr. Campbell or Mr. Gibbons from the District Attorney's Office?

**A.** Yes, I did.

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**Q.** Okay. Did they ever explain to you as to why they were so against having this rifle tested?

**A.** Yes. They basically said, and I don't recall the exact outcome of the conversation, but essentially they felt it would be a waste of time, that the rifle had been tested previously and it was inconclusive. So why is it going to change now?

**Q.** Dr. Pepper asked you a moment ago about there had been some discussion or some – something in the news media about the fact that you and your family had been manipulated. You investigated this quite a bit before you started this action, did you not, sir?

**A.** Yes. I guess the total of information that has come forth has just been overwhelming.

**Q.** And let me ask you this, Mr. King: Based upon all the information that has come to you within recent years and the witnesses that have come forth, isn't it true that you have made the statement that you thought that

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from the President, who was Lyndon B. Johnson, on down were part of this or knew that this was going to happen?

**A.** Well, no, actually that statement was taken out of context. I was asked by a journalist or interviewer, Forrest Sawyer, to be exact, from ABC – I guess it was Turning Point was the program – whether I felt President Johnson was involved or knew about it, and I simply made the comment, which, of course, got edited out, prefacing by saying if what Bill Pepper says is true or has written in his book is true, then I would find it very difficult for something of this magnitude to occur without the Commander in Chief, in other words, if the military were involved just based on my knowledge of protocol and structure, the way the military operates, then the Commander in Chief would have to give certain orders in order to mobilize certain forces.

**Q.** All right, sir.

**A.** But, of course, the way it was edited, it said that I said, yes, President Johnson was involved and knew about it. I

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however, did also say that the FBI – it was a known fact that Director Hoover had a major beef, if you will, and certainly a hatred towards my father and had stated publicly and it is in fact public record that they actually harassed him, surveilled him and did other things to try and discredit him. That is public record.

**Q.** Dr. Pepper asked you about Mr. Wilson. Are you familiar with what has happened to the notes that Mr. Wilson had?

**A.** Yes.

**Q.** What has happened to those notes?

**A.** The Justice Department has confiscated them to try and authenticate them. To my knowledge, I assume they are still in the custody of the Justice Department.

**Q.** As far as you know, there has been nothing – no test or anything that would tend to say that these were fabricated or a forgery. Am I correct, sir?

**A.** That's correct. I was actually told by a reporter who had been in touch with the Justice Department that they could not rule

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them out, and they are trying to figure out how to, for want of a better word, how to classify them in order I guess to make them either – what I'm told inconclusive is sometimes a way of saying not conclusive, and, you know, it is like "inconclusive" leaves you still in the balance, but I believe if you can't rule it out, certainly you can't say that it is a phony.

**Q.** Were you aware of the investigation by the local District Attorney that started back in 1993 and that they concluded in 1998, were you aware of all of that?

**A.** That they started – I'm sorry?

**Q.** I believe in 1993.

**A.** That who? Could you repeat who?

**Q.** The local District Attorney started an investigation into some new allegations and things. Are you aware of that?

**A.** I've been generally aware, not specifically, in terms of the details of that.

**Q.** Let me hand you a report, Mr. King, and ask you if you have seen this before, which was provided to the District Attorney's

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Office?

**A.** Yes. This is the more recent report. When you said 1993 –

**Q.** I think it says it started in 1993. I think the report itself says that. A copy was delivered to your family I believe in Atlanta the last year in March.

**A.** Yes, I have seen a copy.

**Q.** That was provided to you.

**MR. GARRISON:** Your Honor, I'd like to have that marked as an exhibit to his testimony.

(The above-mentioned document was marked Exhibit 33.)

**Q. (BY MR. GARRISON)** You've seen the report and read it, haven't you, Mr. King?

**A.** Yes, I have. It has been quite some time, a couple of years, since I have.

**Q.** Let me ask you, did you learn that the government had sealed the records of the investigation of your father's assassination?

**A.** Yes.

**Q.** Did you ever question any one as to why those records were sealed?

**A.** Yes.

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**Q.** What answers did you get?

**A.** Well, I was told that there was information that might be incriminating, that could possibly incriminate government involvement or corroborate government involvement, and I was also told that there may have been information fabricated, that there was definitely information that the FBI fabricated to try and discredit my father, and that that information could possibly also be included in that – in the sealed records as well.

**Q.** Mr. King, based upon what information you have obtained over the last few years

and information that has come to you, Mr. Jowers really played a very small part in this, didn't he?

**A.** Well, it depends on what you call "small part." I mean, certainly I would see him as a specific conduit, if you will. Whether he was the person – if you are asking me whether he was the person who orchestrated and planned and put all the, quote, conspiracy together, I would have to say, no, I do not believe he was, quote, the

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brains behind this conspiracy.

**Q.** According to his discussion with you, he was simply doing things he had done previously for this person that he named as Frank Liberto?

**A.** That's correct.

**Q.** And he was doing the normal things he thought were normal in carrying out the instructions of Frank Liberto. Am I correct, sir?

**A.** Yes, you are.

**Q.** That's pretty much what he said?

**A.** That's correct.

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

REDIRECT EXAMINATION

BY MR. PEPPER:

**Q.** Mr. King, you made your position, the family's position, clear with respect to the feelings about Mr. Jowers and how you would regard him at this point and what you feel should take place. Mr. Jowers' counsel just asked you if Mr. Jowers advised you in the meetings that he did not know about the details or about the assassination and about

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who the person was that [was] to be assassinated. And you answered yes, he did state this. Let me ask you once again, finally, did you believe then, do you believe now, that Mr. Jowers was telling you the truth with respect to that point, that he did not know who was being assassinated?

**A.** No, I do not believe he was telling me the truth at that time. I believe that – he definitely said that he did not know, but I don't believe that part. I think he was telling the truth up until that point.

I just sensed – and Ambassador Young and I talked about that fact – that he seemed very uncomfortable admitting that much knowledge to, you know, to me basically.

**Q.** Going that far?

**A.** Exactly, being the victim's family. And I could understand why.

**MR. PEPPER:** Thank you, Mr. King. Nothing further.

RE-CROSS-EXAMINATION

BY MR. GARRISON:

**Q.** Mr. King, let me ask you this: He met with you voluntarily at his own expense

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and fully cooperated with you, didn't he?

**A.** Yes, he did. As you know, it was – there was hesitation initially until we finally were able to work everything out. The fear of prosecution was always an issue. I believe that – I just felt that he was getting this off his chest.

**Q.** All right. But the first thing he did was apologize to you for anything that he may have done that would have caused the death of your father, didn't he?

**A.** He did.

**MR. GARRISON:** Thank you, sir.

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

(Witness excused.)

**THE COURT:** Does that complete the plaintiffs' proof?

**MR. PEPPER:** Being our last witness, your Honor, the plaintiffs rest.

**THE COURT:** All right.

Mr. Garrison, do you want to go forward?

**MR. GARRISON:** Your Honor, I have some witnesses that were here earlier.

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I let them go until ten in the morning. I didn't know how far we were going to get.

**THE COURT:** We were prepared to go on to midnight if necessary.

**MR. GARRISON:** I hope you are joking, Your Honor.

**THE COURT:** All right. We'll adjourn until ten o'clock tomorrow morning.

(Jury out.)

(The proceedings were adjourned at 4:20 p.m.)

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