

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

Volume 3

17 November 1999

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IN THE CIRCUIT COURT OF SHELBY COUNTY,

TENNESSEE FOR THE THIRTIETH JUDICIAL

DISTRICT AT MEMPHIS

CORETTA SCOTT KING, et al,

Plaintiffs,

Vs. Case No. 97242

LOYD JOWERS, et al,

Defendants.

PROCEEDINGS

November 17th, 1999

VOLUME III

Before the Honorable James E. Swearngen,

Division 4, judge presiding.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
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P R O C E E D I N G S

(November 17, 1999, 10:20 a.m.)

THE COURT: All right. Bring the jury out, please.

(Jury in.)

THE COURT: Good morning, ladies and gentlemen. We're going to resume our trial at this time. Mr. Pepper, will you call your next witness.

MR. PEPPER: Good morning, Your Honor.

THE COURT: Good morning.

MR. PEPPER: Your Honor, plaintiffs call as their first witness this morning Mr. James Milner.

JAMES E. MILNER

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good morning, Mr. Milner. Thank you for coming here this morning. I know you

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have a bit of a hearing problem.

A. Right.

Q. If you can't hear me, would you ask me to come forward to speak louder.

A. Please, just come forward.

Q. All right.

MR. PEPPER: Is it all right to approach, Your Honor?

THE COURT: You may.

Q. (BY MR. PEPPER) Would you state your name and address for the record, please.

A. My name is James Edward Milner, Jr. I live in St. Petersburg, Florida.

Q. Where did you live before you resided in St. Petersburg, Florida?

A. Here in Memphis, Tennessee.

Q. What do you presently do for a living?

A. I drive a taxicab.

Q. And what did you do in Memphis, Tennessee, for a living?

A. Drove a taxi.

Q. How long did you drive a taxicab?

A. Approximately around about

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twenty-five years.

Q. Always in Memphis, Tennessee?

A. Yes, sir.

Q. Which company did you drive for?

A. I drove for Veteran Cab and Yellow Cab.

Q. How many years for Veteran's Cab?

A. Eighteen of it was Yellow. The rest of it was Veteran?

Q. In which order, Yellow first?

A. The Veteran first and then Yellow.

Q. Then Yellow. In the course of your work in your taxi-driving work here in the City of Memphis, did you come to know the Defendant Loyd Jowers?

A. Yes, sir.

Q. When did you first meet Mr. Jowers?

A. The first time I met him was back there after I first started driving, back when he was with Yellow Cab. I'm not sure exactly what year it was.

Q. But approximately.

A. I probably met Loyd probably I'd say after I'd been driving about two years or

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something like that.

Q. About two years you had been driving and you met him. Did you come to know him pretty well?

A. Well, I didn't really come to know him real well until I went to work for Veteran Cab when he bought the company out.

Q. So when he owned Veterans Cab, when he bought that company and you drove for him, then you came to know him better?

A. Right.

Q. Roughly what time frame is that? What years would those be?

A. I'm not really sure the year, but it was right around 1979, 1980, something like that, as far as I can remember, something like that. I'm not for sure of the dates. They pass off too fast for me.

Q. How often did you see Mr. Jowers during that period?

A. I'd see him every day. I was a supervisor down there. I helped run a lot of things down there. I'd see him every day.

Q. In the course of your days work, how

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much time would you say you actually spent with him?

A. Oh, I'd say anywhere from at least eight hours a day. Maybe even ten hours a day. Loyd sometimes would stay down there five, six o'clock, something. I'd get down there usually about seven o'clock in the morning.

Q. All right. So you had extensive contact with him?

A. Right.

Q. How many days a week would that be?

A. Well, I don't really remember if he took off on weekends or not. I know it was at least Monday through Friday and some Saturdays. I can't really remember if I worked six days a week or seven days or what. I worked quite a few days a week.

Q. Okay. So you had this contact with Mr. Jowers over a period of time about twenty years ago?

A. Right.

Q. Now, in the course of this quite extensive contact with him, did you ever

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discuss the assassination of Martin Luther King with him?

A. Yes. It was one day they was having a – I believe it was some kind of a march downtown about it. I don't know if it was on the anniversary of his death. I'm not sure just the circumstances of what was going on downtown. There was talk about James Earl Ray in the paper and on the news and everything. We just got to talking one day down there.

It was just me and him in the office there. I told him, I says, you know, I just don't think James Earl Ray done it. Loyd made a comment, you know, he said, no, Lordy, Memphis police officers. Well, he said law enforcement officers done it. He said, you can take that to the bank.

Q. I'm sorry. Would you repeat that?

A. He said, you can take that to the bank, you can bank on that or something. Loyd used to have some phrases when he used to talk. He'd always say, you can take that to the bank, you know.

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Q. What was he saying you could take to the bank?

A. The truth of what he was saying, anything he would say, you know, in other words like money, if he give you money, you could take it to the bank. If he told you something, he would guarantee it would be true. He never –

Q. What was the specific statement he was referring to in your mind?

A. When he was talking about Ray doing the killing, he mentioned, no – I think he said something he didn't think he done it or he didn't do it, you know. He said, a law enforcement officer done that, you can take that to the bank.

Q. He said a law enforcement officer did it, you can take that to the bank?

A. Sir?

Q. He said a law enforcement officer did it?

A. He said law enforcement officers.

Q. Did he say what agency this law enforcement officer might have worked for?

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A. I'm not sure if he said Memphis police department or what. I can't be for sure about that. It has been so many years ago now, I don't remember a whole lot about that conversation. We was just talking about different things, you know. He did say law enforcement officers.

Q. That's fair enough, Mr. Milner. You just must tell the Court and the jury what you honestly remember at this point in time these years later. Did he say anything about the planning of the assassination?

A. No, sir.

Q. Did he say anything about the involvement of anyone else in the assassination?

A. No, sir.

Q. Just that one statement?

A. Just that one statement.

Q. Did you ever at any other time discuss this matter with him?

A. Yes. I heard through the news media and stuff like that that Loyd was trying to come out about the truth about the killing.

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But I didn't know the circumstances about it or anything. So I didn't know who he talked to about it.

So I talked to a lawyer up in Tennessee that was representing James Earl Ray. He contacted me, had me talk to Mr. Billings, a private investigator here. He told me about Loyd's lawyer. He told me I needed to go up there and talk to him. So I said, okay. He had a Mr. Hamblin went up there and talk to me.

Q. I want to stop you there, because the question was did you have any further conversations with Mr. Jowers, not the history of your –

A. Yes.

Q. You had a further conversation with Mr. Jowers?

A. Right. After that.

Q. When did that conversation take place?

A. That was in April – I believe it was April the 2nd of last year, 2nd of last year, 1998.

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Q. Where did that conversation take place?

A. Right here in Memphis. He was in Arkansas at the time. He called me on the phone. I left word through his attorney to call me because I wanted to talk to him.

Q. So he called you?

A. Right.

Q. You spoke with him at that time?

A. Right.

Q. What did he say to you at that time?

A. Well, we just made a little bit of conversation about we hadn't seen each other in quite awhile, you know. I was asking him what was going on with him and the King killing. He told me, you know, that he was trying to bring it out but he didn't know how to bring it out.

I remembered the conversation back we had before, and I heard rumors through the cab drivers, you know, how a lot of cab drivers would talk, that had heard a lot of things, you know. I heard that Loyd was involved in it but I didn't know if that

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would be – just to be sure. Different things like that. I just asked him, I said, listen, what's your involvement in it? That's when he told me.

Q. What did he tell you?

A. He told me he was involved in it to a certain extent. I asked him, I says, first thing I asked him, I said, listen, you tell me the honest truth. He has always been truthful with me. I said, listen, did you – first thing I asked him, did you pull the trigger? He said, no, no, Lordy. He said, I was involved in it to a certain extent, but did I not pull the trigger.

I said, well, that's the main thing I was concerned about. I didn't want nobody talking to me about killing somebody, you know what I mean. So we talked over two, two and a half, three months there just talked every day.

I'd call him on my cell phone. We would talk and he would tell me things that happened to him because he said he would like to bring it out, you know, but he didn't want

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to take the chance of maybe being indicted for something, being involved in it to a certain extent, or what. So he just come out and just told me basically the whole story about it.

Q. Well, how did these new admissions differ from what he had told you almost twenty years ago?

A. How much difference?

Q. Yes.

A. Well, he just told me more or less not every little detail, but he just told me exactly how it come about, who was involved in it.

Q. Let me stop you, Mr. Milner. How did it come about? How did you come to understand that it came about?

A. He said he was offered I think it was a hundred thousand dollars or something by Frank Liberto had offered him the money if he thought he could find somebody to do a killing.

He didn't know what kind of a killing it was at the time or nothing. He

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says, I don't know. Then Loyd just said he didn't think no more about it until Frank Liberto called him, and he said, I'm sending a great deal of money. In other words, Loyd would buy his produce from this Frank Liberto, and I think they was real close friends.

He said, I'm sending a great deal of money. It would be wrapped up. He said it was wrapped up in a paper sack with two rubber bands on it. He said, I'll be sending it inside the produce, up under his produce that he was sending to him.

Loyd said on the day he said he would send it, that he received the money. I think he said he stuck the money inside of a stove, an old stove he had there. He was told that somebody would come back and get the money.

Q. So he was given this money to hold for someone else to pick up?

A. Right. At the time, from what I understand, he didn't know what the money was about or what it was for or nothing. He just

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said, I'm sending you some money there, be careful, it is a great deal of money, just hold it for me and somebody will be there to come and get it.

Q. Then what happened?

A. Well, he said this – I'm not sure how to pronounce his name – Raul come and picked the money up. We got to talk. I said, how did you know of anything about the killing if you didn't know about the money?

He said, well, over a couple of days some law enforcement officers that he knew real well, one of them was his partner back years ago when he was on the police department, he said him and two other law enforcement officers planned this thing out over two days.

He said he didn't know what – he said he knew they was planning – what he could understand, they was planning to kill someone, but he didn't know who or what it was about or nothing. He just assumed it was something of that nature. He told me that – do I have to tell their names?

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Q. Mr. Milner, let me – it is useful if you tell any names that you know. But let me back you up. Where did this planning take place?

A. In his cafe. He owned – he had a cafe down below the boarding house, across the street from the Lorraine Hotel.

Q. In Jim's Grill?

A. Sir?

Q. In his cafe, Jim's Grill?

A. Right, Jim's Grill.

Q. Who did he say was involved in the planning of this assassination?

A. He said there was five men that planned it out. Two of them he didn't know who they were. But he knew three of them.

One of them was a good hunting buddy of his that he hunted with all the time. The other one was a law enforcement officer that he used to ride with years ago when he was on the police department. The third one was a guy that this man, this officer that he used to ride with, brought in to introduce Loyd. He brought him in there and introduced him to

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him. That's how Loyd knew about the third one. He didn't know him personally.

Q. He didn't know the third one personally?

A. Right.

Q. Who was the one he did not know personally?

A. Who was he? He said he was a law enforcement officer by the name of Merrell McCullough.

Q. Merrell McCullough?

A. Uh-huh.

Q. Who were the officer he knew personally?

A. The officer's – I think his name was – I believe he was a supervisor by the name of Johnny Barger. That was his partner that he used to ride with years ago. And the second one was Earl Clark. That's the one he used to hunt with down in Mississippi.

Q. I see. Did he say how long these planning sessions lasted?

A. He just said over a couple of days before the killing, but he didn't say how

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long, how long a stint of time or anything like that. If he did, I don't remember what he said.

Q. Did he say what his role was in terms of the actual killing? What Loyd's role was?

A. At the time he wasn't involved in it at all. He was overhearing what they was talking about. He said – he was told at six o'clock the day of the killing by Frank Liberto, who called him, he said to be at the back door at six o'clock and receive a package for him. He didn't say what it was going to be or nothing else. Loyd said he didn't have no idea what it was. He was just told to be at the back door.

Q. Be at the back door of his cafe, his grill?

A. His cafe.

Q. Which faced on toward the Lorraine Motel?

A. Yes.

Q. Was he at the back door?

A. He said at six o'clock he went to the

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back door, you know, and was just standing there. All of a sudden he heard a big bang. He said when he opened the door right away when he heard it, because he – he said as soon as he opened the door, one of the officers handed him a rifle. It was still smoking from the barrel.

Q. Which officer handed him the rifle?

A. Sir?

Q. Did he say officer handed him the rifle?

A. He said it was Earl Clark.

Q. What did he do with the rifle?

A. Loyd said he brought the rifle in. I believe he said he broke the rifle down, took the shell casing out of it. He said he tried to flush it down the commode and it stopped his commode up to where the commode wouldn't flush.

So he said he had to tear his commode down to get the shell casing out of it. So he put the rifle I think under a cupboard. He wrapped it up I think he said in something and put it under the shelf or

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something.

I not sure where he said he put it, but it was somewhere back in the kitchen. He said later on that night after he closed the grill down, he threwed the shell casing away in the Mississippi River.

Q. Did he say what was done with the actual murder weapon?

A. He said the next day that this Raul came to pick the rifle up. He said that was the last he seen of Raul or the rifle. I've asked him what he thought happened to it. He said he didn't have no idea what happened to it. He didn't want to know where it was at.

Q. All right.

A. He said until all this was over with, he found out that Mr. King had been killed, he didn't even know, you know, who they was trying to kill or anything, you know. He didn't have no idea who it was.

Q. Mr. Milner, Mr. Jowers opened this page with you, this story with you, some twenty years ago. Is that right? He started –

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A. You are talking about this twenty years ago?

Q. He started to discuss this with you twenty years ago?

A. He didn't tell me this twenty years ago.

Q. Not the details. I'm saying he started the story, the discussion of this?

A. Yes, about twenty years ago.

Q. But it was only more recently that you were able to get these kinds of details?

A. Right. I just remember what he told me back the way he would talk about it was law enforcement that done it, and I just thought – at first, you know, for a long time I thought he was just thinking somebody else done it besides James Earl Ray, like I thought somebody else done it.

It never really occurred to me until after he started telling me the details about it that that is what he meant years ago when he was telling me. I didn't have no idea that

really law enforcement officers was involved in it.

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Q. Nor should you.

MR. PEPPER: Thank you very much, Mr. Milner.

Your witness.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Milner, you and I have talked about this matter many –

A. Speak up a little bit.

Q. You and I have talked about this many times, haven't we?

A. Right.

Q. Let me ask you something, when you worked at the cab company, you worked for Mr. Jowers when he owned the Veteran's Cab company is that correct?

A. Right. He owned Veteran's Cab.

Q. He was not prejudiced in any way, you had no idea he had was prejudiced against the races, had no animosity?

A. Oh, no. He had no prejudice at all. I would say over half the drivers that worked there worked for him inside, you know, helped as supervisors and everything else, with the

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money. As far as I know, Loyd never been real prejudiced that I know of.

Q. He was fair to everybody, no matter what color they are. Am I correct, sir?

A. Right.

Q. Now, all this information that you have given, you said it was by telephone that you obtained this by telephone in talking with the later conversations with Mr. Jowers?

A. Right.

Q. Did this take place over more than one day?

A. Oh, no. He would tell me just a little bit of it every time I would call him, we would just talk a little bit. Because I had to work, you know, and I just couldn't be just talking to him. I'd talk to him over possibly two and a half, maybe three months or whatever it was. Then he would just tell me a little bit about it.

Q. He always told you, even back years ago and up to then, that he was sorry Dr. King was assassinated here in Memphis. Isn't that correct?

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A. Right.

Q. He also told you that he never knew anything that he may have been called upon by Mr. Liberto – there was never any mention that it would be Dr. King?

A. He was told what, sir?

Q. He was never told that Dr. King would be the target of any assassination in anything that he was asked to do?

A. No. Frank Liberto, according to what Loyd told me, Frank never told him what the money was for or anything about the killing or nothing like that.

Q. Okay. Mr. Milner, mostly what you told the Court and jury here today has been in the news media about the same things you have already told, that has been on the newspaper and on the TV, isn't it? It has pretty much been the same?

A. I've heard some things. I haven't really kept up with what everybody has said.

Q. Okay.

A. I just know what Loyd told me.

MR. GARRISON: That's all, Your

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Honor.

THE WITNESS: As a matter of fact, even the books and stuff on it, I read a book, and, you know, I didn't even – I never even read a book until after all this stuff he told me, because I was interested about it.

Q. (BY MR. GARRISON) Did you ever know a Mr. McCraw, a gentleman named McCraw?

A. Yes, sir.

Q. Did you ever talk to him about this?

A. I never talked to him about it. But he was the one back years ago that was talking about – thought Loyd was involved in it, you know, and he knew who killed Martin Luther King. I knew McCraw pretty well, but I never talked to him about this.

Q. All these were rumors going around?

A. Just rumors. You hear everything in the cab business.

MR. GARRISON: Thank you, sir.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Mr. Milner, this is very important.

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Did you get any of this information, any of these details, from any other source –

A. No, sir.

Q. – but Mr. Jowers?

A. What I have told you is exactly what Loyd told me. I've read some books on it afterwards, you know, about the killing and stuff like that, but a lot of stuff I read, you know, was nothing like what Loyd was talking about, you know.

Loyd, what he told me was completely different. Everything I read, James Earl Ray done it, or they thought the military was involved in it or different things like that, you know. Which I don't know anything about that. Loyd never even mentioned nothing like that. Loyd just told me what he knew about it.

Q. So you – have you not gotten any of these details from any newspaper article, any book, any other writing at all?

A. What I've told you today?

Q. Yes.

A. No, sir.

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Q. Solely from Mr. Jowers?

A. Sir?

Q. Only from Mr. Jowers?

A. Only from Mr. Jowers.

Q. There have been a number of people who have written books on this case, one fairly recently who calls himself an expert on the case. Have any writers interviewed you for their work?

A. No, sir.

Q. And asked you what you knew?

A. Has anybody asked me questions?

Q. Has any writer interviewed you?

A. No, sir. No writer has talked to me about doing a book on it or nothing.

MR. PEPPER: No further questions.

THE COURT: All right, then. You may stand down, Mr. Milner. You are free to go or you can remain in the courtroom if you want to.

THE WITNESS: I'll just go outside.

(Witness excused.)

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THE COURT: Call your next witness, please.

MR. PEPPER: Your Honor, plaintiffs call Mr. Floyd Newsom.

THE COURT: Does Mr. Milner know he is not to discuss his testimony with the media?

MR. PEPPER: He has been advised, Your Honor.

THE COURT: All right.

MR. PEPPER: They fall prey when they walk outside this room.

FLOYD E. NEWSOM

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good morning, Mr. Newsom.

A. Good morning, sir.

Q. It has been a long time.

A. Yes, it has.

Q. Thank you for coming down here this morning. Let me ask you to state for the record, please, your name and address.

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A. My name is Floyd E. Newsom, Sr. My address is 1203 North Lion's Gate Drive.

Q. Memphis, Tennessee?

A. Memphis, Tennessee, the zip is 38116.

Q. Mr. Newsom, would you tell us what you presently do?

A. I'm retired.

Q. And how long have you been retired?

A. Since 1989, ten years.

Q. And did you at one point earlier in your life work for the Memphis Fire Department?

A. I did, sir.

Q. When did you join the Memphis Fire Department?

A. 7/11/1955.

Q. How long were you in service?

A. I retired 7/11/1989, sir. Thirty-four years.

Q. So you were a serving fireman for thirty-four years?

A. Yes, sir. There was a break of about five years in there.

Q. When would that have been?

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A. That was 1968.

Q. When in 1968?

A. I resigned on May the 18th, 1968.

Q. You resigned on May the 18th, 1968?

A. Yes.

Q. I want to cover some of that period of time when you worked for the Memphis Fire Department. It is a part of the plaintiff's case that we have sectioned off to call "local conspiracy."

You, Mr. Newsom, were at a critical point in time stationed at Firehouse Number 2, weren't you?

A. Yes, sir.

MR. PEPPER: Your Honor, if it please the Court, I think we'd like to put up a graphic description of the area at this point so that the jury doesn't just hear words about the place we're talking about so they might be able to visualize it.

THE COURT: I'll allow it.

MR. PEPPER: Thank you. Your Honor, I've shown the drawing to counsel for the defense. He has approved it as basically

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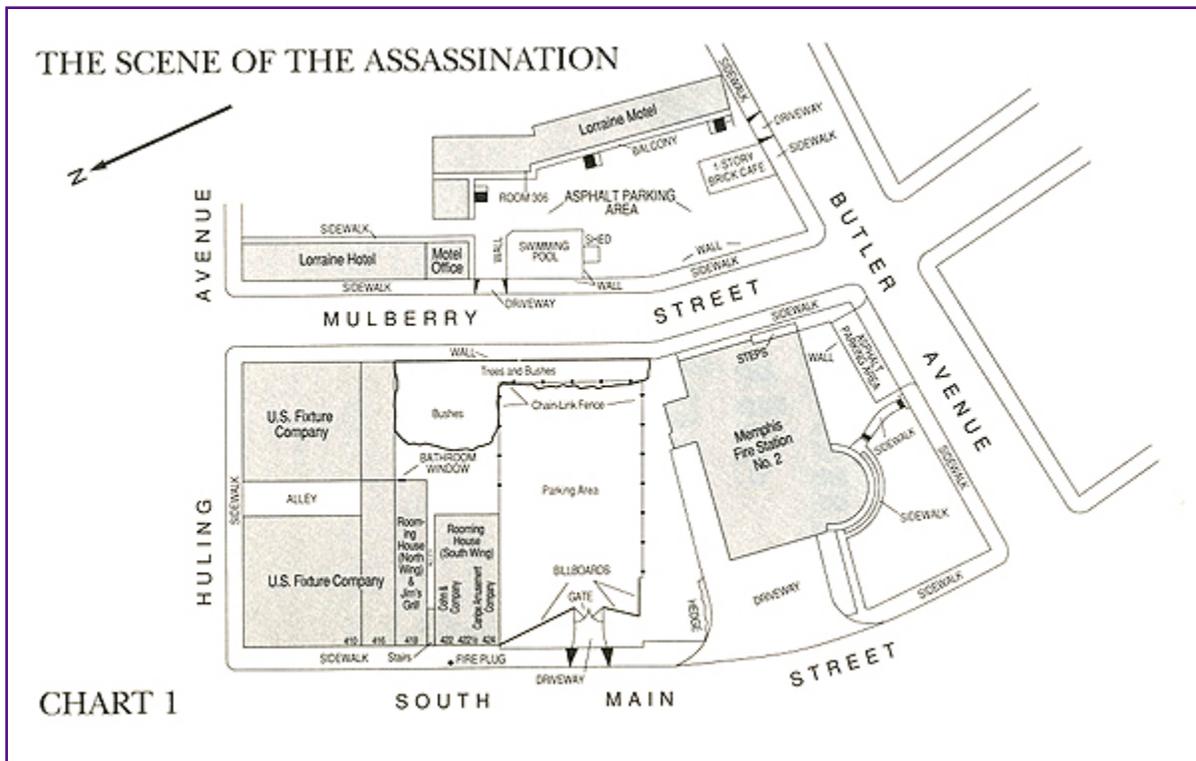
accurate.

Q. (BY MR. PEPPER) Mr. Newsom, can you see that board?

A. Yes, sir.

Q. Do you recognize that area?

A. Pretty much, yes.



Q. This is South Main Street. It parallels Mulberry Street. Is that right?

A. Yes, sir.

Q. And is this the fire station where you were?

A. Yes, sir, it is.

Q. Where you were stationed?

A. Yes.

Q. So it on the corner really of Butler, Mulberry and South Main Street?

A. That's right.

Q. And the Lorraine Motel where Dr. King was staying was on the opposite side of Mulberry Street facing sort of at an angle the fire station?

A. That's right.

Q. Now, how long were you stationed at Number 2?

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A. Two years.

Q. What was the periods of time that you were there?

A. What do you mean, sir?

Q. How long – from when to when during that two-year period?

A. The shifts?

Q. No, just which two years?

A. 1966 to 1968.

Q. Were you assigned to that station in April of 1968?

A. Yes.

Q. Now, was there a – to the best of your knowledge, was there a police intelligence surveillance operation being conducted out of that station at the time of Martin Luther King's visit to Memphis?

A. Yes, sir.

Q. And how many officers were involved in that surveillance?

A. Well, that's a long time back.

Q. Yes.

A. I know of two that I was familiar with. There could have been others.

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Q. And who were the two that you knew of?

A. Officer Redditt and – I have the other person's name written here, if I'm allowed to look and see. Richmond.

Q. Officers Redditt and Richmond?

A. And Richmond.

Q. And from which area of the fire station did they actually conduct the surveillance, do you recall?

A. Well, it was basically done from the locker room.

Q. That was in the rear?

A. Yes.

Q. Were there windows there?

A. Yes. Windows up at the top part of the locker room.

Q. Did those windows afford a good view of the Lorraine Motel?

A. Yes.

Q. Now, were you on duty on the 4th of April, 1968, at Fire Station Number 2, at the time of the assassination?

A. I was on duty, but I wasn't at the

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Number 2, sir.

Q. You were not at the Number 2?

A. No. I was supposed to be at the Number 2.

Q. You were supposed to be at the Number 2, but you weren't at the Number 2?

A. Right.

Q. Would you tell the Court and the jury why you were not at the Number 2?

A. Well, I was not there because on April the 3rd, the night of April the 3rd, I received a call at home from a lieutenant at that time, Lieutenant Smith, who instructed me not to report to the Number 2 on my regular duty to my regular company but instead report to Number 31. That was out on Overton Crossing at the opposite end of town.

Q. What time of night did you receive this call?

A. After ten.

Q. After ten o'clock at night you received a call and orders to go to another fire station?

A. That's right.

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Q. The next day. What was the emergency that caused you to be changed, you to be moved to another fire station?

A. Sir, there was no emergency that caused me to be changed.

Q. There was no emergency?

A. No, sir.

Q. Mr. Newsom, how many black firemen were assigned to Number 2?

A. Two. N. E. Wallace was assigned to the opposite shift from me on a different company but at the Number 2's engine house.

Q. So there were two black firemen assigned to Number 2's?

A. That's right.

Q. And you were one of the two?

A. That's right.

Q. And sometime after ten o'clock that night you were assigned to another station?

A. That's right.

Q. When you went to that other station the next day, did you find that you were needed?

A. No, sir, I was not needed. I was

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needed on my company because my leaving my company left my company out of service unless somebody else was detailed to my company in my stead.

Q. So you are telling this Court that you were surplused to requirements where you were sent, and that undermanned your home company?

A. That's right.

Q. Mr. Newsom, did you ever inquire why you were assigned away from your station?

A. Yes, sir, I did.

Q. What did you learn?

A. Not much. When I first inquired. Time after time after time I was eventually told that I was transferred by officers of the police department or by request of the police department.

Q. So finally you got an answer to your question?

A. Yes.

Q. And you were told that you were transferred at the request of the Memphis Police Department?

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A. That's right.

Q. Have you thought about this over all these years?

A. Well, yes.

Q. Have you formed any opinion of your own about why you were transferred?

A. Not really. I just know that it was very unusual and unnecessary. So it had to be done for some reason. I don't know the reason.

Q. What happened to the other black fire officer?

A. He was also detailed out. He was detailed out on the 3rd. He was working the 3rd. I would have been working the 4th. He was detailed out to the airport on the 3rd, that night of the 3rd.

Q. So on the night of the 3rd he was also detailed out?

A. That's right.

Q. So both black officers at this fire station were removed from duty?

A. That's right. Not from duty but from that engine house.

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Q. From duty at that station. I'm sorry.

A. Right.

Q. On the day around the time of the killing they were both absent?

A. Right.

MR. PEPPER: Thank you, Mr. Newsom. No further questions.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Newsom, were you familiar with the area behind the rooming house where there is a lot of brush and trees growing back there all the time you worked the fire station, had you seen that, sir?

A. Yes, sir.

Q. Okay. Had you ever seen any activity in there of any one walking or any activity in there where there appeared to be someone was back there that you can recall?

A. In the trees?

Q. Yes, sir.

A. Not that I can remember.

Q. I believe you said now you resigned

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from the Memphis Fire Department in May of 1968?

A. That's right.

Q. And did this have anything to do with your resignation, the fact that you had been removed and you felt you had been wrongfully removed, did it have anything to do with your resignation?

A. The fact that I was wrongfully moved didn't necessarily have anything to do with it. What had something to do with it was that due to the effects of Dr. King's assassination, my wife got – was ill, and she at that time was working for International Harvester. And the doctor at International Harvester recommended that she change sceneries.

So she – they sent her to California, which left me with two children at home. I went and asked for a leave of absence. I was denied the leave of absence. So I chose to leave.

Q. You had to resign in order to do what you wanted to do?

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A. Right. To do what I needed to do, to do what my duty was to do.

Q. Who was the person – was it Commissioner Holloman over the fire and police department?

A. That's right.

Q. At that time? Who denied your request for a leave of absence? Do you know who that person was?

A. Chief Hamilton.

MR. GARRISON: That's all.

THE COURT: Anything further.

MR. PEPPER: Yes. Just briefly, Your Honor.

THE COURT: Go ahead.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Mr. Newsom, were you involved at all in any supportive activities of the sanitation workers' strike?

A. Yes, sir, I was very active in the sanitation workers' strike.

Q. What did you do? How did you attempt to support the striking workers?

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A. Well, I'll tell you – I attended their meetings, supported them orally, also acted as a monitor when they had different demonstrations, et cetera, at which time I was under surveillance, I guess by the Fire Department, because they wrote reports on me like every other day as to my whereabouts and what I was doing.

Q. And those were surveillance reports on you?

A. Yes.

Q. Is it fair to say that you were not trusted by the police and fire authorities in Memphis because of your activities?

A. I guess you could say that.

Q. Did anyone ever tell you that they thought you were untrustworthy or unreliable?

A. No, sir.

Q. But there was no secret made of your community activities?

A. No, sir. But I never was disciplined for it.

Q. Would there have been any reason for you to be disciplined for those activities?

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A. Well, if it was wrong, then I figured I would have been.

Q. But you fulfilled all of your work requirements as a fireman?

A. I did. I never was late during the whole time I worked there.

Q. When did you return to active duty at Fire Station Number 2?

A. I didn't.

Q. You never went back there?

A. (Nodding.) No, sir.

Q. So from the night of April 3rd when you were told to go away to another station, you never returned to that station?

A. No, sir.

MR. PEPPER: No further questions. Thank you very much.

THE COURT: Mr. Garrison.

MR. GARRISON: Your Honor, I have nothing further.

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

(Witness excused.)

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THE COURT: Anyone need to take a comfort break? Mr. Garrison?

MR. GARRISON: I'm okay today, Your Honor. I won't be the only one.

THE COURT: Me, too.

MR. PEPPER: Plaintiffs call Chief Norville Wallace to the stand, please.

THE COURT: All right.

NORVILLE WALLACE,

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good morning, Chief Wallace.

A. Good morning.

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

A. Norville Wallace, 2365 Perry Road, Memphis, Tennessee.

Q. Chief Wallace, you were employed by the Memphis Fire Department for a number

of years. Is that true?

A. That's correct.

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Q. What do you presently do?

A. Loaf. Nothing.

Q. Wonderful occupation, Chief. How long did you work for the Fire Department?

A. Thirty-seven years, six months.

Q. Thirty seven years and six months. What did you do for the Fire Department and what was your – what ranks did you go through?

A. I started out as a fire fighter, made lieutenant, captain, investigator, deputy fire marshal. When I left, I was assistant fire marshal.

Q. Did you serve at a number of the stations around Memphis?

A. Yes, several of them.

Q. Which were the ones you served at?

A. 8, 2, 24 and the Fire Prevention Bureau.

Q. When, Chief Wallace, did you serve at the 2's?

A. I first went there in 1966.

Q. How long were you there during that period of time?

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A. I left November of 1968.

Q. So you were serving at the 2's at the time of the assassination of Martin Luther

King?

A. That's right.

Q. Chief Wallace, would you just take a look at this drawing here. Do you recognize this area?

A. Oh, yes.

Q. Do you recognize Mulberry Street that ran behind the fire station?

A. Uh-huh.

Q. South Main Street that ran in front of it?

A. Right.

Q. Butler Avenue that ran to the south of it and, of course, Huling Avenue at the north end of this particular block?

A. Right.

Q. Is this, to your recollection and current present recollection, is this where the Fire Station Number 2 was located?

A. Yes.

Q. It backed onto Mulberry and

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overlooked the Lorraine Motel where Martin Luther King was staying?

A. Right.

Q. Chief Wallace, were you on duty at that fire station on the 4th of April, 1968?

A. Was that the day before?

Q. That was the day of the 4th when Martin Luther King was assassinated?

A. I was on duty there until somewhere around eight p.m. that afternoon.

Q. Were you – you were on duty, but were you in that station at that time?

A. Right.

Q. Were you at any time transferred out of that station?

A. Yeah. About eight p.m. that night I'm saying eight p.m. It was night.

Q. Were you transferred – let's understand this. Were you transferred out on eight p.m. the night of the killing or the night before the killing?

A. The night before.

Q. It was the night before the killing. And how were you transferred, how did you

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receive your orders to be transferred out?

A. Well, I received them from my captain. He said I was going to be detailed to 33's, which is out at the airport. I thought it was just for the rest of – the remainder of the day or night. That night we had an airplane run off the runway out there, and I thought somebody back in those days, you make a run like that, somebody gets suspended. So I thought I was filling in for somebody that got suspended. But once I got – and it was raining hard. You couldn't see to drive.

Q. This was the night of April 3rd?

A. Uh-huh.

Q. It was raining hard. You were told by your captain to go out to the airport?

A. Engine 33.

Q. Sorry?

A. Engine 33.

Q. 33. Did he tell you this face-to-face?

A. Yeah.

Q. So you were sent away?

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A. Right.

Q. Did that surprise you?

A. Well, not at the time it didn't. The surprises came later.

Q. What were the surprises that came later?

A. I ended up staying out there over a month.

Q. Right.

A. I just had the uniform I left there with, and the next day, well, I was told that morning when I got off at seven a.m. to report back there. So I left and was going back to home base to pick up some uniforms, and they wouldn't even let me off of Main Street.

Q. Let me understand this. You were told at seven a.m. the next morning –

A. To report back to 33's.

Q. – to report back to the airport station?

A. Right.

Q. And how did you get that message?

A. From the officer in charge of the

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piece of equipment there.

Q. Face-to-face?

A. Yes.

Q. Again you came in to go to work? I'm trying to understand because you were on a different shift. Did you actually report to the 2's and were sent away again?

A. No. I just went to the 2's to get a uniform.

Q. You just went there to get uniforms. How did you actually learn that you were not to report to the 2's on your shift but to go back to the airport?

A. I learned that that morning of the 4th when I got off to come back the next workday – you know, it is an every-other-day thing. The reason I went back to the 2's was to get clean uniforms.

Q. Who told you not to come to the 2's?

A. The officer in charge of 33.

Q. The officer in charge of 33 told you you were to report back out there and not go to the 2's on April 4th?

A. That's right.

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Q. So then you went to get some clean uniforms?

A. Yes.

Q. What happened?

A. They wouldn't let me go to the engine house. They said couldn't anybody come up there.

Q. What do you mean they wouldn't let you go? What did you do? Did you come up to the fire station?

A. No. I think I got stopped at Butler and Main.

Q. Somebody stopped you here?

A. Uh-huh.

Q. This corner here. Who was it that stopped you?

A. They had it blocked off. Police had barricades and everything else.

Q. This is – this was the next day you were reporting to work?

A. Really that was the morning of the 4th.

Q. So you are saying on the morning of the 4th that they had some –

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A. Well, it was the same day that Dr. King was assassinated.

Q. They wouldn't let you into the station?

A. They wouldn't let me up there to get uniforms. They wouldn't even let me up the street.

Q. Chief Wallace, did you ever ask what this was all about?

A. Yes.

Q. What were you told?

A. Told that I had been threatened. That was the reason I was out at the other engine house.

Q. Oh, you were threatened?

A. Uh-huh.

Q. Why would you be threatened?

A. I don't know. Of course, I was putting out fires, I guess.

Q. So there was a threat on your life. I see. So they had to get you out of the area?

A. I guess. That's what they done. They got me out of the area.

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Q. How many black firemen were assigned to Number 2?

A. Just two.

Q. You and –

A. Floyd Newsom on the other shift.

Q. Floyd Newsom. We're learning that neither one of you were allowed to be on duty on that day?

A. That's right.

Q. You never received a satisfactory explanation?

A. No. Never did. Not to this day.

MR. PEPPER: Thank you, Chief Wallace. No further questions.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Chief Wallace, you worked there at this station how long, sir? How long were you there altogether at this station?

A. About two years.

Q. Two years did you ever report back to work there after the assassination of Dr. King?

A. Oh, yeah.

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Q. You did report back?

A. Yeah.

Q. Are you familiar with the area behind the rooming house that is raised up from the street where there is a lot of trees and bushes and things?

A. Right.

Q. Did you ever see anyone walking back in there, any activity back there all the time you worked there?

A. When are you talking about?

Q. Any time during the time of the assassination did you ever see anyone walking back in that area?

A. Yeah.

Q. Okay. More than once?

A. Well, I'll put it like this: If it was ninety-nine policemen on duty, ninety-eight of them was out in that area.

Q. In that brush area?

A. In the area, in the engine house, all up and down that fence there. That fence had a tree line that would separate the city property from the area over there which had

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heavy equipment parked in there.

Q. This area on the map where it shows behind the rooming house where it shows the shaded area, that's the tree area. You saw police officers all in there?

A. They was all parked over there looking on the ground and everything.

MR. GARRISON: Okay. Thank you, sir.

MR. PEPPER: No further questions, Your Honor. Thank you, Chief Wallace.

THE COURT: Chief, I want to be sure that I understand your testimony.

THE WITNESS: Yes, sir.

THE COURT: Are you saying that Main Street was blocked off the morning of the day that Dr. King was killed.

THE WITNESS: No, no.

THE COURT: Oh.

THE WITNESS: It was blocked off afterwards. I tried to get up there to get a uniform so I could have something clean to wear to work the next day.

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THE COURT: So this was the day after Dr. King was killed.

THE WITNESS: It was after, because I was in my car when I heard the news. I just made an effort to get by there to get some uniforms before the time to go to work the next morning. So it was in the afternoon late.

THE COURT: But it was the day after he was killed.

THE WITNESS: Right.

MR. PEPPER: Your Honor has raised an interesting point of clarification. May I ask a further question?

THE COURT: Yes.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Chief, Your Honor is clarifying your testimony. It is a very important point. What time would you have reported for work on the afternoon of the 4th? What time did your shift start?

A. I wouldn't have reported on the 4th.

Q. You were off on the 4th?

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A. I worked the 3rd. So that would mean I would have reported back to work on the 5th.

Q. So you worked the 3rd –

A. Mr. Newsom would have worked the 4th.

Q. Mr. Newsom would have worked the 4th?

A. Uh-huh.

Q. You would have reported back on the 5th. But you came by sometime in the evening of the 4th after the assassination to get your clothing?

A. Right.

Q. You weren't allowed anywhere into that area?

A. Right.

Q. And then on the 5th when you were to return to work you were told not to go back to your regular base, Number 2?

A. I was told that the morning of the 4th, though.

Q. You were told that on the 4th, that you were not going to be allowed back there?

A. Right.

Q. How long had you served at Number 2

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in uninterrupted fashion to that point?

A. Well, my total time at the 2's was roughly two years. I went there in 1966. That was when the Fire Department first integrated. I left November – I made lieutenant in November of 1968 and I left and was assigned elsewhere.

Q. When did you eventually go back to Number 2?

A. About thirty days after the –

Q. You stayed out there for a month?

A. Uh-huh.

Q. Were you surplused to requirements at that other station?

A. Do what now?

Q. Were you surplused to requirements? Were you needed at the other station?

A. No.

Q. You weren't needed?

A. No. I was just an extra man.

Q. You were an extra man.

MR. PEPPER: No further questions.

THE COURT: Mr. Garrison.

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MR. GARRISON: Your Honor, I have nothing further.

THE COURT: All right. Then you may stand down, sir. You can remain in the courtroom or you are free to leave. You should not discuss your testimony with the news media or anyone else.

THE WITNESS: Okay.

THE COURT: Let's take about fifteen minutes.

(Jury out.)

(Short recess.)

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

(Jury in.)

THE COURT: You may call your next witness, Mr. Pepper.

MR. PEPPER: Yes, Your Honor. Plaintiffs call Mr. Leon Cohen.

LEON COHEN,

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

DIRECT EXAMINATION

BY MR. PEPPER:

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Q. Good afternoon, Mr. Cohen.

A. Good afternoon.

Q. Thank you for coming down here today.

A. You are welcome.

Q. If you have any difficulty any hearing me, would you please signify that so I can come closer.

A. I certainly will. Thank you.

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

A. Leon Cohen. I reside at 1859 Poplar Pines Drive, Number 201, Memphis, 38119.

THE COURT: Would you please spell your last name?

THE WITNESS: C O H E N.

THE COURT: Thank you, sir.

Q. (BY MR. PEPPER) Mr. Cohen, how long you have lived in the City of Memphis?

A. Just under thirty years.

Q. Where did you live before that?

A. New York City.

Q. What did you do in New York City?

A. I was a member of the New York City Police Department. For twenty-three years.

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Q. Did you retire from your position?

A. Yes, I did.

Q. When did you retire?

A. In 1965.

Q. And when did you come to Memphis?

A. Shortly thereafter.

Q. So you've been in Memphis sometime since 1965 to the present?

A. Yes, sir.

Q. It has been your home?

A. Yes.

Q. And when you came to Memphis, was it strictly as a retiree or did you become engaged in any activity?

A. For a short time I worked as a special deputy at Juvenile Court. Later on I became director of security at Baptist Hospital in Memphis.

Q. What year would you have become director of security at Baptist Hospital?

A. I believe that was early in the 1970's.

Q. And what do you do today?

A. I'm fully retired.

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Q. Now, in 1968 or before 1968 did you come to know a man named Walter Bailey?

A. Yes, I did.

Q. How did you come to meet Mr. Bailey?

A. I was associated with another lad in the food business, and Mr. Bailey used to come to our market and make purchases for the motel. I got to know him very well.

Q. How often would you say you saw Mr. Bailey in an average week or month?

A. Two or three times a week.

Q. And you became quite friendly with him?

A. Yes, I did.

Q. And also with his wife?

A. No. Not his wife. I don't know his wife. I met her on several occasions but did not know her that well. Not as well as Walter Bailey.

Q. Right. What did Mr. Bailey do for a living in 1968?

A. He was the owner and the manager of the Lorraine Motel.

Q. The Lorraine Motel, is that the same

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motel which Martin Luther King came to stay in Memphis on April 3rd, 1968?

A. That's correct.

Q. Were you familiar with the fact that Dr. King was coming to Memphis at that time?

A. No. I was not.

Q. When did you learn that Dr. King was in Memphis?

A. I was on my way back from Nashville when I heard the news on the radio about his assassination. That's the first I knew of him being in Memphis.

Q. That would have been on the 4th of April that you heard this news?

A. Yes, sir.

Q. When did you next see Mr. Walter Bailey?

A. The very next morning.

Q. On the 5th of April you went to see him?

A. No. I went to take – to look over the scene at the Lorraine Motel, and I took some photographs while there. After I had taken photographs, I ran into Mr. Bailey.

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Q. What time of the morning would that have been?

A. Between eight and nine a.m., as I best recall.

Q. So it was quite early in the morning?

A. Yes, sir.

Q. Actually where did you go to look over this scene? Where were you? What was your path?

A. Well, I first went to the rooming house where the alleged shots had been fired and took some photographs from the lavatory of the rooming house aiming towards the Lorraine Motel. Then I went down and took photographs of the Lorraine Motel and vicinity. At that time I ran into Mr. Bailey.

Q. And where did you meet Mr. Bailey?

A. Right outside his office.

Q. At the Lorraine Motel?

A. At the Lorraine Motel.

Q. Did you have a conversation with him?

A. Yes, sir, I did.

Q. And what – how did you perceive him

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at that time? Was he upset? How did you view him?

A. Well, he seemed visibly upset about the occurrence.

Q. Did you ask him any questions about the incident?

A. I mentioned the terrible occurrence. He said in response, if they had listened to me, this wouldn't have happened. And he went on to explain that the previous night, he got a call from a member of Dr. King's group in Atlanta who wanted him to change the location of the room where Dr. King would be staying. And he was adamantly against that because he had provided security by the inner court for Dr. King, Dr. King's room.

Q. Where did he want Dr. King to stay in his motel?

A. There was an inner court behind the office which had very good security. In other words, it was not exposed to public view. Per se.

Q. Right. Do you know if that would have been Room 201?

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A. Pardon?

Q. Do you recall the number of that room?

A. No, I don't.

Q. But it was in an inner court area?

A. Yes, sir.

Q. And, instead, where did Mr. Bailey say he was being instructed to move Dr. King?

A. The room – I don't recall the room number, but the room which Dr. King had occupied that night, that's the room that they wanted him to occupy.

Q. A balcony room?

A. Yes, sir.

Q. For the record, that was Room 306, that balcony room. So Bailey said he was instructed to move Martin King from room – well, you didn't know the number, but from a courtyard room to a balcony room?

A. Yes, sir.

Q. Did he say he opposed that?

A. He adamantly opposed it.

Q. Did he say who in Dr. King's organization wanted him placed in that

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exposed balcony room?

A. He just mentioned that a member of Dr. King's group had told him, advised him, he wanted the room changed. He said he knew the person, but I did not question him as to who it was or his name or pedigree or whatever.

Q. Did he indicate, when he spoke to you, if you can reflect very carefully, Mr. Cohen, did he use the pronoun "he" or "she"?

A. He used the pronoun "he."

Q. So some male member of Dr. King's Atlanta office instructed the room change?

A. Yes, sir.

Q. Once again, when did he receive that instruction?

A. He said the previous night that Dr. King was supposed to stay there.

Q. Prior to the arrival?

A. Yes, sir.

Q. Just moving on, when you were down in that area early that morning, did you then or had you previously had an opportunity or occasion to look at the area behind the

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rooming house?

A. No. No, that was the first and last occasion.

Q. Did you look at the area that morning?

A. After the assassination, yes, sir, I did.

Q. How did it appear to you?

A. Which area are you referring to?

Q. I'm referring to the area behind the rooming house above the wall on Mulberry Street. I could show you – we have – can you see this?

A. No, I can't.

MR. GARRISON: It probably should be marked an exhibit. I don't think it has been marked as an exhibit.

THE COURT: That's right. I intended to do so. Let's make that Exhibit 1.

(The above-mentioned diagram was marked Exhibit 1.)

Q. (BY MR. PEPPER) I'm asking you about this area here that is above the wall. There

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is a wall here on Mulberry Street. I'm asking you about this area which is behind the rooming house.

A. Uh-huh.

Q. The rooming house has two wings. There is an alleyway. This is vacant area fenced in. I'm asking you about this. I just wondered if you had a chance to look at this.

A. Yes, I did, that very same morning I had taken the photographs.

Q. And how did it appear to you? What did you see?

A. Well, it was kind of dense with underbrush.

Q. Dense with underbrush?

A. As a matter of fact, I went to the room which James Earl Ray had occupied and looked out the window which overlooks the alley and looked out the window intending to take some photographs, but I never did because they wouldn't have shown anything outside of the underbrush.

Q. So it was thick underbrush is what

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you are saying?

A. Yes, sir.

Q. Okay.

MR. PEPPER: Thank you, Mr. Cohen. No further questions.

THE WITNESS: You are welcome.

MR. GARRISON: Your Honor, I don't have any questions of Mr. Cohen.

THE COURT: All right, sir. You may stand down. You can remain in the courtroom or you are free to leave. I ask you not to discuss your testimony with anyone outside the courtroom.

(Witness excused)

MS. ATKINS-HILL: With Your Honor's approval, we would like to read the sworn statement of James McCraw. Mr. McCraw is now deceased. He was deposed on October 22nd.

THE COURT: How lengthy is it?

MS. ATKINS-HILL: Your Honor, I only want to read experts from it. Actually, it is thirty pages.

THE COURT: Thirty pages. But

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you are not going to read it in content?

MS. ATKINS-HILL: No, Your Honor.

THE COURT: Okay. Let's go with it.

MS. ATKINS-HILL: Question, by Attorney Pepper –

THE COURT: Ladies and gentlemen, I explained to you before that this is what we call a deposition, which is testimony taken before the trial. It was sworn to at the time that it was given, so you may accept this as if that testimony were being given in the courtroom at this time.

Go ahead.

MS. ATKINS-HILL: Thank you, your Honor.

Question: You were employed by a taxi company at the time?

Answer: Yes, Yellow Cab Company.

Question: How long had you been driving for the Yellow Cab Company?

Answer: You got me. I drove for

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Yellow for forty-one years.

THE COURT: Would you please identify your page and lines as you go.

MS. ATKINS-HILL: Page 3, your Honor, line 25.

THE COURT: All right. Go ahead.

MS. ATKINS-HILL: Where were you born, Mr. McCraw?

Answer, top of page 4: Alabama.

Question: How long have you lived in Memphis, Tennessee?

Answer: Ever since 1945.

Line 8, question: Right. Were you in the armed services during the Second World War?

Answer: I was in the Air Force. I was on Guam and Saipan.

Line 15 – line 13, question: How many years were you in the service?

Answer: About five years.

Question: When were you discharged?

Answer: 1945.

Question: What was the nature of

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your discharge?

Answer: Honorable discharge.

Question: What did you do for a living during those years – let me back up.

Line 20, question: After the war, you then settled in Memphis, did you?

Answer: Wound up here in 1946.

Question: What did you do for a living during those years?

Answer: I drove a taxicab.

Top of page 5, line 1, question: So you have been a taxicab driver for a good number of years previous to the time in question?

Answer: Yes.

Question: Now, on April the 4th, 1968, you were driving a cab and did you receive a call to pick up a passenger at 422 and one half South Main Street?

Answer: I sure did, old Charlie Stephens.

Question, line 10: You received a call to pick up one Charles Stephens at 422 and a half South Main. What time of day did

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you receive this assignment?

Answer: I don't really remember, but it wasn't more than a few minutes before Martin Luther King got shot.

Question, line 19: So it was sometime before six p.m. on Thursday, April the 4th?

Answer: That's right.

Question: Would you say it was sometime before a quarter to six or was it after a quarter to six?

Answer: It was after a quarter to six.

Question: It was after a quarter to six?

Answer, top of page 6: That was when left to get old Charlie and got to Main and it had come over the radio that Martin Luther King had been shot and I should stay out of there.

Mr. Herman, who was the interpreter at the time – Mr. McCraw had a voice box.

Mr. Herman: It came over the radio that Martin Luther King had got shot and stay

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out of there.

Question: About what time did you – you actually parked your car in front of the rooming house where Charlie Stephen was living sometime after a quarter to six or before six. Is that right?

Answer: That's right.

Question: Where did you park your car?

Answer: Right out in front of it. And I was double parked.

Question: Right out in front of the rooming house and you were double parked?

Answer: The witness nodding affirmatively.

Question: Right. What did you do then.

Answer: I went upstairs to Charlie's room, and he was too drunk to get up. I turned the light off and left. I got in my cab.

Question: Let's go question and answer, question and answer, as best we can.

You went upstairs to Charlie Stephens' room?

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The top of page 7.

Answer: Right.

Question: Do you recall which room this was?

Answer: Well, it was the last room back on the right right next to the restroom. I don't remember the number.

Question: Right. Which stairway did you go up? There were two stairways into the rooming house.

Answer: Well, I went up the one right beside the restroom and went upstairs. That door stays open all night.

Question: When you went up the stairway to approach Mr. Stephens' room, did you notice the bathroom?

Answer: Yeah, it was right next door to his room.

Question: Was the bathroom door open or closed?

Answer: It was standing wide open.

Question: The bathroom door was standing wide open and this again was sometime just prior to six o'clock?

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Answer: That's right.

Question: Was there anyone in the bathroom?

Answer: No.

Question: Was the light on so far as you can remember? If you can't –

Answer: I don't remember.

Question: But you are stating that the bathroom door was wide open?

Answer: Bathroom was wide open.

Question: No one was inside?

Answer: I sure didn't see nobody.

Mr. Herman: The doors went out toward the hallway.

Question: Did you knock on Charlie Stephens' door?

Answer: I knocked on the door and somebody said, come in. I opened the door, and he was laying on the bed too drunk to get up.

Question: He was lying on the bed and he was drunk, he couldn't get up?

Answer: That's right.

Question: Did he say anything to

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you?

Answer: No. I just said, I ain't going to haul you.

Line 19, question: Did you see anyone else in the room?

Answer: Yeah, his girlfriend was at the foot of the bed, and she was drunk, too.

Top of page 9, line 3.

Question: So what did you do then?

[**Answer:**] I just turned around and left.

Question: Did you go down the same stairway that you came up?

Answer: I went down them and walked outside and got in my car and drove.

Question: Did you notice the bathroom on your way out?

Answer: Well, the door was still open.

Question: The door was still open? You are quite certain of that?

Answer: Yeah, I'm quite sure of it.

Question: Right. Mr. McCraw, when you were going into the rooming house to ascend the stairs to pick up Charlie

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Stephens, did you notice any automobiles parked in front?

Answer: Yeah, Loyd Jowers' car was parked in front.

Mr. Herman: Loyd Jowers' car?

Answer: And then there was two Mustangs.

Question: Two Mustangs?

Answer: And a gray truck was parked there.

Mr. Herman: Gray truck.

Question by Dr. Pepper. It must have been some sort of delivery truck.

Question: Top of page 10. When you were leaving and you were returning to your car, did you notice whether or not a Mustang was – had gone, had departed?

Answer: I don't remember whether both of them was there or not.

Page 11, line 3.

[Question:] Now, what did you do when you got into your car?

[Answer:] I made an U-turn. I told the dispatcher I wouldn't haul him, he was too drunk.

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Mr. Herman: I made an U-turn, I told the dispatcher I wouldn't haul him because he was too drunk.

Answer: And they tried to give me another order over in River Bluff, and I got to Main and Calhoun when they come over the radio that Martin Luther King had just got shot. I was to stay out of that area.

Question: How long after you made your U-turn and headed away from the rooming house did you hear this bulletin?

Answer: It couldn't have been over three minutes or four. It might have been –

Mr. Herman: Say it again.

The witness: It probably wasn't over – it couldn't have been over four minutes. It couldn't have been that long of a time. It might have been about two or three minutes.

Page 12, line 2.

Question: So how many minutes would it have been in your view from the time that you actually left the rooming house until you heard the bulletin?

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Answer: About four minutes.

Question: About four minutes. What did you do then?

Answer: Well, I just turned right on Calhoun and went on over to River Bluff and picked up my passenger and come back to the bus – I tried to get to the bus station, but I couldn't get in there because there was traffic stopped ever which way.

Question: Right, Mr. McCraw. Let's move ahead to the next day. What time were you due to start work the next day?

Answer: Two o'clock.

Question: This is now Friday, April the 5th. Is that right?

Answer: That's right.

Question: And prior to going to work, what did you do?

Answer: I was at Jim's Grill.

Line 25, question: So you went to Jim's Grill?

Page 13.

Answer: To have a couple of beers.

Question: What time?

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Answer: Twelve o'clock.

Question: Around twelve o'clock prior to going to work?

Answer: I went to work at two o'clock.

Question: Who was in Jim's Grill at that time?

Answer: I don't really know. I know Loyd Jowers was behind the bar.

Question: Loyd Jowers?

Answer: Was behind the bar, was behind the counter.

Question: Was behind the counter?

Answer: Witness nodding affirmatively.

Question: Where did you stand or sit in the grill.

Answer: Right in the corner of the grill.

Then it became inaudible.

[**Question:**] Did you have a conversation with Loyd Jowers?

Answer: Yeah, he showed me the box the gun was in and showed me the gun. He put

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it back under the counter.

Question: He showed you a box that a gun was in?

Answer: Yeah.

Question: Where was he keeping this?

Answer: In under the counter.

Question: Under the counter? Actually, right underneath on a shelf underneath the counter?

Answer: Yeah.

Question: Did you take the lid off of the box so that you could see that a gun was in

it?

Answer: Yeah, he showed me the gun.

Question: Did he physically take it out from under the counter to show it to you?

Answer: He take it right out to the edge of the counter and opened the lid up on it.

Question: He took it right out to the edge of the counter and opened the lid.

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So you have no question what you saw?

Answer: No, I sure don't.

Question: What did Mr. Jowers do with this gun event actually?

Answer: he took it to the police.

Question: How do you know he turned it over to the police?

Answer: He told me, and I believed him.

Question: He told you he turned it over to the police. When did he tell you that he turned it over to the police?

Answer: That night.

Question: That evening?

Answer: When I come back in about six or seven o'clock, he told me.

Page 15.

Question: So your statement is that you came back in around – sometime between six and seven o'clock and he was still there?

Answer: Oh, yeah. He stayed there all night.

Question: And he told you that he had turned this gun over to the police?

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Answer: That's right.

Line 10.

Question: Did you ever discuss the existence of this gun again with Mr. Jowers?

Answer: Well, he said – he told me a couple of times that he was scared. He said he wished he would have kept it.

Page 18, line 9.

Question: You told the Memphis Police Department investigators – you told Memphis Police Department detectives and you told the FBI about the existence of this gun?

Answer: I did.

Question: And you told the Justice Department investigators about the existence of this weapon?

Answer: I sure did.

Question: And what have – individually what have they said to you about this?

Answer: Nothing much. All they said was that I shouldn't be talking to people about it and all that kind of crap.

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Mr. Herman: They told me that I shouldn't be talking to people about it and all that kind of crap.

Page 19, line 7.

[Question:] After the guilty plea proceedings against James Earl Ray, were you contacted again by Memphis Police Department, Attorney General's investigators,

FBI or anyone else?

Answer: Oh, yeah, but it went on for two years.

Question: It went on for two years? Who used to contact you after this?

Answer: I forget the names, but it was the Justice Department, FBI, police department.

Line 23.

[**Question:**] Yes, but did the FBI specifically interview you other times after James' guilty plea?

Page 20.

Answer: Oh, yes.

Question: What did they say to you during these interviews?

Answer: They just asked me the same

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old questions all the time.

Line 8.

Question: Did they ask you about the gun?

Answer: They asked me everything.

Question: Did they advise you not to speak with anyone else?

Answer: They told me not to, but I didn't pay them no attention.

Line 18.

Question: And how long did this go on after James Earl Ray's guilty plea?

Answer: Two or three, four years. Every time there was a trial or something or

started to have a trial here, they would come.

Page 21, line 9.

Question: Would they come out to visit you at your home?

Answer: That's the only place where they could catch me. They would tell me at the cab company they was looking for me. I said, bye, I'm gone. I worked for myself, they couldn't find me.

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Line 18.

Question: Mr. McCraw, do you know the names of the FBI agents who would come out to visit you?

Answer: No. All I know is they was out of Washington.

Question: They were out of Washington? You don't know any of the agents from the local office who would come to visit you?

Answer: Well, I don't remember his name, but me and him were – (Inaudible) him pretty good. He was always begging me for information. I said, man, I don't know nothing.

Line 5, the witness: The one, the FBI, the one that was over the FBI here.

Mr. Herman: The one that was over the FBI here?

Line 9, Dr. Pepper: Jenson.

Question: Do you recall the name of Jenson?

Line 12.

Answer: That sounds awful

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familiar.

Question: Mr. McCraw, as we conclude, I'm going to just simply ask you some very specific questions just for the purpose of clarification of what you observed on the date of April the 4th, 1968.

When you approached Charles Stephens' room to pick him up that day, your statement is that the bathroom door was open. Is that right?

Answer: That's right.

Question: And that the bathroom was unoccupied. Is that right?

Answer: There was nobody in it.

Question: There was nobody in it?

Answer: Right.

Question: And that when you saw Charles Stephens, it is your view that he was lying on the bed and appeared to be intoxicated?

Page 23, line 2.

Answer: He was drunk before I ever went to him.

Question: On this basis you decided

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not to haul him?

Answer: That's right. When he couldn't get up and walk out of that room, I knowed (sic) I wasn't hauling him.

Question: Right. Had you ever driven him before when he was drunk?

Answer: Many times.

Question: On those occasions was he as drunk as he was that day?

Answer: No.

Question: Right. Now, the next day when you went into Loyd Jowers' Jim's Grill sometime around noon and you went up to the bar and you were conversing with him in that bar, your statement is that Loyd Jowers pulled a box out from under the counter, lifted the lid and showed you a weapon. Is that right?

Answer: That's right.

Question: The weapon was a rifle?

Answer: It was a rifle.

Question: Did it have a telescopic sight on it or do you recall?

Answer: It was laying on the side.

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It wasn't on it, but it was in the box.

Top of page 24, line 4.

Question: It wasn't on it but it was in the box?

Answer: Yeah.

Line 13.

Question: This was within a very few minutes of you having noticed the bathroom being empty?

Answer: Three or four minutes.

Question: Three or four minutes you noticed the bathroom previously, the bathroom had been empty?

Answer: (Witness nodding affirmatively.)

MS. ATKINS-HILL: That's the end of the excerpts.

THE COURT: We're going to take our lunch break and resume at two o'clock, ladies and gentlemen.

(Jury out.)

(Lunch recess.)

THE COURT: Bring the jury out, please, sir.

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THE SHERIFF: Yes, sir.

(Jury in.)

THE COURT: All right. You may call your next witness, Mr. Pepper.

MR. PEPPER: Yes, Your Honor. Your Honor, the plaintiffs call Captain Jerry Williams. Captain Jerry Williams. Let's call Lieutenant Ed Redditt.

EDWARD E. REDDITT

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Detective Redditt.

A. Good afternoon.

Q. Thank you very much for coming here this afternoon. It is a pleasure to see you every few years. Would you state your name and address for the record, please.

A. My name is Edward E. Redditt, 370 Evergreen, Somerville, Tennessee.

Q. Detective Redditt, what do you presently do for a living?

A. As part of my volunteerism, I'm the

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head high school track and field and cross-country coach for boys and girls and elementary school.

Q. Is that a full-time professional activity for you?

A. Full-time, and I enjoy every bit of it.

Q. And how long have you lived up in Fayette County?

A. Since 1986.

Q. Before that where did you reside?

A. I resided in Bartlett.

Q. Is there a time when you were employed by the Memphis Police Department?

A. 1593 South Wellington.

Q. How long did you serve as an officer with the Memphis Police Department?

A. Ten and a half years.

Q. Can you tell us the various positions that you held in the department from the time that you entered until the time that you left?

A. I worked as one of the first persons in the detention area. I worked as a desk

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lieutenant. I worked in various special units, such as vice squad, homicide, burglary, also working in the areas of the sanitation department, working to find out what was going on there, from that to the juvenile bureau, from that to the police community relations.

Q. When did you become a police community relations officer?

A. 1965.

Q. Were you still a police community relations officer in 1968 at the time of the assassination of Martin Luther King?

A. Yes.

Q. As a police community relations officer, what were your duties?

A. Well, when we started there, there was nothing written about it, so we was to develop our own methods and ways of dealing with the community. Our idea was how do we get the community to be responsive and understand the police workings.

I had a center at 1310 Florida Street where I worked the kids and we

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designed the first daycare center that met all the qualifications for community health and library and what MIFA is today, getting food from various entities.

Q. At the time of the sanitation workers' strike, what – were you still working with the community? Were you still involved with the community? How did you relate to the events that were going on then?

A. Well, I was somewhat pulled out to kind of survey or serve – I call it surveillance. I was given kind of carte blanche to do what I thought was necessary. I think the whole background idea was to observe or to find out anyone who may be coming into the city to disrupt it.

One incident, Chief MacDonald asked me to be sure to watch for a number of out-of-town license plates, because Chattanooga was known for dynamiting and this type thing.

Q. Were you actually seconded to the intelligence bureau at that point in time?

A. I guess I was kind of if you want to

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call it TDY to that entity.

Q. Right. You were assigned to intelligence department duties?

A. Right.

Q. Did that give you any problems with the relationships you had in the community, because you were working with the community and now moving into more or less intelligence, surveillance activities?

A. I didn't see any conflict. Everybody knew me and I knew everybody. So there was no conflict. Again, the role that I viewed was, one, trying to again protect the community against anything that may be occurring to disrupt anything.

Q. What was your actual rank at this time?

A. I was still a detective.

Q. You were a detective. Did there come a time when you were assigned to a specific detail, a surveillance detail, at the fire station, Fire Station Number 2, on South Main Street, between South Main and Mulberry Street?

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A. Originally it wasn't an assignment. It was one that I decided upon and that I had noticed something that was unusual once upon arriving at the Lorraine with Dr. King.

If I may continue, Inspector Smith was in charge of security. When he asked me, he said, well, you may go now. I noticed there was nobody else there. In the past when we were assigned to Dr. King, we stayed with him, guarded him up the steps, down the steps, and stayed with him. I saw nobody with him.

So I went across the street and asked the Fire Department could we come in and observe from the rear, which we did.

Q. Who accompanied you in that –

A. Willie B. Richmond.

Q. What was his rank at that time?

A. As far as I know, patrolman.

Q. Which section of the department – to which section was he assigned? Where did he work?

A. He was assigned with me at the time. I didn't know where he came from.

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Q. So he worked with you. You didn't know if he was from the intelligence section or not?

A. No.

Q. So the two of you conducted this oversight, this surveillance activity, of the Lorraine Motel?

A. Yes.

Q. When did you take up your positions there?

A. That was the same afternoon that we had brought Dr. King in.

Q. That would have been the 3rd of April?

A. Right.

Q. So you took up position in the fire station on the 3rd of April and from the rear of the fire station you were able to see the Lorraine Motel quite clearly?

A. Right.

Q. Do you recall how late you worked on that afternoon?

A. I really don't, no, sir.

Q. At some point, though, at the end of

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the day and the early evening was the surveillance discontinued?

A. Yes.

Q. Did you return with officer Richmond the next day?

A. The next day we returned.

Q. At what time did you start your surveillance activities the next day?

A. I don't recall the time. It was early, I'm sure. I don't know exactly.

Q. You started in the morning?

A. Oh, yes.

Q. In the course of that surveillance, did you notice anything unusual going on over at the Lorraine?

A. On one occasion again, I don't know what day or what time it was, we saw the Invaders leaving one of the rooms on one occasion. We recognized Reverend Orange going in at one time.

Q. You saw various activity happening or taking place?

A. Right.

Q. Do you recall if there were any

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out-of-state license plates?

A. The only one that I recognized was the one that Reverend Orange was driving.

Q. Okay. How long did you remain on duty in the course of that day?

A. As far as time goes, I really don't –

Q. It is hard to reconstruct that, isn't it? But fairly late in that afternoon is it fair to say your activities were called to a halt? You were removed from your – is that fair to say that you were removed at some point fairly late in the afternoon?

A. Yes.

Q. Would you describe how that came about, just how you were removed and did you have any advance notice of it or what happened?

A. Well, that morning I received a phone call on the pay phone in the fire station, and the voice on the other end was saying that we're going to kill you. That's about the size of that. I'd go back to where I was. Later on that day Lieutenant Arkin came

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by and stated I was needed at the headquarters. I said, for what? He said, well, director wants to see you.

Q. So late in the afternoon Lieutenant Arkin from the intelligence division came by the fire station?

A. Came down to get me.

Q. He came down to get you?

A. Right.

Q. He said you are needed down at central headquarters?

A. Right.

Q. Did you have threats on your life from time to time?

A. That's part of a policeman's job.

Q. Did you take them seriously?

A. Not really. If you do, you need to resign. That's the way I felt.

Q. So it wasn't that unusual that you would get that kind of – have that kind of threat?

A. Nothing unusual.

Q. Okay. Now, who was with Lieutenant Arkin when he carried you down to central

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headquarters?

A. He was alone.

Q. He was alone. Was he an officer to whom you reported on a regular basis from this assignment, as a result of this assignment?

A. He wasn't one of the ones I would directly report to. He worked in intelligence.

Q. Okay. When you got down to central headquarters, where did you go?

A. We went to the conference room.

Q. And who was in the conference room?

A. There were a group of men, I would assume many of them law enforcement. Once we arrived and got inside, Director Holloman stated that there was a man there who had just flown in and there was a contract on my life and that they had prepared to send my family to safety and that I was to go home.

At that point I told him that – he knew as well as I did that you couldn't stop a contract and it was best for me to go back to where I was and take care of my family.

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Q. What did Director Holloman say to that?

A. We had a brief argumentation. He said, well, you going home anyway, it is my job to protect you, so, Lieutenant Arkin, take him home.

Q. He didn't want to hear about your objections?

A. No.

Q. Reflect carefully, Detective Redditt, if you can. Who were the – how many people were in that conference room and what was the nature of their positions, so far as you could see?

A. When you get the word that someone has a contract on you, you probably lose all visions of what is going on around you. You only know the room is full. In fact, I can't even remember the face of the guy that was standing there. I know he had on a checkered coat and dark hair. That's about the only thing I can remember about the guy that was supposed to have flown in at that point.

Q. The man who relayed the information?

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A. Right.

Q. But beyond him did you notice any military personnel in that room?

A. Well, if there was, they were not in uniform. But the room was full.

Q. How do you know they were Army personnel?

A. I said they may have been. They wasn't in uniform. They may have been in the room.

Q. Okay. Do you recall who the person was who conveyed this threat, the information about the threat on you?

A. I probably would if I heard the name again. At that time I kind of – like I say, I lost all vision and my mind was wondering about – more so about my family than anything else that the point.

Q. Did you learn where the threat came from, where this information came from?

A. A couple of years ago.

Q. Now, would this person who conveyed the threat, was he a local person?

A. I never seen him before. They say he

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had flown in from the Washington D.C. and said he was from the Secret Service Division.

Q. He had flown in from Washington and he was from the Secret Service Division. He was the one who told – brought the information about the threat on your life?

A. Right.

Q. The reason why they removed you?

A. That's correct.

Q. If I advice you that the records have indicated that the person was a man named Phillip Manuel, would that name ring a bell with you?

A. Manuel sounds familiar.

Q. What happened next?

A. We proceeded to my home in his cruiser. I was waiting for the arrival of those persons who were supposed to be my security. While waiting there, the radio blasted that Dr. King had been shot. I jumped out of the car and ran in the house, because my mother-in-law was in the bed sick and I didn't want her to hear the news. As I got inside the house, she

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screamed out, Lord, take me, don't take Dr. King, because we had forgot she had a small transistor radio under her pillow. In fact, she died a week later.

Q. Who was sitting in the car with you at the time?

A. Lieutenant Arkin.

Q. By himself?

A. By himself.

Q. Had you just pulled up when the news –

A. We had been there a brief time while we was waiting on the guys to come.

Q. You had been there for a brief time and were just waiting. What happened about this threat? Did you go back to work?

A. I called about every hour to come back to work. Thursday, Friday, Saturday.

Finally Sunday they said you can come on back. I never heard anything else about it.

Q. You never heard anything else about the threat?

A. No.

Q. No one ever mentioned it to you

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again?

A. Not again until two years ago.

Q. But did you ever question officially anyone about this threat?

A. No. Someone mentioned, oh, it wasn't you anyone, it was somebody in Knoxville, Tennessee, that they had a contract on.

Q. It wasn't you, it was a mistaken identity?

A. Right.

Q. It was someone in Knoxville, Tennessee?

A. Then I heard again it was somebody in St. Louis.

Q. Now, detective, you've had a lot of years to think about this. Have you formed any opinion about your removal from your post on that afternoon of the murder?

A. Well, yes. I had a doubt about my partner in the first place. It is unusual getting somebody that you don't know anything about to be assigned to you.

Number two, in that day there was two men always worked together. Whatever

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happened to one man would happen to the other. So if you got a threat, both partners got a threat.

I always wondered what happened to him, why wasn't he removed, why wasn't he taken a long with me. I never got that answer. That has bothered me. Again, I felt very strongly.

In fact, I told a couple of friends of mine during that time that he was there to spy on me in the first place.

Q. I see. Do you think you were removed because you had certain ties and relationships in the community and perhaps were not trusted?

A. No. I think because I knew most of the people in the community, that I may have recognized someone that I shouldn't have recognized. Or it has been discounted that when you are with a partner, you make a decision on what you are going to do if certain things occur.

We had discussed briefly that he would remain at the window if something

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occurred and I would go out the door because I was much faster, and if someone was running, I could catch them or whatever. So that was another thought we had in mind for doing that.

MR. PEPPER: Okay. No further questions hat this time.

THE COURT: All right. Cross-examine.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Officer Redditt, I've talked to you about this some time ago. I don't have too many questions to ask you. But during the time that you were there at the fire station, you are aware that behind the rooming house there were certain brush area and trees back there?

A. Yes.

Q. Did you ever see any activity in there where anyone was coming or going or walking back in that area?

A. You could not really get – it was so grown-up at that time, it is on top of that

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hill there, it is possible somebody had come up from the Huling side and gotten in there, it is possible.

I think all my focus was really on basically Mulberry Street itself and toward the hotel itself. I very seldom looked into that direction.

Q. Let me ask you, when you were taken down by Lieutenant Arkin to the headquarters, Director Holloman was there with some other personnel?

A. Yes.

Q. Detective Redditt, did you know that Director Holloman denied you were coming down there until you actually arrived, were you aware of that?

A. That's what I had heard.

Q. Did it seem to you he was surprised when you got there?

A. No. It seemed like he was waiting for me to get there, because when I walked in, he pointed to the man standing there.

Q. You've been told since then that he didn't know you were coming until you

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actually got there?

A. I've heard that.

Q. You've said I believe after you learned that Dr. King had been assassinated that Lieutenant Arkin was there with you. Did he stay with you any more after that or did he leave?

A. He left after Melvin Burgess and Emmett Winters got there.

Q. How long did Director Burgess stay there with you?

A. They stayed there during I guess – again, I guess I did more looking out the window than they did, I imagine.

Q. Did they stay the rest of the night?

A. Yes.

Q. They did. I believe when you and I talked the first time, you told me something had happened that was just hard for you to take after this occurrence. Am I correct, sir, personally?

A. I missed you.

Q. I believe you told me it was hard for you to understand what had happened and hard

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for you to absorb this personally.

A. Yes. It is very difficult.

MR. GARRISON: That's all.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Just a word about the bushes in the area that counsel asked you. Could you describe that brush area as you recall it around that point in time?

A. There is – on Mulberry I guess you could call it behind the buildings on Main Street there is a high bank above the sidewalk. And on that were a group of trees that were there at that time.

Q. If you would cast your eyes over here. Can you see this fairly well?

A. Yes.

Q. Do you see Mulberry Street here?

A. Yes.

Q. Do you see the sidewalk here?

A. Yes.

Q. Is this the area?

A. That's the area there.

Q. So it is behind Jim's Grill and the

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rooming house?

A. Right.

Q. This parking area and just north of the fire station?

A. Yes.

Q. So this is the area that you are talking about?

A. That's the area I'm speaking of this.

Q. This green area?

A. Yes.

Q. What was the nature of the shrubbery and the bushes there?

A. Again, they were very – the bank is high and the trees are there.

Q. The bushes themselves were high?

A. Right.

Q. And thick?

A. Right.

MR. PEPPER: No further questions. Thank you.

THE COURT: All right. If you would call your next witness.

(Witness excused).

MR. PEPPER: Now we will call

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Captain Jerry Williams.

JERRY WILLIAMS

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Captain Williams?

A. How do you do, sir.

Q. It is good to see you again and thank you very much for coming down here.

A. My pleasure.

Q. Would you please for the record tell us your full name and address?

A. My name is Jerry Dave Williams. I live at 1095 Wild Leaf Cove, Memphis, Shelby County.

Q. What is your current occupation, Captain Williams?

A. Well, I'm involved currently in real estate.

Q. Have you previously been a member of the Memphis Police Department?

A. I sure have.

Q. How long were you a serving officer?

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A. Thirty-one years.

Q. From when to when?

A. January of 1949 until January of 1980.

Q. That's a long tour of duty, Captain.

A. About twenty years ago I retired.

Q. Yes. Could you tell us the various positions that you've held and the various tasks that you have filled as a serving officer?

A. Well, initially I started off walking Beale Street. I then was one of the first black officers that were assigned, all of us to Beale Street.

After several years we went into a squad car and I worked the Orange Mound area, that's East Memphis, Park and Airways, and from there I was promoted up to fourteen years to the detective bureau where I served several years in the homicide bureau investigating murders, rapes, aggravated assaults.

Then I was transferred to vice and narcotics, worked two or three years there.

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Then I worked the larceny bureau. Then after I was made captain, I was assigned to the West Precinct.

Q. When were you promoted to captain?

A. 1979.

Q. What were you doing in 1967, 1968?

A. At that time I was assigned to homicide and I would be in charge of security for the police department whenever we would have celebrities or some dignitaries to come to Memphis.

Q. So you were in charge of that security operation with respect to dignitaries when they came to Memphis?

A. Yes.

Q. And that would be in 1967, 1968?

A. Yes, sir.

Q. That period of time?

A. Yes.

Q. Were you on that detail earlier as well?

A. Well, about 1967, until around 1971, most of the dignitaries who would come to Memphis, the police would have a security

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detail to make sure that their safety would be taken care of while they were here in

Memphis.

Q. Right. But were you on a special security detail as early as the mid-1960's, in 1965 or 1966?

A. I believe my assignment to security was probably 1966. We're going back over thirty years.

Q. That's all right.

A. To my memory, around July of 1966, which involved my first security assignment, which was James Meredith when he came to Memphis on his walk to Mississippi.

Q. Captain Williams, were you assigned to provide security for Dr. Martin Luther King whenever he came to Memphis?

A. Well, for the first two times that he came, to my knowledge, I was assigned. On the third time I was not.

Q. Well, Dr. King, of course, didn't come to Memphis – didn't visit the city a great number of times, anyway.

A. Not to my knowledge.

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Q. But when he did come, when you are saying the first two times, what year are we talking about? Are we talking about the year of the assassination?

A. The year of the assassination, 1968.

Q. And tell us how you would put together – how that security unit that you headed would be put together.

A. To the best of my knowledge Reverend Ben Hooks was a member of SCLC, and he was on the board I believe of SCLC. The SCLC office headquarters in Atlanta would notify Reverend Ben Hooks, and he, in turn, would call the police department to ask for security.

Inspector Don Smith was the overall security supervisor. He would call me and ask me to select a group of officers to serve for security on those occasions.

Q. How large a team would you put together?

A. Possibly nine. I would have about six detectives, three uniformed men, and if there would be a woman in the entourage, I would have a female officer.

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Q. And would you stay with Dr. King throughout his visit when he was in Memphis?

A. Yes, sir.

Q. How would you protect him? How would you provide security for him?

A. Well, we would get his itinerary when he would come to Memphis. We would meet him at the airport when he landed, we would be right with him. We would follow him to his hotel. If he would go to church first, we would lead the detail to the church.

Whenever these meetings were over with, we would find out what hotel he would be staying at. We would never advise him to stay at the Lorraine because we couldn't furnish proper security there.

Q. We understand he used to visit the Lorraine for meetings but never stayed there overnight.

A. Yes, sir.

Q. Where did he stay overnight when he was in Memphis on the times when you were protecting him?

A. On one occasion he stayed at the

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Rivermont. It was the Rivermont on Riverside, the Rivermont Hotel. I think it has changed now. But that's where he stayed.

Q. Your unit would protect him and provide security there?

A. Yes, sir. We would go in and check the rooms, make sure the telephone wasn't bugged, check under the beds, check everywhere. Then I would assign two officers on the outside of his door. We would take turns about every two hours. We would do that all night long.

Q. Now, on Dr. King's last visit to Memphis, he arrived on the 3rd of April, Wednesday, the 3rd of April, 1968. Were you asked to form this usual security unit to protect him?

A. No, sir.

Q. You were not?

A. I was not.

Q. Why were you not asked to perform that security unit on his last visit to Memphis?

A. Sir, I don't know. I was just told

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that somebody else would handle the assignment.

Q. Are you aware of any security that was provided for him during that visit?

A. To the best of my knowledge, there were two other officers from my office, the homicide office, that was assigned.

Q. How large a unit was provided?

A. I don't know. I just know of the two officers who left homicide on the assignment.

Q. Were they black officers?

A. They were white officers.

Q. They were white officers. But your black unit – this security unit was a unit of black homicide officers, wasn't it?

A. Sir, I just don't know. I know I wasn't assigned on that particular day I worked in the office.

Q. You were not assigned on that particular day. But the usual unit that you formed consisted of whom?

A. Well, Wendell Robinson, William Harris, and I would have some uniformed men. Some of them are no longer on the force. But

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three uniformed men that I could rely on, I could call on for their assistance. And I had four detectives.

Usually I would have – I don't know if – as I said, it has been a long time. I just can't name those people. But I would have four detectives, three uniformed men and one female officer, to the best of my knowledge.

Q. Were they all black officers?

A. All black officers.

Q. And the last time he visited, none of that unit, no one on that unit, certainly under your command, anyway, was assigned?

A. No, sir, they were not assigned, to my knowledge.

Q. Did you ever ask any questions as to why you weren't assigned?

A. Well, I did later on after my retirement. I had a talk with my inspector, who also had retired. I felt he had no reason to hold anything from me. I asked him. He said that we frankly wasn't asked to handle the security. I asked the question,

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we wasn't asked by whom? He said by somebody in Dr. King's entourage. That's the way it was. That's the way he left it.

Q. Were you satisfied with that answer?

A. Well, it was an answer. I hadn't gotten anything before that time. That was some twenty years later. No, eighteen years, at least, afterwards. We happened to have a conversation about it. I was curious as to why, from day one, I was taken off. That bothered me, even to this day.

Q. Particularly since he was assassinated on that visit?

A. That's right.

Q. But after the assassination, in the aftermath of the assassination while you were still a serving officer, did you ever raise that question with anybody inside the department?

A. No.

Q. You didn't at that time?

A. Ug-huh. We talked amongst ourselves, we black officers, and we had different versions as to why, but nobody knew why, you

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know.

Q. You just know that it didn't happen?

A. You have to realize at that time thirty-one years ago, maybe – Memphis was very segregated. There was a lot of hostility here. The situation has changed dramatically since then. Black people was only talking to black people, only – white people only talking to white people. There was a lot of hostility here.

You could not – I remember just like it was yesterday when Dr. King was assassinated. Because I went to the scene. I took the camera down there to make pictures. I wasn't on the assignment, but the inspector had asked me to bring the camera down to make the pictures.

I brought the camera down so the photographer for the police department could make the pictures at the scene. And it seems to me I could see the hostility, the hatred, on a lot of the officers faces.

When we left, when I left the scene from where Dr. King was assassinated, I went

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immediately out to St. Joseph Hospital. And there I saw his body lying on the slab in the emergency room. The doctors had tried all they could to massage his heart, get his heart back, but he had been cut open. We could see the damage that had been done by the shot that he received.

But I mention that it seems to me, as I said, it seems to me a long time ago, there was some at least a hundred police officers who was lined up on the street from the police department north to St. Joseph Hospital where Dr. King's body was carried, and only one officer came up to me and expressed any type of sympathy, a white officer, that is. I never will forget that. It did make me feel a lot better.

But I don't know why we were pulled off. I just know – I don't know if the answer the inspector has gave me was a true answer or not. I just know that we wasn't working on that day on the assignment.

Q. And you were not in a position as an officer in the department as a black officer

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to really be able to ask anybody and require an answer, were you?

A. That's correct.

MR. PEPPER: Nothing further, Your Honor. I pass the witness.

MR. GARRISON: Your Honor, I have no questions of Captain Williams. Thank you.

(Witness excused.)

(Bench conference outside the presence of the court reporter.)

MR. PEPPER: Your Honor, at point in the proceedings plaintiff would like to read into the record two interview statements, one conducted by a Federal Bureau of Investigation officer and the other conducted by a Memphis Police Department officer of a man we believe is long deceased, I've tried to find him for over twenty years,

named Solomon Jones, who was Dr. King's chauffeur at the time and was present at the scene when Dr. King was assassinated, with the Court's permission.

THE COURT: All right, sir.

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MR. PEPPER: This is what is known as an FBI 302. It is a statement that FBI agents take when they interview witnesses. They fill it out and sign it.

The signing officer is Special Agent Eugene G. Douglass, with two S's, and it was taken on April 12th, 1968.

Mr. Solomon Jones, Jr., 374 Vance Avenue, Memphis. He was employed as a funeral director for R. S. Lewis & Sons at the same address. They interviewed him at the Lorraine Motel, 406 Mulberry, Memphis.

Mr. Jones advised he had been serving as a chauffeur for Dr. Martin Luther King, Jr., on Dr. King's last trip to Memphis. He believed he had started driving for Dr. King on April 1, 1968. He stated that the Reverend James Lawson of Memphis had requested him to drive Dr. King while he was in Memphis.

On Wednesday night, April 3rd, 1968, Dr. King spoke at the Mason Temple in Memphis, and after the speech returned to the Lorraine Motel. Dr. King told him to report

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back to the Lorraine Motel on Thursday morning, April 4, 1968, at eight-thirty a.m. Dr. King was due to go to court in regard to a restraining order on that morning.

Mr. Jones stated that on Thursday morning, April 4th, he returned to the Lorraine Motel at about eight-thirty a.m. He stated that this motel is located on the east side of Mulberry and is bordered on the north by Huling and on the south by East Butler.

He advised that he parked the car which was used to drive Dr. King and which car was a 1967 Cadillac and belonged to the R. S. Lewis & Sons Funeral Home in the parking area of the Lorraine Motel and in front of Room 207. The car was headed

into the motel area, which would have been in an easterly direction. So it was facing into the motel.

A short time after he arrived, Reverend Andrew young, an associate of Dr. King, contacted Jones and stated that Dr. King was not going to go to court on the morning of April 4, 1968, and Young was going

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to Court. Reverend Young informed Jones that he was to remain at the motel as Dr. King was to later that day address the sanitation workers.

Jones advised that he remained at the Lorraine Motel and ate his lunch at the hotel. At about three p.m. Memphis time the Reverend Billy Kyles, a minister in Memphis, informed Jones that Dr. King and other members of his staff were going to have dinner at his home at about five p.m. on April 4th, 1968.

Mr. Jones stated that Dr. King did not leave the motel area the entire day of April 4, 1968, and Jones stated that he also stayed in that area the entire day. He advised that Dr. King and his group did not leave the motel at five p.m. as had been originally mentioned to him by Reverend Kyles, and at approximately six p.m. on April 4, 1968, Jones noticed Dr. King come out of a room on the balcony level of the motel, which room was north – he said was to the north of Room 306 where he was residing.

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Dr. King proceeded to Room 306, and as he was about to enter the room, Dr. King told Jones to start the car, as they were preparing to go to dinner. Jones started the car, and Dr. King went into Room 306 where he was staying with Reverend Abernathy.

Dr. King came out of Room 306 a short time later and was standing on the balcony area in front of Room 306. At this time Dr. King was fully dressed. Dr. King was looking from the balcony level down to Jones, who was standing beside the car on the ground level.

Jones advised the car was still parked in front of Room 207. Dr. King was talking to Jones about the weather, and Jones stated he told Dr. King he should put on a

topcoat, as it was cold outside. He stated that he was looking up at Dr. King during this conversation, and Dr. King was facing west and that he, Jones, was facing east.

Dr. King acknowledged Jones concerning obtaining his topcoat. Jones stated that while he was looking at Dr. King,

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he heard a sound which he thought was a firecracker. Dr. King fell to the floor of the walkway in front of Room 306.

At this point Jones could see blood coming from Dr. King and realized the sound was actually a shot rather than a firecracker. Jones stated that he started screaming and calling for help and repeatedly called several times "Dr. King has been shot."

He advised that at the time of the shooting that Jesse Jackson, a member of the staff of Dr. King's, was standing at Room 305. He also recalled that Dr. King's lawyer by the name of Eskridge of Chicago, Illinois, was standing near Jones on the ground level.

On seeing Dr. King bleeding and realizing that he was shot, Jones stated that he and Eskridge did not run to the side of Dr. King, as others were coming to Dr. King's aid. However, he and Eskridge turned west, since that was the direction in which the shot had originated, and went toward Mulberry Street, which street is located on the front

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portion of the motel.

They ran about fifty feet and stopped opposite the office of the motel. Jones stated he and the lawyer both then looked around and saw nothing. Jones stated he ran about another ten feet west and stopped at the edge of the sidewalk in front of the motel and stood beside a brick wall.

He stated that Eskridge also ran up to the same area opposite him. He advised when he reached this point he looked opposite to the point where he was standing, which was also the driveway area. He looked opposite the driveway area toward the west side of Mulberry Street. This area has a large retaining wall.

Immediately above the retaining wall is a grassy area with shrubs and bushes. This area is behind some buildings facing South Main Street. He got a quick glimpse of a person with his back toward Mulberry Street. He estimated the person he glimpsed would have been approximately sixty feet from where he was standing.

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He pointed out it was dusk dark and he merely got a quick glimpse of someone in the area. He stated that it was the back of this individual and he could not tell whether the person was negro or white. This person was moving rather fast, and he recalls that he believed he was wearing some sort of light-colored jacket with some sort of hood or parka.

He stated that this person appeared to him to be about five feet eleven or a little taller. He did not see him carrying anything in his hand and did not notice anything concerning the dress below his waist. He said he could not tell anything further about this individual and that it could have been an officer, but he could not furnish any further details concerning this individual.

Then it simply continues by saying he was in a state of shock and someone put him in Room 308 and he had to lie down. He drove the car which had been used for Dr. King to follow the ambulance to the

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hospital. In the car with him was Reverend Andrew Young and Bernard Lee.

Now, the second interview is with a Memphis Police Department detective, R. R. Davis. It was taken on Thursday, April 4th, as well.

Moving away from all of the introductory material down to the relevant part of his observation, Detective Davis said: You mentioned that the direction of the shot came from across the street, meaning the west side of Mulberry. What leads you to believe this vicinity is where the shot came from?

Answer: After the shot and Dr. King fell, instead of me going up to where Dr. King was, I ran to the street to see if I could see somebody, and I could see somebody. I

could see a person leaving the thicket on the west side of Mulberry with his back to me, looked to me like he had a hood over his head, and that's all that I could see.

Question: Can you describe in more

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detail this person that you saw?

Answer: No, sir, I cannot.

Question: Was this person leaving hurriedly?

Answer: In a hurry.

Question: In order to clarify this hood that you mentioned, can you describe it in some detail?

Answer: The only thing that I could see was something fitting close around his shoulders and was white in color.

Question: Could you tell if this person was carrying anything in his hands?

Answer: No, sir, I could not.

Question: How close to the street was this man when you first observed him?

Answer: He was a few feet west of the retainer wall in the brushes and was going west toward Main Street when I first noticed him.

Question: Prior to the shooting, were you outside around this area where you possibly could have seen a suspicious type of person hanging around or passing by the Lorraine Motel?

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Answer: The only thing that I saw was a squad car passing with four men in it, and they were driving slow and they were looking toward the Lorraine Motel and they

were cruising real slow, and in a few minutes after – they had passed by, and a few minutes after they had passed by, the incident happened.

Question: In regards to the description on the above-mentioned man wearing the hood, describe in detail all you can about the clothing and physical status.

Answer: It looked to me like he had on a one-piece jacket and hood, and it appeared to be of white material. He appeared to be a small person and he was moving real rapidly. I could not describe his clothing below the jacket. I did not observe any car of a suspicious nature around this area and did not watch to see if this man attempted to enter a car, because I then turned back to Dr. King.

That concludes those two statements of Solomon Jones.

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MR. PEPPER: Your Honor, plaintiffs will call next Professor Phillip [Philip] Melanson.

THE COURT: All right. Maybe we ought to take about ten minutes.

(Jury out.)

(Short recess.)

THE COURT: All right. Bring the jury in.

(Jury in.)

THE COURT: All right. Call your next witness.

PHILLIP [PHILIP] M. MELANSON

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Professor Melanson.

A. Good afternoon.

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

A. Phillip [Philip] M. Melanson, 18 Partridge Place, Marion, Massachusetts.

Q. What is your occupation,

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Mr. Melanson?

A. I'm a professor of political science and an author.

Q. How long have you been a professor of political science?

A. Twenty-eight years.

Q. Have you had a particular interest in any special area of American history or political science?

A. Yes. Political violence and assassination is my main area of expertise. I've written thirteen books, including one on the U.S. Secret Service and how they protect presidents.

Q. Have you in the course of your work considered the assassination of Martin Luther King?

A. Yes, sir, I have.

Q. When did you do some research and investigation of the assassination of Martin Luther King?

A. Approximately between 1980 and 1990.

Q. Could you tell us some of the – the nature of some of the investigative work that

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you did and research that you did?

A. Yes. I read the complete files as available of the FBI and whatever Memphis Police documents were released. I interviewed crime scene witnesses and law enforcement officers here and in Canada who had a connection with the case in arresting Mr. Ray or in investigating the crime scene and talked to as many people as I could find.

Q. How long would you say you devoted – how much time would you say you devoted to this investigation, this effort?

A. Well, I was carrying on my normal academic duties, but I think it is probably fair to say that five years of those ten years, the working hours were probably devoted to researching Dr. King's assassination.

Q. And you published a work on this case?

A. Yes.

Q. What was the name of that work?

A. [*The Martin Luther King Assassination.*](#)

Q. When was it published?

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A. That was published in 1988. There have been several subsequent editions of the book with additional material.

Q. Now, Professor Melanson, you've stated that your work took you – your investigative work on this case took you to Memphis?

A. Yes.

Q. And that you interviewed a number of people, including law enforcement officers?

A. Yes.

Q. Was one of the officers who you interviewed a Memphis Police Department inspector named Samuel Evans?

A. Yes, sir, it was.

Q. What is Inspector Sam Evans' significance in this case? Just generally what was his role in the police department, what is the significance that you have seen?

A. The avenue that I was researching was that inspector Evans was the commander of the Memphis Police Force Tactical Units or Tact Squads. He was in charge of their mobility and deploying them. I was particularly

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interested in what had happened to them at the time of the assassination.

Q. All right. Now, would you just describe for the Court and the jury what is a tactical unit and what was the tact squad?

A. Well, I use "unit" and "squad" interchangeably. The Memphis Police Department specifically for Dr. King's visit formed six tactical units that they had not formed before. And they were essentially riot control units consisting of three to four vehicles, police vehicles, with two to three officers in each vehicle, and there were six of these tactical units formed, four of which were deployed around the Lorraine Motel.

Q. Now, when you say they were deployed around the Lorraine Motel, this is the Lorraine Motel. Can you see this?

(Indicating diagram on easel.)

A. Yes.

Q. Where would they have been deployed? Would they have taken up residence in the lobby? Do you have a sense of where they

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were in the motel area?

A. From reading the documents and in talking with Inspector Evans, most of them

were intended to be mobile, and their orders were to be within a five-block radius of the Lorraine Motel because their central concern was Dr. King and his party. And so their presence was specifically for him. That's why they were going to include this tight, if you will, law enforcement net around the Lorraine.

Q. Right. Was there a particular unit, a Tact 10, that was actually based at the Lorraine Motel at that time? Do you recall?

A. I'm not sure my information speaks to Tact 10 being based at the hotel. I know that they were in the firehouse, but I don't have that information.

Q. Right. But before they were in the firehouse, they were in the proximity of the Lorraine Motel?

A. Tact 10, yes.

Q. Now, did you become aware of – did you ask Inspector Evans how they were removed

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to the fire station or what caused them to be removed from the area of the Lorraine Motel to the fire station?

A. Well, my understanding from Inspector Evans and from the documents was that on April 3rd and up and to the morning of April 4th, the day of the assassination, the four deployed tactical units with approximately ten or twelve cars were in various locations within a five-block radius of the Lorraine, including proximity to the Lorraine and the firehouse and other specific areas. They were all within that block area as ordered.

On the morning of the assassination, the order came for the tactical units to be withdrawn outside of a five-block area, therefore, disbursing them at a much greater distance and removing their presence from the immediate what would become the assassination scene.

Q. So there was an order on the morning of the assassination that yet another level of security for Martin Luther King be removed?

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A. Yes.

Q. Who gave that order?

A. The order was given by Inspector Sam Evans. He not only told that to me in the interview, but he is on record as having said in the [House Select Committee](#) report that he in fact ordered those tactical units to be removed. They were under his command. He gave the order.

Q. Inspector Evans, as an aside, is deceased at this time?

A. Correct.

Q. And he informed you that he gave the order that these units be withdrawn, be removed or be pulled back?

A. Yes. He referred to them as "his units," yes.

Q. What reason did he give you for removing these units?

A. He told me that he had been requested by a member of Dr. King's party to remove the units from proximity to the Lorraine Motel.

Q. He received a request from a member of Dr. King's party to remove the units?

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A. Yes.

Q. Did he say which member of Dr. King's party made this request?

A. That's the question I asked him. He immediately responded that it was the Reverend Samuel Kyles.

Q. The Reverend Samuel Kyles requested that the security forces, the tact forces around the Lorraine Motel, be removed?

A. Yes.

Q. Was the Reverend Samuel Kyles – did he have any position or anything to do with the Southern Christian Leadership Conference?

A. Not to my awareness. I think politically he was more of a local person in Memphis politics.

Q. He was a local pastor?

A. Yes.

Q. So you are telling us, Professor Melanson, that Inspector Evans was telling you that a local pastor's request was behind the removal of this security umbrella for Dr. Martin Luther King, Jr.?

A. Yes.

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Q. As one who was looked into these matters, does it make sense to you that police department security in a time like this would be determined by a local pastor's request?

A. It makes no sense to me whatsoever in terms of law enforcement chain of command or in terms of what I understood to be the duties and responsibilities of everyone involved.

Q. But yet when you asked him that question, he didn't hesitate, he said that this is why he acceded. Did he say why he acceded? Did he say he disagreed or he thought he had to do this? Did he give any reason for that at all?

A. No. He simply said that request had come and they had honored the request.

Q. On the day of the assassination?

A. The morning of the assassination.

Q. The morning of the assassination?

A. Yes.

MR. WILLIAMS: No further questions.

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MR. GARRISON: I don't have any questions for this witness.

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

(Witness excused.)

THE COURT: Your next witness.

MS. ATKINS-HILL: Your Honor, at this time we'd like to read the transcribed statement of Kaye Pittman Black. It was transcribed in the documentary trial in 1993. She was sworn, but this was not a formal legal proceeding, Your Honor. The statement was sworn testimony.

THE COURT: All right. Go ahead and read.

MS. ATKINS-HILL: Okay.

Starting at page 2018 –

THE COURT: Read her name into the record for the –

MS. ATKINS-HILL: Her name is Kaye Pittman Black.

THE COURT: Pittman is spelled P I T T –

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MS. ATKINS-HILL: It is P I T T M A N.

THE COURT: Go ahead.

MS. ATKINS-HILL:

Question: What is your present occupation?

Answer: I'm administrative assistant to Sheriff A. C. Gillis.

Question: What was your occupation back in 1968?

Answer: I was a reporter, civil rights reporter, basically at that time.

Question: For which newspaper?

Answer: *The Memphis Press Scimitar*. It closed in 1983.

Question: All right, Ms. Black, how long had you been a reporter at that time?

Answer: 26 years about, but twenty-one years with the *Press Scimitar*.

Line 13.

Question: Were you familiar with the issues of the sanitation strike?

Answer: Very definitely.

Question: Did you cover that on a

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regular basis?

Answer: Yes. I also helped out at city hall to Mr. Porteous, who was the senior reporter at city hall. And I assisted him.

So I knew both sides. Mostly I was on the street at the sanitation strike. I would go to Clayborn Temple every day in March.

Question: Were you known and familiar with political leaders of Memphis at that time?

The top of page 2020.

Answer: Yes.

Question: Did you, for example, know former Mayor William Ingram?

Answer: Very well.

Question: How long had you known Mayor Ingram?

Answer: I would say from the time of his election, which was – I moved here in 1962 to go to work. It would have been after that period. I can't remember when he was elected. I don't have a date available without a newspaper, so I can't tell you.

But it was prior to the sanitation strike. Mayor Henry Lobe was mayor at the time of the

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strike.

Question: Without telling us exactly what was said, but did you have a telephone conversation with Mayor Ingram on morning of April the 5th?

Answer: Yes, I did. He called somewhere between I would say seven and ten. The reason I say seven is most of us had been up all night. A lot of us came in at seven, some had gone home. So it would have been between seven and ten.

Question: And as a result of that conversation, did you go over to the South Main Street area?

Answer: Yes.

Question: Where did you go and what did you observe at the South Main Street area?

Top of page 2021.

Answer: The trees which lined the embankment behind the rooming house and which would have overlooked the Lorraine Motel had been cut and the area had been cleared and cleaned.

Line 20.

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Question: Would you show us the area where the trees that you are talking about were located?

Answer: They would have been – this faces the Lorraine back, the back of the rooming house, correct?

Question: That's the rooming house. That's the back area of the rooming house there.

Answer: This is where the embankment would have been where the trees would have been. It overlooks the Lorraine.

In other words, someone here up in the rooming house would have had to look down to the Lorraine because the embankment was taller than me, which means, you know, which I'm not very tall, but it would have been six or eight feet tall. I think it was a concrete embankment holding up the back of the building.

Line 16.

Now, you received this call on the morning of April the 5th?

Answer: Right.

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Question: And at what time did you go down to that area and make that observation?

Answer: I'm going by a long memory, but I remember telling the city editor about it, and he said, I'm pretty sure I went out right after home edition, and home edition was twelve o'clock deadline.

So it would have been probably oneish. I wouldn't have gone out before home edition, which meant it would have been in the next day's paper, which edition, I couldn't tell you, but I remember city hall.

The city hall reporter had gotten a statement from city hall saying that a sanitation crew cleaned it up to make it look better for all the people coming into town.

Question: Had you been down in that area before a number of –

Answer: Every day.

Question: Every day?

Answer: Every day.

Question: Were you then quite familiar with the way the area looked?

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Answer: Very familiar, right, very familiar.

Question: And you were thus able to ascertain that there had been a cutting?

Answer: There was a total demolishing almost. It was just scrubs. It wasn't any fine trees or anything. There were willows and scrub ash and stuff like that.

Dr. Pepper: No further questions.

There was a recross, page 2024, line 1 – line 2.

[**Question:**] Mrs. Black, did you say it was a total cleaning? Were there any trees left standing?

Answer, there were probably pieces, you know. They topped a lot of them. They just topped a lot of them and some they trimmed. They were trying to clean it up, they said.

THE COURT: All right. Your next order of proof?

MR. PEPPER: I think that will do it for today, Your Honor. Apparently they have located one witness who is due here, but

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he is probably ten minutes away. I think is probably not useful to delay the Court that

period of time. If we can just resume in the morning.

THE COURT: All right. Ladies and gentlemen, I know how mad it is going to make you, but we're going to stop at this point. We will resume tomorrow again at ten o'clock. I remind you don't discuss this matter among yourselves or with anyone else until you start your deliberations.

All right, Mr. James.

(The proceedings were adjourned at 4:07 p.m.)

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