

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

**Volume 6**

23 November 1999

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THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE

THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

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CORETTA SCOTT KING, MARTIN

LUTHER KING, III, BERNICE KING,

DEXTER SCOTT KING and YOLANDA KING,

Plaintiffs,

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

LOYD JOWERS and OTHER UNKNOWN

CO-CONSPIRATORS,

Defendants.

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BE IT REMEMBERED that the above-captioned cause came on for Trial on this, the 23rd day of November, 1999, in the above Court, before the Honorable James E. Swearingen, Judge presiding, when and where the following proceedings were had, to wit:

VOLUME VI

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

**THE COURT:** Are we ready for the jury?

**MR. PEPPER:** Ready, Your Honor.

(Jury enters. )

**THE COURT:** Good morning. We are we ready to resume the trial, I think. Mr. Pepper, call your next witness.

**MR. PEPPER:** Thank you, Your Honor. Plaintiffs call Dr. Jerry Francisco to the stand.

**DR. JERRY T. FRANCISCO,**

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

DIRECT EXAMINATION

BY MR. PEPPER:

**Q.** Good morning, Dr. Francisco.

**A.** Good morning.

**Q.** Thank you very much for joining us this morning. For the record, please, would you state your full name and address.

**A.** Jerry Thomas Francisco, Memphis, Tennessee.

**Q.** And what do you presently do, Dr. Francisco?

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**A.** As little as possible. I'm retired.

**Q.** And what was your previous employment?

**A.** I was professor of pathology at the University of Tennessee, County Medical Examiner for Shelby County.

**Q.** And what position did you hold in April of 1968?

**A.** I was essentially in the same position – in pathology at the University of Tennessee and county medical examiner for Shelby County.

**Q.** Would you tell us roughly, prior to April 4, 1968, how many autopsies had you performed?

**A.** I have no idea of the precise number, but it would be measured in thousands.

**Q.** Would many of those have been caused – those deaths have been caused by homicide?

**A.** Yes.

**Q.** And would many of those homicide deaths have been caused by gunshot wounds?

**A.** Yes.

**Q.** And would a number of those gunshot

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wounds have been rifle shots?

**A.** Well, the rifle is an unusual weapon, and it's an uncommon form of gunshot – at

least in civilian practice.

**Q.** All right. But did you have previous experience with respect to deaths caused by rifle wounds?

**A.** Yes.

**Q.** When were you first notified of the death of Martin Luther – well, the shooting of Martin Luther King, Jr.?

**A.** It was probably from the – from the media.

**Q.** You heard it on the media?

**A.** That's correct.

**Q.** Do you recall was that shortly after the event?

**A.** Yes.

**Q.** And what did you do when you heard about the shooting?

**A.** Well, the shooting occurred on a Thursday night. And Thursday night in the Department of Pathology is a traditional time in which the faculty gather to have what we call a conference. It was called the

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Thursday night conference in common parlance.

And several members would usually get together to have dinner prior to the conference which started at 7 o'clock. A friend of mine – we were having dinner at what was then the faculty club when we heard the news that Dr. King had been shot. And we came to the Institute of Pathology at about 6:45, 7 o'clock, knowing that he was dead, and proceeded to do the things that needed to be done.

The conference was cancelled. The members left with the admonition if I needed help to give them a call and they would be glad to assist.

**Q.** Did you eventually perform the autopsy on Martin Luther King, Jr.?

**A.** I did.

**Q.** Do you recall the date that you performed that autopsy?

**A.** No. It was the day he died.

**Q.** Dr. Francisco, let me provide you with a copy of this autopsy report just to assist in the refreshing of your

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recollection.

**A.** All right.

**Q.** Okay. Do you see the date of that report?

**A.** Yes.

**Q.** When then was the autopsy performed?

**A.** April the 4th, 1968.

**Q.** And your report was dated April 11, 1968?

**A.** Well, the finalization of this report was April the 11th, 1968.

**Q.** Had any work begun on the autopsy before you arrived, or were you there right at the beginning and supervised the entire procedure?

**A.** The latter. The autopsy does not start until the pathologist arrives.

**Q.** Were there any assistants present at the time?

**A.** Yes.

**Q.** Do you recall who they were, Dr. Francisco?

**A.** No.

**Q.** That's understandable. It's a long time ago. Were there any other persons

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observing the autopsy that you recall?

**A.** Well, they were not really observing. There was a law enforcement officer inside the autopsy suite with a shot gun, a law enforcement officer outside the autopsy suite with a shotgun. But as far as observing the autopsy, no, they were not.

That's not their business. That's not their purpose. That's not their mission in life. They played no active role in the autopsy.

**Q.** Did you employ the standard procedures for the performance of this autopsy?

**A.** Yes.

**Q.** Are procedures – do procedures vary? Are they different in terms of a rifle wound as opposed to any other type of gunshot wound?

**A.** No. There's much – there's as much standardization of an autopsy as there is in trying a case. There's certain overarching principles that are applied. But in the detail, there are significant changes and variations that are professional judgements that each pathologist makes during his

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autopsy.

**Q.** That's very helpful if you would continue to explain these procedures to the jury. We're calling you, of course, out of turn. You were originally slated to be a background witness so that the jury can be aware of the procedure and the cause of death and the nature of the wound and so forth. So it's very helpful that you will address the jury on these matters.

Did you dictate the – your observations as you performed the autopsy?

**A.** I think so, yes.

**Q.** And those would have been reflected in your final report?

**A.** That's correct.

**Q.** Could you describe for the jury the condition of the body when you observed it at the beginning as you recall?

**A.** I don't understand the question.

**Q.** Well, can you describe the – basically can you describe the condition of the body that you were about to perform the autopsy on. What did you observe in terms of the wound that had been inflicted?

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**A.** Well, it was a gunshot wound to the jaw which had been surgically altered at the emergency room in an attempt to stop the bleeding. Is that what you had in mind?

**Q.** Yes, that's right. And that was the – that was the entry wound?

**A.** That's correct.

**Q.** Did you notice an exit wound?

**A.** There was no exit wound. The bullet was retained within the body.

**Q.** To the best of your recollection and your knowledge at this point, was that entry wound a single wound?

**A.** In contrast to a double wound?

**Q.** In contrast to multiple wounds, yes.

**A.** Yes, it was a single wound, right.

**Q.** And where was the – to the best, again, of your recollection, where was the fatal bullet lodged in the body?

**A.** It was beneath the skin in the back on the left side.

**Q.** Inside the circle there is a shaded raised area. Do you recognize that as the

lodging – the place where the bullet lodged as you've described it?

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**A.** It could be. I can't orient myself with that photograph.

**Q.** But that could be?

**A.** Well, I don't know what the photograph is. I have no idea. I didn't take it.

**Q.** The photograph is a photograph of the body of Martin Luther King on the autopsy table. And that's the lower left shoulder blade.

**A.** Could you turn the photograph around, please. One more turn. Yes, sir, that is the correct orientation of the photograph, and that is a photograph that could be the location of the bullet beneath the skin.

**Q.** That is the bullet that could be the bullet beneath the skin that you have described?

**A.** That's correct.

**Q.** In the course of your performing this autopsy, were you able to determine the path of that bullet from entry to the final point of lodging?

**A.** Yes.

**Q.** Could you describe the path of that

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bullet for us, please.

**A.** Front to back, above, downward, right to left.

**Q.** Were you able to determine if any – what – in the path of the bullet if it hit any interior organs of the deceased's body?

**A.** Yes.

**Q.** Would you describe those for us.

**A.** The right mandible, or jaw bone, the right vertebral artery which is the artery running from the arch of the aorta up into the head, the spine, T1 and C7, the spinal cord, upper cervical – lower cervical, upper thoracic, the submucosal hemorrhage to the voice box, the larynx. This is the force of the bullet passing through. The force around the bullet path damaged the larynx, and there was a bruise or hematoma to the upper right lobe.

Again, this was the force of the bullet. There are circumferential forces around the path of a bullet that will bruise or damage organs not actually hit by the bullet but in juxtaposition to this bullet path.

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**Q.** Thank you. And what time did you determine was the time of – the actual time of death?

**A.** The autopsy does not determine the time of death. The time of death in most cases is determined by the time a person is pronounced dead. And that's a historical fact.

The autopsy does not, independent of this historical fact, elaborate and determine a time of death. The intimation that we had was some time in the p.m., in the neighborhood of 4, 5, 6, 7 p.m.

**Q.** While he was – if he was shot at 6:01, presuming that the time of death would have been some time after that, between 6 and 7 p.m.

**A.** Again, those are historical facts. And the time of death is determined by the historical facts, not by autopsy procedures.

**MR. PEPPER:** Plaintiffs move to enter the autopsy report.

(Whereupon said document was marked as Trial Exhibit Number 6.)

**Q. (BY MR. PEPPER)** Dr. Francisco, didn't you trace the path of the bullet in the

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body? Did you actually conduct a tracing procedure with respect to the path of this bullet?

**A.** Yes.

**Q.** And it is as – and how did you – how did you actually conduct that tracing procedure?

**A.** By looking. It was not difficult to see what the bullet had passed through in its passage through the body with the autopsy techniques because the organs are removed, the vital structures are removed. It's not difficult to see what the path of the bullet was. It's a relatively short path. The entry point was clearly visualized.

The terminal point was clearly visualized. And the bullet generally travels in straight lines through the body. There are very unusual circumstances in which the bullet goes in something other than straight lines. But bullets do not go zig, zag, zig, zag. They just don't do that. That's not the way bullets travel in bodies.

**Q.** Unless they're deflected. As you said, unless they're deflected by –

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**A.** Well, bullets are hard to deflect. If the bullet velocity is low enough that a body part can deflect it, generally the bullet stops. There are rare circumstances – for instance, there are circumstances in which the bullet enters the skull and because of low velocity of the bullet, it will travel along the inner path of the skull coming around to this side.

But bullets do not enter here and go over the top of the skull and come out on this side. They just don't do it like that. Science fiction notwithstanding, they just don't do it that way.

**Q.** Thank you. Did there come a time, Dr. Francisco, in 1969 when you were asked to testify before a guilty plea proceeding presided over by the Criminal Court of Shelby County?

**A.** Yes.

**Q.** And was that proceeding held on the 10th of March, 1969?

**A.** I presume so. Again, I don't have records of that date and time. But at whatever time the records reflect, there was

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testimony in the criminal courts of Shelby County to the guilty plea of James Earl Ray, and it was necessary to establish cause of death by testimony.

**Q.** Dr. Francisco, let me pass to you for – again, for refreshing your recollection, the relevant pages of your testimony before the guilty plea proceeding.

**A.** All right.

**Q.** It begins on Page 30, and you're subject to direct examination by Mr. Duire.

**A.** I'm sorry. Was that a question?

**Q.** No, it's a statement. Now, moving on to Page 32 – if you would move to Page 32, after discussion of the cause of injury, how death occurred, you were asked: "Did you recover anything from the body, Dr. Francisco?" And your answer?

**A.** "Yes."

**Q.** The question was: "I'm going to show you an object and ask you if you can identify" – "and ask you if you can identify those, Dr. Francisco." Your answer was –

**A.** "Yes."

**Q.** "And what is that, please." And then

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you were shown, I believe – do you recall this photograph of bullet fragments that you were shown?

**A.** I've seen that photograph more than once. Do you have the bullet?

**Q.** We don't – we don't have the bullet in this courtroom. But do you recognize that as a depiction of what they showed you on that day?

**A.** Well, that certainly could be, yes. That's the jacket and the two pieces of lead that were present in that bullet. So they certainly could be the bullet that I was shown. However, there is a marking on the jacket that is the autopsy number that defines the jacket as the jacket that I removed. And I cannot see that from this photograph.

**Q.** But the question was at that time – if this is a correct depiction – this is the bullet that was removed from the body at the time of autopsy. And you answered – you answered: "This is the bullet that was removed from the body at the time of autopsy."

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**A.** Let me make something very clear. This photograph is not necessarily the photograph of the bullet that was shown to me during this testimony. What was shown to me during this testimony was the bullet that I removed. And I looked at that bullet, and I said, yes, this is the bullet I removed.

I don't know anything about this photograph. But I do know that during this testimony the bullet that was shown to me was the bullet I removed.

**Q.** Dr. Francisco, could you describe the bullet that you removed from Dr. King's body.

**A.** It was a bullet with a jacket and with lead.

**Q.** Was it intact?

**A.** It was damaged. A jacketed bullet, in which the jacket has been peeled back, is a damaged bullet in which the lead that's on the inside is loose and can come out very easily, very readily –

**Q.** Dr. Francisco –

**A.** – as it did in this case.

**Q.** Was the bullet that you removed from

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Dr. King's body one piece, an intact bullet?

**A.** What I removed from Dr. King was a bullet that was intact at the time I removed it. However, there were two pieces of lead.

One that was very daintily attached to the other because of its damaging and, therefore, any kind of handling, moving or examination, these two pieces of lead could come detached from one another. The lead that was still inside the jacket can come loose at any time and, therefore, representing three pieces at some later time because it's been altered in the examination process, just the handling process.

**Q.** How could you – how did you identify the fragments that were shown to you though as the bullet that you removed?

**A.** Because it had the same topography, configuration, color, shape, of a photograph I made of that bullet at the time I removed it from the autopsy. It also had my autopsy number scratched on the base of the jacket, which is the most vital part of bullet, the numbers 252.

**Q.** So you have no question then that the

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bullet you were shown at the time of the guilty plea hearing was the bullet that you took from Dr. King's body even though it was in different pieces?

**A.** No question whatsoever.

**MR. PEPPER:** Thank you, Your Honor. Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

**Q.** Dr. Francisco, we have talked about the wound. Was it a – what you would classify as a large wound – the entry wound, was it a large wound?

**A.** It had been enlarged by surgery. It was not particularly large in terms of what

wounds – what bullet wounds can cause. But it had been enlarged by surgery. It certainly was a lethal one.

**Q.** Did you do anything to probe the wound? Insert anything to trace the path of it?

**A.** No. You don't – you don't probe wounds for determining the path. That has a tendency to alter the wound. And probes are not something you do if you're going to do an

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autopsy.

**Q.** Which side of the jaw was it that – it's your understanding it would have been his right side?

**A.** To the right side.

**Q.** Just under the jaw bone?

**A.** Well, it was just adjacent to the angle of the mouth. It was present, as I'm pointing right here, just to the angle of the right side of the mouth.

**Q.** Dr. Francisco, I know you've performed thousands of autopsies. And are you familiar with calibers of weapons and a bullet that comes from a certain caliber?

**A.** In a general sense. The caliber refers to the cross-sectional diameter of the bullet. A .7 millimeter bullet is 7 millimeters in cross-sectional diameter. A .22 caliber bullet is 22 one-hundredths of an inch in cross-sectional diameter. I'm familiar in that sense, yes.

**Q.** Would this bullet have been a bullet that would have been fired from or shot from a weapon – a rifle or a 30 aught 6?

**A.** Could have been.

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**Q.** Was it conformed to that size?

**A.** Approximately that size, yes.

**Q.** And was this bullet an expanding type bullet where it – or could you determine? You said it was damaged.

**A.** Well, this is a partial jacketed bullet. And the whole purpose of a partial jacket is that it expands as it strikes a hard object and, therefore, mushrooms and produces a larger surface after it strikes than before it strikes.

**Q.** Now, Dr. Francisco, you were asked by the district attorney to visit the scene of where this supposedly occurred. Am I correct, sir?

**A.** That's correct.

**Q.** And did you – did you visit the scene in the so-called rooming house where you were upstairs in a bathroom and also down in the lower area where there was – up over Mulberry Street but yet it was raised where there were some bushes, I think, that had been cut? Did you visit both of those scenes?

**A.** I did.

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**Q.** And did you also visit the balcony where Dr. King was supposed to be standing?

**A.** I did.

**Q.** And were you told as to what position he was supposed to be in at the time of the wound – the shot?

**A.** Well, there was a photograph. There was a photograph made of his position just before the shot was fired. So from the photograph I had seen what position it was.

**Q.** All right, sir. And did you determine or form any opinion as to what type of path this projectile took from the weapon it was fired from?

**A.** Yes.

**Q.** Okay. And what type of path did it seem – appear to you that it took from the time

it was fired from the weapon?

**A.** It appeared to be in a downward path.

**Q.** All right. Based upon your visiting the scene and the wooded area and the bathroom window and your observation of the wound and examining of the body, which location did you testify that it appeared to

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you that the shot came from?

**A.** Well, the shot could not have come from the base of the building. You couldn't see Dr. King from the base of the building because the land was up. You would have to be up closer to the ridge itself to be able to see Dr. King in that location. From the bathroom window you could see the body, and it was quite consistent with having been fired from that bathroom window.

**Q.** When you visited the scene, Dr. Francisco, there were some trees – I think what have been referred to as trees or bushes. Had they been cut at that time?

**A.** Yes, they had.

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

**THE COURT:** Anything further, Mr. Pepper?

**MR. PEPPER:** I have nothing further, Judge.

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

(Witness excused.)

**MR. PEPPER:** We move to admit

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the guilty plea proceeding testimony of Dr. Francisco.

**THE COURT:** All right. Exhibit 7.

(Whereupon said document was marked as Trial Exhibit Number 7.)

**THE COURT:** All right. Call your next witness.

**MR. PEPPER:** Plaintiffs call Mr. John Billings.

**JOHN E. BILLINGS, Jr.,**

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

DIRECT EXAMINATION

BY MR. PEPPER:

**Q.** Morning, Mr. Billings.

**A.** Morning, Mr. Pepper.

**Q.** Thank you for joining us this morning. Would you please state your name – full name and address for the record, please.

**A.** John Edward Billings, Jr., 787 West Drive, Memphis, Tennessee.

**Q.** And would you tell us, what is your occupation?

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**A.** Private investigator.

**Q.** And how long have you been a private investigator?

**A.** 30 years this year.

**Q.** And are you licensed by the State of Tennessee?

**A.** Yes, sir, I am.

**Q.** Did there come a time, Mr. Billings, when you became involved in the investigation of the assassination of Martin Luther King?

**A.** Yes, sir. My involvement began on April 4th, 1968.

**Q.** And how did your involvement begin on April 4th, 1968?

**A.** Well, sir, I was a junior at Memphis State University and I was working six afternoons and evenings a week at St. Joseph's Hospital. I was a surgical assistant. And we – I had just come on at 4 o'clock that afternoon. And it was kind of a slow day. We had a few operations going in surgery.

And we were up on the sixth floor. And we were standing outside the nurses' lounge, which is across from recovery and the

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cast room, which is a non-sterile room. And I remember standing out in the hallway when Mrs. Matthews, who is the head scrub nurse, came running out the door and said, get the cast room ready, Martin Luther King has been shot – been shot in the leg.

So we were sort of stunned. And we went over to start getting the cast room ready, which was a non-sterile room. We were kind of excited because, you know, we were getting ready to meet Dr. King. And being – the cast room would be a flesh wound, so we didn't think it was a severe wound.

But within a minute or two Ms. Matthews came back out and yelled at us to get Room 1 ready. And that's all she had to say because Room 1 was the neuro room, so we knew it was a head shot.

Then she asked me to go around through surgery around by the back elevators and get a gurney and come back up and meet her. So I went around – walked through surgery and went around to get the gurney. And before I could get the gurney, I noticed two male figures beating on the door. There

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were these frosted doors back there, and they had a recessed button that would open them up, and they were having a hard time finding it.

So I reached over and opened the door. And two men – two male whites carrying machine guns – what appeared to be machine guns at the time – came running through the doors and down the hall. And this sort of startled a number of people, including some doctors who were doing surgery noticed this.

So I got the gurney, and I started back up the hall. And Mrs. Matthews rounded the corner and met me. And she told us specifically to go down the back elevator which went directly into the waiting room from the top floor down, and to bring Dr. King back up when it was ready for surgery.

And she was explicit about not letting anyone – mainly the press or anybody else on the elevator that was not concerned with Dr. King's health couldn't come back.

So we took the gurney and went down – when the doors opened to the emergency room – the

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emergency room was filling up with people which appeared to be Dr. King's entourage or his group of people. And I think Dr. Abernathy had just gotten there.

And there was a – kind of a quietness about it. There was no panic. There was no wailing or anything. It was just sort of like shock. Everybody – it was like a bomb had gone off.

So I went around into Emergency Room 1 through some other doors, and that was the room they were working on Dr. King. They had just brought him in at that time. And we went into the room.

We were wearing surgical greens, so we went into the room and stood against the wall and watched them work on Dr. King. I believe Dr. Rufus Brown was the resident in the emergency room that night, and he was sort of leading the team.

And Dr. Julia who was our neuro – resident surgeon was also – had just arrived, and they were working, it seems like, in teams. There were other doctors who were coming in. All the residents were busy working, and we just waited against the wall

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and didn't say anything.

This went on for a while. They were feverishly working – it seemed like for 30, 45 minutes or so.

**Q.** Let me interrupt you there. At that point in time when they were feverishly working on Dr. King, was it evident to you that he was alive – he was still alive?

**A.** Well, it appeared that they were because they were doing, it appeared to me, all the things – of course, Dr. King was sort of against the wall at the back of the room. And I could see the backs of the doctors feverishly working.

They were doing all the things that I knew of to bring him around and resuscitate him. There was constant motion. You know, they were – it was just constant motion in front of us. So, you know, we fully expected to take him to surgery.

**Q.** So you just stood against the wall and watched these procedures being carried out?

**A.** Yes, sir.

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**Q.** Who else was attending besides Dr. Rufus Brown and Dr. Julia at that time; do you recall?

**A.** I can't necessarily recall the names anymore. There was several doctors. I think one in particular that – I can't think of his name – was team leader. At the time it wasn't any designated people. It was like everyone was working together as groups, and there wasn't anybody really – they were all talking back and forth and doing things, and everybody was very involved in their work.

**Q.** Now, you just mentioned in passing two men, male whites, with machine guns who came running into the room –

**A.** Yes, sir.

**Q.** – whom you saw. Did you recognize who they were?

**A.** No, sir. I never seen them before.

**Q.** Did they identify themselves?

**A.** No, sir, they didn't.

**Q.** Did you ever see them again?

**A.** I don't recall because that night was – there were many men like that running around sur – I mean, in the emergency room

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that night. When we got down there, they were forming a ring around the walls which was maybe – they were a foot or two apart.

And there were officers, some wearing T-shirts, some wearing suits, some wearing uniforms, a variety of weapons. And they formed a ring completely around the inside of the back of the emergency room around the wall.

I mean, all the way through the other rooms. So it was totally secure at that point. And we had heard also that they were setting up flood lights at the hospital because the hospital was receiving bomb threats at that time.

**Q.** Were any of the people in the room around the walls in the periphery in uniform?

**A.** Some were in uniform, yes, sir.

**Q.** What kind of uniforms?

**A.** City police, it seemed like Shelby County. Some were just wearing, you know, suits with their jackets off. Shoulder – I mean, guns, pistols. There was – like I said, there was a variety of weapons.

**Q.** What time did it become evident to

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you as an observer that Dr. King was dead?

**A.** Well, the activity continued. And then I believe it was Dr. Julia or one of the doctors – several turned and walked up to me. They – I knew them – quite familiar. And they said, go get someone in charge. We need to speak to someone in charge.

So I turned and went out of the room and went out into the emergency room area where I had noticed one or two gentlemen wearing suits seemed to be more or less telling everyone what to do. So I approached them and told them that the doctor wanted to speak to them.

So we walked back around the corner into the emergency room. Right in the doorway of Room 1 where the doors open, they stood in the doorway, and the doctors informed them of something to the effect of Dr. King is – Dr. King is terminated. We have done everything that we can. We feel there's nothing left that we can do.

And at that time the gentlemen in suits told the doctors that they would like for them not to make any statements to the

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press or do anything for about an hour because they had to call out the National Guard. And if they could go out of the area very quietly or up the back steps or any way they could get out, they would appreciate it.

**Q.** Who were the gentlemen in suits?

**A.** I do not know. I don't know what their names were. I only had watched through observation that they were – they were telling other people what to do, so I figured they were in charge.

**Q.** Were they local people?

**A.** I do not know. I had never seen them before or since.

**Q.** You've never seen them before or since?

**A.** No, sir.

**Q.** They seemed to take charge of events at that point?

**A.** Yes, sir.

**Q.** Mr. Billings, moving on, many years later –

**A.** Yes, sir.

**Q.** – was there a time when you became an investigator – part of the investigative

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team for James Earl Ray and his post-conviction relief application?

**A.** Yes, sir, there was. I had – I had been working in Memphis a while. And I had a particular client that was – a high-profile client needed some help on. And I requested through an attorney, Sheldon Green, if he knew an investigator that I could use that's been around. So he mentioned Kenny Herman who had been an investigator at that point, I believe, 25 or 28 years.

So I met Kenny Herman, and we worked on several cases over a period of a couple of years. And during that period of time, he talked about working for you, Dr. Pepper.

And we used to laugh about the attorney who had a portable fax machine, because that was a new thing back then, and he would ride the train and take care of business on the fax.

And he talked about doing different jobs. I believe Kenny became involved when the *BBC* came over in the late 80's and did several documentaries on this. And Kenny did most of the research and looked up all these witnesses and, literally, between you and he

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pulled the case together. Which the *BBC* aired several different shows that was put together by you all.

**Q.** In the course of your work – and would you say your role grew with time as that investigation continued?

**A.** Yes, sir, it did. We – we sort of discussed it a lot. Not that much because I was under the impression that James Earl Ray was the gunman, and what was the big question. You know, what's the big deal? He plead guilty. You know, I didn't understand all the flurry of activity. And we would talk about – Kenny never pressed it until – at one point we were talking – we were doing surveillance one day. And he showed me a contract, and it was – he said that I believe you and he had felt like it would be very difficult for James Earl Ray to ever get another real day in court.

And the idea was to possibly do a mock trial which had been done previous to this. And you felt that maybe through a mock trial you could get some of this stuff out and to the public.

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**Q.** So then you became involved in the investigation –

**A.** Yes, sir.

**Q.** – prior to the television mock trial?

**A.** Yes, sir. We felt like that we as investigators probably did the first investigation that was ever fully done on this case. And the people we talked to, we found that that was probably true. That no one as far as James Earl Ray, in the early stages of his defense before he plead guilty, had really adequately done an investigation and touched all bases. And, of course, new information had been released from the government through their files that gave us more insight into the case.

**Q.** Moving ahead from the – the television mock trial, did you become involved at one point in the investigation that focused on the existence of a man called Raul?

**A.** Yes, sir, we did. Up until – throughout our investigation leading up to the mock trial, we discussed Raul. And we

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had very little – any – no leads other than James' statements to the effect that, of course, Raul was the man he met at the Neptune Bar in Canada by the docks – the

maritime docks, and his descriptions of him and his various associations with him, traveling to Mexico, et cetera.

We all felt like ever finding Raul – and we, of course, thought maybe that was just a code name, you know, or a nickname or something. We weren't sure. So we didn't hold forth a lot of hope. We investigated as best we could, but we had absolutely no leads.

**Q.** What did you understand – according to Mr. Ray, what did you understand was the role that the alleged Raul played?

**A.** Well, according to James, the role that he played was – James, of course, was on the run, looking for a way to get out of the country and had made it into Canada. And James typically, looking at his record, would hang out in sort of seedy type bars and stuff to try to make contacts with people who could help him do things.

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And that was sort of his M.O. And he said that he was in the bar one time and he met a fellow named Raul. And they started talking. And Raul – he said – he described him as a Latin looking fellow. He said that Raul offered to help him. He said, I've got certain ways you can make some money if you would just do certain jobs for me, some of which included driving cars into Canada and out of Canada.

I believe at this time James got different sets of ID's. And James always told me that he was just looking for a way to get out of the country. He was trying to get away because he was a fugitive.

**Q.** Do you recall the bar in which he said he met Raul?

**A.** I believe it was the Neptune Bar.

**Q.** Where was it?

**A.** I want to say – I can't recall right now.

**Q.** All right.

**A.** But I do remember the Neptune Bar.

**Q.** Okay. So you're involved now with the investigation of the existence of this

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Raul, focusing on him.

**A.** Yes, sir.

**Q.** Did there come a time after the mock trial when information came to you – a person came to you who had information about such a person?

**A.** Yes, there was. Some months after the trial, we sort of went – when we won the mock trial, we were all under the impression that something was going to come of it. We had raised a lot of issues. There had been a lot of witnesses coming forth, and a lot of witnesses that were not included in the movie. The movie actually – the trial lasted, actually, around 79 hours. I spent ten days with James in the prison passing notes and stuff because he was not totally familiar with that investigation. All of this had happened very rapidly.

So James and I really – you know, I actually saw the entire 79 hours. They, of course, tried to condense this into three hours. And that's like trying to condense this into three hours. I think it would be very difficult.

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But some time after that a lady named Glenda Grabow and Roy Grabow came from Mississippi and contacted us and said that they had some information for us. And Kenny and I met with Glenda and Roy Grabow and listened to what Glenda had to say.

Upon hearing her first statements that we got into with her, I found it – I didn't necessarily believe her. I thought this was too – too incredible. And it's also – it was – I mean, the things that she told us – you know, at that point I thought possibly that the government or somebody had put her in to try to further discredit us. Because that was an ongoing thing during all this period of time.

And – but the more that we talked with Glenda and the more information that we got as investigators, we, of course, felt like we were going to check it out. And me, I was sort of in the course of mood to disprove her. Because I said, this is – this is – I

mean, either we're getting one – a great break, or this is just a fictitious story.

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Of course, once we began to check out her story, it began to fall into place. And that was – that was the amazing part of it.

**Q.** What did you understand? What did you come to believe happened with respect to the existence of Raul? What new information came to you from this source?

**A.** Well, she discussed her – her story was that she was a young girl whose family had moved to Texas when she was probably 12, 13 years old – had moved to Houston. And while she was there, her family evidently was in an abusive style with her. I believe that was pretty much what it was. And she was – she was hanging around the areas where she lived.

And in this area she met a fellow named Jack. And her – she and Jack became somewhat friends, I believe later intimate friends maybe. And with this she had met Raul – a fellow named Raul. And when she told us about Raul, she said, I don't know his last name because his – he always went by the name Dago. She didn't know what

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nationality he was other than he was foreign.

And she had had – she had come to know this man and his uncle called Amaro. And she got to know them, and I believe she stated that she had made some pornographic movies.

**Q.** Did this individual whom she described as Raul, in many ways describing him and talking about this against her own interests, did – at some point did this individual – did it become evident to her that he had played some role in the assassination of Martin Luther King?

**A.** Yes. She stated that – she made it clear to us that – she said that she thought he was involved in other things. But she – this – we asked her what – why would she think he was involved with this. And she stated that it had been rumored among the

circle of people she was working with and running with at that time that they were involved in the King assassination.

And then there was an incident one time that really seemed to stand out in her

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mind and sort of hurt her, and it was very painful for her to talk about. She stated she was working one day. And she worked with these people in various illegal activities or, shall we say, shady activities. And they sort of used her, I think, to do things for them, run errands and stuff.

But she stated that they were sitting at a table one day working on some things. And Raul came in, and she was looking through a little view finder – a little plastic thing, which she still had one we looked through, and it was Martin Luther King, Robert Kennedy and John Kennedy, and there was a little picture of them.

And Raul, she said, came into the room and said, what are you looking at? And he evidently looked at it and went off about it and told her that he had already killed the – I believe she referred to it as – the sonofabitch once, do I have to kill him again? Or something to that effect. And then drug her into a room and raped her.

Which was odd because they had had intimate relations before, but it was very upsetting

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to her and him.

**Q.** It was an act of violence against her.

**A.** Yes.

**Q.** And a very traumatic experience for her as you perceived it?

**A.** Yes. And Glenda was sort of damaged goods. You know, she had been abused a good bit of her life. And she has – she doesn't have the complexities to – to fabricate an elaborate complex story which is what she was telling without losing a train of

thought which made it very credible to us.

**Q.** Has she from that day to this told basically the same story?

**A.** Yes, she has.

**Q.** In terms of the details.

**A.** Yes. She's very good on the details which, as an investigator, tells me it's – it's hard to maintain a lie. The more complex the lie, the harder it is to remember the details, but –

**Q.** How long has – has this story been told by this person?

**A.** From the day we met her.

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**Q.** When was that in terms of years?

**A.** Probably nineteen ninety – I want to say maybe the fall of '93, '94, somewhere around in there. Right after the movie.

**Q.** So for some six years the details have been consistent?

**A.** Yes, they had. And we have talked to her on many occasions. I've deliberately brought things up to test her memory to see if she can recall what I was talking about. And she does. And to me that gives her the credibility.

**Q.** Did there come a time when you actually went to Houston along with others – or even independent of others and checked out some of the aspects of her story for yourself?

**A.** Yes. We discussed among us at this point – it was Kenny Herman and I and then Jack Saltman who was the director of *HBO* – Tim's movie, who after making the movie became very involved in this.

**Q.** And by "the movie" you mean what?

**A.** The trial of James Earl Ray.

**Q.** The trial, okay.

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**A.** And Mr. Saltman had been – he sort of – when I first met him, he was skeptical. It was just a job to him. And once he had gone through and seen the 79 hours and the witnesses and heard all of this, he was totally convinced that something was wrong. And I believe Mr. Saltman felt like he wanted to help get to the bottom of this. So we discussed how can we find this information out in Houston.

And myself – I knew some people in Miami and New York that I had worked for through some of the years. And it – being an investigator, you meet a lot of different people. And, anyhow, I asked him a favor, if they could open some doors down in Houston.

And they made some phones calls. These are some very, shall we say, powerful people. And they made some phone calls to a big bond company in Houston. And the people at the bond company met with us and opened the doors to people like retired federal judges, people who owned theaters, people who knew Glenda. Some of which said, you know, yes, I – I mean, all of them

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admitted to knowing Glenda in somewhat of an intimate way.

One of them even produced pictures of her and gleefully said, these are photographs I have of her. I keep them under my bed, but I'm not going to show you the good ones. Which stunned us. Everything she said was becoming real.

**Q.** So you were able, in terms of your own independent effort – in the stint of that, you were able to confirm a lot of the details of her story.

**A.** Yes. And the more we checked, the more it confirmed details. Which, you know, it surprised me. Because I was the skeptic of the group. I felt like this was just a government plant. This just would really disrupt the train. We did not want to get into Texas. We did not want to get into any of that. We were having trouble enough with just the King assassination – the various resistance that we met through the press, through the government, through –

**Q.** Moving on, did there come a time when you were able to obtain harder information

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with respect to the existence of this person?

**A.** Well, there was. We – of course, we – we located Amaro because they had – they had worked on the docks. He, I believe, had a maritime card or something. And Jack managed to pull his Director of *BBC* influence out, and they gave him the information when normally they wouldn't. He told them they were making a movie and they needed this information. So we obtained that. So we knew there was an Amaro and we had the last name and stuff, but we still didn't have Raul.

**Q.** Did there come a critical breakthrough at one point in time?

**A.** Yes.

**Q.** Right here actually in Memphis?

**A.** Yes, there was. Through our investigation – Kenny had been around a long time and knew the police quite well and was very good friends with, at that time, Sheriff Jack Owens, I believe. So we had a lot of influence. And Kenny asked a fellow to help him. It was a lieutenant – well, actually at the time Sergeant Tim Cook came and

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produced a piece of paper that gave us a – a history of the Raul we were looking for that led us to Portugal – Lisbon.

**Q.** Did this Memphis Police Department officer not become a member of the Attorney General's investigative task force on this case?

**A.** Yes, he did. He sort of ran with us for a couple of years – or Kenny more than myself. I met him a few times. And he was trying to give information to Kenny. He gave us that big plum and seemed very interested. He was very, very interested in

this case and spent a lot of time with Kenny.

And as we broke into Raul, he was sort of with us. And he began to meet with us a good bit. And then when the Attorney General's office ordered an investigation, he was picked. He called us up and he was ecstatic. And he said, you're not going to believe what happened. They picked me. And, of course, you know, we were saying, well, that's great. We got somebody that we felt was going to do an investigation – you know, a thorough investigation.

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And during this period of time we would meet with him and he would tell us various stories about the AG's – Attorney General's office and the problems they were having. And he would always kind of degrade them. And he would say things that I felt that we wanted to hear. And I even mentioned to Tim a number of times that I didn't care – there were several times I felt he was even wearing a wire.

I told him – I said, I don't care if you wear a wire, I don't care if you're reporting, I don't care what side you're on because we're just after the truth.

**Q.** Did you come to believe that this officer who had provided you with some useful information at first had an ulterior motive?

**A.** I sort of thought that. Kenny and he were friendlier. And Kenny, I think, spent more time with him. But, once again, he was a police officer. He had a job to do. And I couldn't understand his enthusiasm for us because generally people that got into this or associated with us or helped us paid a high price. And I felt like, you know, he

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was jeopardizing his career.

**Q.** What then would have been the purpose of giving you this information?

**A.** I felt like giving us this information is like anything. If you want to gain somebody's trust, you've got to give them something. And he gave us something and gained our trust through the fact that we thought we could get more information from him. And he had given us, you know, a good piece.

**Q.** What was the nature of the information that you were given early on?

**A.** Well, the information that we were given was that Raul had worked in Lisbon, Portugal, up until 1961 at the arms factory in Portugal making weapons. On this he was supposed to be just a worker, but Tim noted on the piece of paper that he had heard that he was far more involved than just weapons making. Actually, he was in the sale of weapons.

And this, of course, went in with what Glenda was saying and Roy, that they were dealing weapons and would go out on the

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dock and pick up various fire arms, stuff like that. So there were little – you know, there's a lot of little ties that seemed to, you know, to add to her story. Now, I don't think Tim knew all of this, so we were getting it from two sources, so –

**Q.** Mr. Billings, I'm going to show you a report and ask you if you recognize it.

**A.** This is the report that Tim Cook gave us. It says: "Word of mouth is he really wasn't an assistant mechanic, but rather a clerk" –

**Q.** Let me –

**A.** I'm sorry.

**Q.** Let me back up one minute.

**A.** Yes, sir.

**Q.** Let me ask you to read that report but not to use the last name of the – of the person identified as Raul in that report.

**A.** Okay. It says: United States of America, Number 8920111, Certificate of Naturalization. DOB, date of birth, 7-16-34. Nationalized on 6-15 of '67 in the name of Raul. Okay. It's signed by a clerk in the Supreme Court of the State of

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New York.

Serial number from Portugal Passport is 760529 issued on 12-5-61, expired 4-4-62. Passport Number 18425/61 issued in Lisbon, Portugal, on 11-16 of '61, expires 11-15 of '63. Worked from 10 of '57 through 12 of '61 at National Factory of Arms in Lisbon, Portugal, as a mechanic assistant. Reason for leaving, left for America. Correct name of business is Fabrica Nacional Municoes Armao – and it goes on in Portugal.

Word of mouth is he really wasn't an assistant mechanic but really a clerk who worked in the office who did all the paperwork on shipping arms. When arms were shipped out, they were shipped out unassembled. New York State Liquor Authority wholesale beer license for that was effective 7-1 of '92, expires 6-30 of '93. Certificate Number D240634.

**MR. PEPPER:** Thank you, Mr. Billings. Move to admit, Your Honor.

**THE COURT:** That will be marked.

(Whereupon said document was

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marked as Trial Exhibit Number 8.)

**Q. (BY MR. PEPPER)** Did there then come a time, Mr. Billings, when you were provided with a photograph of this individual which you then – which was then incorporated into a spread?

**A.** Yes, sir. At this time also with this piece of paper, Tim Cook gave us his passport photograph from 1961 when he entered America. So we did have a picture of him. And that was the first photograph that we had.

**Q.** Let me show you this spread of photographs, please. Mr. Billings, can you see those photographs quite clearly?

**A.** Yes, sir. That's a photo spread put together by Kenny Herman and myself.

**Q.** Let me ask you if – do you see the photograph that you referred to as – the

person referred to as Raul?

**A.** Yes, sir.

**Q.** Which one is it?

**A.** It's the one on the right middle to my right. You may want to point that out.

**Q.** You're saying this –

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**A.** Yes, sir.

**Q.** – this photograph here?

**A.** Yes, sir, that's the passport photo.

**Q.** And this was a photograph that you received independently and incorporated it into this spread?

**A.** Yes, sir.

**Q.** Did there come a time when you showed that photograph to James Earl Ray in his prison cell?

**A.** Yes, sir, it was. We – when we had a lot more information, we waited to discuss this with James. I was visiting him quite a bit at that time. And we discussed when and how to show it to him. And we decided to go ahead and see if he could pick it out. So we went to River Bend Prison and met with James and sat down at the table. And where I told James – I told him that we had a picture of Raul. And he seemed somewhat surprised.

And I asked him if he would choose to attempt to pick out Raul in a photo spread. And he said that he would. So we put this before him, and James put on his glasses and very – for a minute or two

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studied these pictures very carefully. And as he studied them, he looked down at them and just kind of dropped his finger down and said, that's Raul. And we said, are you positive? He said, yes, I am.

And then he said something that really surprised us. He said, I've seen this picture before. And I asked James, I said, what do you mean you've seen this picture before? You know, I was thinking, how could he have seen this picture before? And he said during, I believe it was, the House Assassinations Committee that someone had mailed him, with a no-return address, a picture. And it was this picture, and it had a name on the back of it. And he couldn't remember the name. And I asked him – we asked him, well, did anyone ever identify this? He said, no, no one could identify it.

I said, did anyone else ever see it? And he said, well, my attorney. He said he believed April Ferguson, who was also working on his behalf, had seen it. And that it was somewhat passed around among people at

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House Assassinations, but no one could identify this picture.

**Q.** Mr. Billings, let me – your testimony here today is that when you showed this photograph to James Earl Ray, he said he had seen it before?

**A.** Yes, sir.

**Q.** Let me pass to you an affidavit signed by James Earl Ray and filed in another court on October 25, 1995. I ask you to please read Paragraphs 8 and 9 of that affidavit.

**A.** Okay. "In 1978, however, I did see a photograph. And at that time I identified the person in that photograph as being Raul. In the intervening years I had reviewed 200 to 300 photographs but was only able to identify this particular one. I am certain that the person in that particular photograph identified was Raul. Attached hereto as Exhibit 1, a copy of the newspaper article which reported my identification at that time.

"In the spring of 1995 I was shown that same photograph of the man I know to be

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Raul by Private Investigator Kenneth Herman. At the time I confirmed that this was the same photograph I had seen and identified as depicting Raul. Mr. Herman told me he believed he had located this man."

**Q.** That's fine. Thank you. Now, what is attached to that affidavit?

**A.** It's James Earl Ray's signature notarized.

**Q.** Is there a newspaper clipping attached to that?

**A.** Yes, sir, there is.

**Q.** And –

**A.** It says something 30th, 1978. "Man in photo is Raul. Ray."

**Q.** So that newspaper article is a report on November 30, 1978, where James Earl Ray – at which time James Earl Ray had been reported as recognizing a photograph of a man he called Raul?

**A.** Mm-hum.

**Q.** And to you he identified that photograph as being the same as that one there?

**A.** Yes, sir. Because he immediately

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commented after picking him out that he had seen this photograph before. And that was – that was a real shock to us. I had not read this newspaper article at that time.

**MR. PEPPER:** Your Honor, move to admit that affidavit and its exhibit.

**THE COURT:** Make that a collective exhibit.

**THE SHERIFF:** Yes, sir.

(Whereupon said documents were marked as Collective Trial Exhibit Number 9.)

**THE COURT:** Okay.

**Q. (BY MR. PEPPER)** Has there been any further activity on your part or the part of your associates in the conduct of this investigation of identifying Raul?

**A.** Yes, sir. Once we knew where he lived, we went up and made surreptitious photos of him on a cloudy rainy New York Sunday when he was walking back from church. He would walk down to the church in kind of the square where he lived in and would walk back up to his home.

And we had had someone stop him to talk about some campaign literature in an

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attempt to get some fingerprints from him, which I believe we got six or seven prints off of it. And we did that. And then we went back another time – we decided that Glenda and Roy were unsure. They were looking at the immigration photo which does look a little bit different, which you would expect.

So they were having a hard time with that. And then they looked at the new photos we had of the older Raul. And they hadn't – I believe it had been something like 17 or 18 years or so since she had seen him.

**Q.** Let me ask you: During this time when you talked to Mr. and Mrs. Grabow, did – where did you meet them? Where were they when these conversations took place?

**A.** Where were we meeting like here in Memphis? We would meet them at Kenny's house usually.

**Q.** So they were back here in Memphis.

**A.** Yes. They didn't want us to come to their house because they were still at this point trying to keep this low key. She

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was – they seemed very nervous about all of this.

**Q.** Have you yourself ever been able to speak personally with the man you've come to identify as Raul?

**A.** Yes, I spoke to him a number of times. We – we decided – Kenny and I talked about it, and we decided that we needed to try to get in to meet him and talk to him. And, of course, we saw where he had a liquor license. So we simply called him up and started a conversation that we were interested in opening up some pizza businesses in New Jersey.

**Q.** Opening up some business operations?

**A.** Yes, some business operations.

**Q.** What I want to get to – did you notice how he spoke on the telephone?

**A.** Yes. He had an accent, but he spoke very clearly. I mean, you could understand him. He was very enthusiastic about us coming to buy some wine from him. And we discussed – we called him three or four times in the discussions.

**Q.** Did you know where he was ostensibly

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employed during this whole period of time?

**A.** No, we did not know that.

**Q.** You did not know that at that time?

**A.** No. We were hoping to get into that with him upon meeting him. And we went to New York, and we took Glenda and Roy with us. And we went to New York in an attempt to get – let Glenda and Roy visually see this fellow.

So when we got there, I wanted to try to set this up with – since we had a fairly good rapport going with Raul, I wanted to set this up in a meeting. But Kenny wanted to do what we kind of call a cold call. And that means you just sort of knock on the door. I guess he didn't want to give him a lot of time to think about it. We just wanted to come in there. So when we got there, I phoned Raul from maybe ten minutes from his house, an area he was familiar with.

And we had set up cameras, video. We had Glenda and Roy's position in place. And I asked him to come pick me up. And he seemed very shocked, very surprised and

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almost scared. It really threw me. I didn't expect that kind of reaction because we had a pretty good rapport. And he kept saying: What are you doing? What are you doing here? And I said, we discussed coming up. And since we're here and looking at locations, I said – Kenny was posing as my uncle. I said, my uncle was overdoing it. And, you know, I rode over here today from the area, and I thought I'd just go ahead and talk to you and see about, you know, purchasing – setting up some purchases.

**Q.** He was put on his guard though at that point.

**A.** Yes. And he kept saying, all I have is Portuguese wine. And I said, that's fine with us. And I said, well, can you come get me? No, no. And he kept saying, I have to go to the port. Well, that kind of threw me. I thought he meant the airport. And he kept saying, no, I've got to go to the port, I got to go to the port. And I said, well, do you want me to come up there? And he said, no, I'm busy. I've got to go to the port.

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And so we immediately went to his house and set up surveillance. And this was approximately – maybe 11 in the morning. And we stayed there until probably 1 or so at night. And there was no movement there whatsoever. I mean, it was like the whole house shut down. He never went to the port.

Nobody ever left the house, nobody ever came. Which we thought was rather odd. I did anyway from the various cases I've worked.

**Q.** When this became public, and it did become public at one point in time, was there a sudden movement or exit from his house?

**A.** Well, there was another time that I went up with another fellow. And we were going to try to get some pictures – some clearer pictures than the ones we had gotten previously. And it was on Sunday morning.

And we got there early Sunday morning, started doing some surveillance. And during – and just when we set up, a large U-Haul type – maybe Ryder rental truck pulled up in the front of the house.

And three or four white males got

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out, rather husky, and they looked around like they were going to rob a bank. We started laughing because they were looking up and down the street and appeared to be nervous. So we wondered, what's going on?

And they went into the house. And where they stayed, they got some boxes out. We didn't see anybody for a couple of hours, and then they started bringing stuff out and loading it into the truck.

So we watched them load the truck over a period of two or three hours. And we were debating about whether or not to attempt to follow the truck. We knew if we did that, you know, they might make us. And the fellow I was with was not a detective and wasn't skilled in surveillance, so we didn't want to take a chance.

**Q.** So you didn't follow the truck?

**A.** No. And then the truck left late that afternoon at which time, once dark came, I went and picked up the garbage. Which is something you do. It's not the cleanest of jobs and stuff, but you go pick up people's garbage. It's not against any laws. Once

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you put it out, it's anybody's stuff. And we went through the garbage trying to determine what was going on at that time.

**Q.** Did you ever learn what was in the boxes that were being removed from the house?

**A.** Well, we learned through the garbage – there was receipts there from a lady who had lived in the house evidently for a good period of time. They had like a

housekeeper or a friend that lived there. I can't recall her name. And she had been there, and she was planning on – according to the notes we found, she was planning on moving within a few weeks. And for some reason – at that time we didn't know why, we later found out why. For some reason she was leaving that morning.

It looked like a really hasty thing, that suddenly she decided to leave. Upon leaving New York – once we got back to Memphis, we found out that that Sunday morning the news in New York came out with an article about Raul and, without giving the last name or giving the address where he lived, went through this whole story. So,

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evidently, they had read the morning paper, and this woman decided that she was leaving. That's what we determined.

**Q.** Did there come a time in your knowledge that Mr. – that this individual was sued here in the City of Memphis in another proceeding – another civil proceeding?

**A.** Yes, sir. I believe that was a number of years ago. I believe it was a civil suit that you and Mr. Chastain brought. And he – we were – well, of course, it's easy to say. But we figured, well, surely if he's innocent, he will come down here and testify and hire an attorney and sue everybody. So that would be the typical situation.

But he didn't want to come and seemed to fight tooth and nail. And he had a very, very expensive New York law firm in Rockefeller Center that suddenly popped up to represent him. And then he – they obtained the services of a law firm down here that also defended him. And I – of course, I can't say what the cost is, but we're talking

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months of litigation. And I believe the hearings lasted several weeks. If memory serves me, it lasted a long time.

So we would have to get into a very, very, expensive, for the average citizen, to afford these kinds of lawyers – attorneys.

We later learned one of the questions we pressed on, a lady who represented the Lisbon newspaper, the main newspaper in Lisbon, we met with her. She later went

and met with Raul and his family. I don't think she ever really spoke with him. She spoke with his daughter and his wife.

And one of her questions was how did you afford these legal services. And their answer was, well, the people at the church liked Raul and felt sorry for him, so they defended him. But the question to me is, I guess, did the people in Memphis also like him too – enough to defend him for free.

And in my 30 years of experience, I've seldom found attorneys who would defend someone for free. Especially in a case like that because you're talking hundreds and hundreds of hours.

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**Q.** Did you attempt to do an income and financial analysis of this gentleman's background and status and position?

**A.** No, other than he owned – owned some property up there and had owned property for some years. And he lived in a fairly nice neighborhood and had a fairly nice home. So he seemed somewhat – you know, fairly comfortable.

But I – I mean, I would be scared to think what – if I was in a similar situation and hired a Rockefeller law firm and a top law firm in Memphis to defend me in such things, the cost would be a lot when it would seem very simple to me to simply appear and say, you know, I don't have anything to do with this.

**Q.** Would your financial checks and the information that you obtained indicate that he could afford to pay for that – those kinds of –

**A.** No.

**Q.** – legal services?

**A.** No. Not to the best of my belief he couldn't. From my experience with lawyers and trial cases and expenses, no.

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**MR. PEPPER:** Thank you, Mr. Billings. Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

**Q.** You and I have talked about this case for many years, haven't we?

**A.** Yes, sir, we have, Mr. Garrison.

**Q.** Let me ask you this. In all of your conversations with Mr. Ray – I know you had many, many conversations with him – did he ever mention anything about Mr. Loyd Jowers that you can ever remember?

**A.** He mentioned that he went – I believe he said he went into the grill that morning and met Loyd Jowers, that he actually talked to Loyd Jowers.

**Q.** Was that the only time that he ever mentioned to you anything about Mr. Jowers?

**A.** He said that was his only meeting with Mr. Jowers.

**Q.** Did you have any discussion with him about what he and Mr. Jowers talked about?

**A.** No, other than – I think he saw him in there and they talked just in general. I don't think he was fully aware of Mr. Jowers'

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role in this.

**Q.** Ms. Grabow never heard of Mr. Jowers when you talked to her, had she?

**A.** No.

**MR. GARRISON:** That's all, Your Honor.

**MR. PEPPER:** Nothing further, Your Honor.

**THE COURT:** All right, sir. You're free to leave. Thank you very much.

**THE WITNESS:** Thank you, Judge.

(Witness excused.)

**THE COURT:** Let's take about ten minutes.

(Brief break taken.)

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

**THE SHERIFF:** Yes, sir.

(Jury in.)

**THE COURT:** All right, Mr. Pepper, we're ready.

**MR. PEPPER:** Thank you, Your Honor. Plaintiffs call Mr. Royce Wilburn.

**ROYCE WILBURN,**

Having been first duly sworn, was examined

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and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

**Q.** Good afternoon, Mr. Wilburn. Thank you very much for coming down here this afternoon and joining us. Would you state your full name and address for the record, please.

**A.** It's Royce Jeffrey Wilburn. And I – what else did you ask?

**Q.** Your address.

**A.** What else did you ask me?

**Q.** Sorry.

**A.** Full name.

**Q.** Full name and your address, please.

**A.** I presently live in Nashville, Tennessee.

**Q.** Mr. Wilburn, will you tell us what you do for a living.

**A.** I'm a master electrician.

**Q.** How long have you been an electrician?

**A.** 23 years.

**Q.** And do you have your own business or are you employed?

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**A.** I had a business here in Memphis for 12 years, and I moved to Nashville. I have a business there now.

**Q.** And is it your own business?

**A.** Yes. I'm an electrical subcontractor, yes.

**Q.** And are you the brother of Glenda Grabow?

**A.** Yes, sir.

**Q.** And did you, as a young person, live in Houston, Texas?

**A.** Yes, sir.

**Q.** Do you – can you tell us roughly how long you lived in Houston?

**A.** About 1960 – probably '61 until probably about 1980.

**Q.** And as a young person living in Houston, what was the neighborhood – where was the area where you lived?

**A.** It was near Hobby Airport. I don't know if anybody knows where that's at.

**Q.** Near Hobby Airport?

**A.** It's near the south side of Houston there.

**Q.** All right. Did you go to school in

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that area?

**A.** Yes, sir.

**Q.** And how did you get to school?

**A.** A lot of times my sister would walk with me to go to school. As I got a little older, I'd take the school bus, you know. You know, because we moved several times, and it was a long ways, you know, to walk. So I'd take the bus.

**Q.** Okay. Did you at that time and during that time of your life become familiar or come to know an individual known as – now known as Raul?

**A.** As – at the time he was called Dago.

**Q.** He was called Dago. And would you describe how you came to know this person.

**A.** He used to follow my sister and I around, you know, in his car. He was kind of a dark-complected guy. I guess he talked Spanish or some other – you know, Houston wasn't really integrated at that time.

That's why he kind of stood out to me, and I was kind of scared of him. But he would pull up and make us get in the car, things like

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that.

And at one time had me lay down in the back seat and put a hat over my head for,

you know, some reason. I don't know. Like he didn't want me to know where he was going.

**Q.** Made you lie down in the back seat and he put a hat over your head?

**A.** Mm-hum.

**Q.** You remembered that vividly?

**A.** Oh, yes. Yes. I was scared to death.

**Q.** And how often did you see – did you see this man?

**A.** Oh, probably ten, fifteen times. As least as possible.

**Q.** Did he – did he hang around a particular area?

**A.** Yes. There was a small gas station by a store my sister and I would walk to, and she would mail letters to her husband. And he would, you know, see us go by and he would get in his car and follow us. I thought he was an employee there. But now, come to find out, I don't think he even worked there.

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**Q.** He just seemed to hang around there?

**A.** Just seemed to hang around, yes.

**Q.** What's the time frame when you actually saw this person in years – between which years did you see him?

**A.** It was probably around the Kennedy assassination – '63, somewhere around in there, '64, something like that, and probably some after that.

**Q.** Did there come a time when he – when you didn't see him anymore, when he disappeared?

**A.** Well, I got older and we moved, you know, to a different neighborhood. And, of course, my sister's husband – you know, he was in some rehabilitation center or something at the time. And, you know, he got out and they moved off, and I just – we moved to another neighborhood. And I never really seen him again, but I knew some

of his family. Or my sister knew some of his family that would come to their house.

**Q.** Which member or members of his family did you know?

**A.** Let's see. Mondo (phonetic) I

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believe is his cousin or uncle. He visited them quite often.

**Q.** You did see him quite often during this time?

**A.** Probably twenty, thirty times.

**Q.** Did there come a time when I placed a spread of photographs in front of you and asked you to look at them?

**A.** Yes, sir, a couple years ago, I think.

**Q.** And did you – when that was done, did you recognize one of the photographs – one of the individuals in the spread?

**A.** Yes. One was this Dago/Raul fellow.

**Q.** Let me show you these photographs. Just take your time, please, Mr. Wilburn.

**A.** It would be on the right, the second one down.

**Q.** Can we raise this so he can look at the individuals on the bottom as well.

**A.** It's kind of a bad picture, but that is him.

**Q.** Which one are you saying is the one you recognize?

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**A.** On the right, second one down.

**Q.** On the right, second one down?

**A.** Uh-huh.

**Q.** This one here?

**A.** Uh-huh.

**Q.** Do you have any question that's the man you saw in Houston, Texas?

**A.** No doubt about it unless he's got a twin brother.

**Q.** No question at all that that is the same person?

**A.** Nope. No question at all.

**MR. PEPPER:** Now, Your Honor, at this time plaintiffs will move the admission of this spread of photographs.

(Whereupon said document was marked as Trial Exhibit Number 10.)

**Q. (BY MR. PEPPER)** Now, at one point, Mr. Wilburn, your sister, Mrs. Grabow, will be testifying before this Court, probably out of order because she's not been well recently. But have you – let me ask you: Have you discussed this identification that you have given us with her?

**A.** No, not at all. Huh-uh.

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**Q.** This is your own independent recollection and identification?

**A.** Right. Right. Yes, I was asked to – you know, by you, and there was somebody else, I don't know who it was, that come to my house and asked me could I identify this Dago/Raul guy. And I said, if you've got a picture of him, you know, I can. They threw 15 or 20 pictures down there. And I said, that's him. And they said, you know, yes, it is.

**Q.** All right. Thank you. Now I'm going to ask you to look at this affidavit, Mr. Wilburn. Would you just please just look through it.

**A.** Yes, this is the one I –

**Q.** Do you remember giving that affidavit?

**A.** Yes, sir, I do.

**Q.** Would you just look at the last page.

**A.** What, the photos or the –

**Q.** Not the photos but the last page of the affidavit, the signature page. Is that your signature?

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**A.** Well, the very, very last page doesn't have mine on it. It's this one here.

**Q.** Yes, the signature page.

**A.** Yes. Okay. Yes.

**Q.** Now, would you look at the photograph which is an exhibit to it. And next to the – somewhere on that photograph do you see your initials?

**A.** Yes, sir.

**Q.** Did you place your initials there?

**A.** Yes, sir.

**MR. PEPPER:** Thank you. Plaintiffs move the admission of Mr. Wilburn's previous affidavit.

(Whereupon said document was marked as Trial Exhibit Number 11.)

**MR. PEPPER:** Mr. Wilburn, thank you very much. No further questions. It's Mr. Garrison's turn.

**THE WITNESS:** Oh, okay. I was kind of nervous. Ready to go.

CROSS-EXAMINATION

BY MR. GARRISON:

**Q.** I'm sorry, I did not get your full name.

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**A.** Royce Wilburn.

**Q.** Mr. Wilburn, what years are we looking at that you met this gentleman that you've identified? '61, 2, 3?

**A.** I would say – like I say, it was right around the time, you know, Kennedy was assassinated.

**Q.** '63?

**A.** Yes. This guy, he hung out, you know, right down the street from Hobby Airport where Kennedy would get on the plane, and then he went to Dallas and got assassinated, but –

**Q.** Did he appear to have a job where he was working anywhere?

**A.** I thought he worked at that gas station.

**Q.** You never heard – you heard him engage in conversation, I guess; did you not? This gentleman, you heard him talking to someone; am I correct, sir?

**A.** Yes, he talked to my sister while we was in the car.

**Q.** You heard the conversations?

**A.** Yes, sir.

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**Q.** You never heard him mention anything about the name of Jowers, I don't suppose.

**A.** Yes, sir, I do.

**Q.** Have you ever heard your sister mention anything about the name Mr. Jowers?

**A.** I've heard it mentioned, but I really don't know who the person is or anything. You know, I think he lives in Memphis.

**MR. GARRISON:** That's all.

**MR. PEPPER:** Nothing further, Your Honor.

**THE COURT:** All right. Now you may stand down.

**THE WITNESS:** Can I really leave this time?

(Witness excused.)

**MR. PEPPER:** Your Honor, plaintiffs have an apparently lengthy video deposition – video/audio deposition, and it probably would be appropriate to begin that after lunch.

**THE COURT:** Okay.

**MR. PEPPER:** Unless you want us to – I estimate it will take 30, 35, maybe 40 minutes.

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**THE COURT:** That's the length of the deposition?

**MR. PEPPER:** That's the length of the – it was a telephonic/audio deposition, yes.

**THE COURT:** Okay. If that's what it's going to be, 35 or 40 minutes – is that about right? It's going to take about 35 or 40 minutes. All right.

**MR. PEPPER:** Go ahead? Your Honor, the deposition is of a Yorkshireman – it's an Englishman who lives in Yorkshire – west Yorkshire to be exact. And since the speech is not always readily recognizable and distinct as possible, the plaintiffs have prepared a transcribed copy for each member of the jury and for the Court. With your permission, we would like to have these passed out.

**MR. GARRISON:** Your Honor, I have no objection. I requested the deposition, in

fact.

**THE COURT:** All right. Are there any members of the press present?

**MR. PEPPER:** Sorry. Excuse me.

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**THE COURT:** I was asking if there were any members of the press present. I was going to let them have one. All right.

(The following is a transcript of the video deposition of Mr. Sidney J. Carthew that was played in open court.)

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**VIDEOGRAPHER:** This is the videotaped deposition of Mr. Sidney J. Carthew. It's being taken by the plaintiffs in the matter of *King versus Jowers* in the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis.

Mr. Carthew is with us via telephone. It's being held in the offices of Daniel, Dillinger, Dominski in Memphis, Tennessee on November 5, 1999, beginning at approximately 2:39 p.m.

The court reporter is Kristin Peterson with the firm of Daniel, Dillinger, Dominski in Memphis. The videotape specialist is Ted Schurch with the Data Company in Memphis.

Will counsel now please introduce themselves.

**DR. PEPPER:** William Pepper for the plaintiffs in this action.

**MR. GARRISON:** Lewis Garrison for defendant, Jowers.

**VIDEOGRAPHER:** Do you have any announcements or stipulations you'd like to put on the record?

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**DR. PEPPER:** None for the plaintiffs.

**MR. GARRISON:** None for the defendant.

**VIDEOGRAPHER:** If the reporter will please swear in the witness, we'll go on the record.

**SIDNEY J. CARTHEW**

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

DIRECT EXAMINATION

BY DR. PEPPER:

**Q.** Sid?

**A.** Is that for me?

**Q.** Yeah. That's for you, Sid.

**A.** Yeah, I do.

**Q.** Okay. Sid –

**A.** The sound isn't too good, but carry on.

**Q.** Okay. If you have trouble hearing any of the questions, please ask, and I'll – I will repeat them.

**A.** Okay.

**Q.** Sid, you were a merchant seaman in the British Merchant Navy; is that –

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**A.** Yes.

**Q.** – that right?

**A.** Yes.

**Q.** And do you recall the years that you were a merchant seaman?

**A.** From 1956 until 1973.

**Q.** Right. And where would you go? Where would your duties and your sailing obligations take you as a seaman during that period of time?

**A.** All over. All over the world.

**Q.** Right. Did you sail the North Atlantic route frequently?

**A.** Yes, quite often.

**Q.** Right. Now –

**A.** Pardon?

**Q.** That's okay. That's fine. Now –

**A.** Yeah.

**Q.** – do you recall, Sid, in – in 1967 sailing from Liverpool to Montreal?

**A.** Yes.

**Q.** I don't expect you, naturally, to remember the name of the ship because you sailed on many different ships, didn't you?

**A.** It was a ship – Canadian Pacific

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Line. I think it was the Empress of Britain. There was two ships that were exactly the same and on the same run, and it was the Empress of England, Empress of Britain. They were two weeks apart in sailing dates.

**Q.** Right. Now, when you – when you sailed from Liverpool to Montreal and landed in

Montreal, how long would you stay in that city, and how long in that – well, let me rephrase that. How long did you stay in that city on that – on that particular time?

**A.** One week.

**Q.** You stayed there for one week?

**A.** On every trip, it's one week in Montreal, one week at sea, and then one week in Liverpool.

**Q.** Right.

**A.** But it's a week in Liverpool, one week at sea, one week staying in Montreal, and then, again, one week at sea. So it's one month all total – that's sailing and docking.

**Q.** Right. Okay. Now, when you stayed in Montreal, was there a particular bar or

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restaurant that you frequented on a regular basis?

**A.** Yes. The Neptune Bar and also the Seaman's Mission on the same street. I think they call it Commerce Street.

**Q.** Was it West –

**A.** It was near the ship.

**Q.** Yeah, West Commissioners.

**A.** It was right near the port where we docked. And that was the first bar we got to was the Neptune Bar. It was the one that most seamen frequented.

**Q.** Right. Did you – were you known to people who regularly frequented the bar?

**A.** Only two other seamen. Two other seamen – seamen that frequently went in Montreal as their home port. One or two of them knew me, but mostly it was strangers.

**Q.** Right.

**A.** At the time that we're talking about, there was a lot of activity going on because I think there was some kind of world games there because there was an awful lot of people in and around Montreal in general.

**Q.** Around this point in time?

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**A.** Yes.

**Q.** That was the year of the International Youth Festival. It was – it was held in Montreal in the late summer, early autumn of 1967. Could that have been the event you are talking about?

**A.** Well, I don't know if that was it, but – but the – the all of Montreal was a height of activity with these international games.

**Q.** Right. Okay.

**A.** The ship may have got in during the games, so the – I mean, international games would be of little importance to a merchant seaman, I'm afraid.

**Q.** Right. Sid, where did you sleep in the evenings after you left the Neptune Bar?

**A.** Well, I mean, if you had any female company, you would obviously stay ashore, but most nights – I would say that most nights, back on the ship.

**Q.** Right. Now, toward the end of this stay in Montreal, did you meet a fellow in the bar, in the Neptune Bar, whom we have come to know as Raul?

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**A.** Yes. Yes.

**Q.** Could you describe that encounter, Sid.

**A.** What? The conversation?

**Q.** Well, yeah, how you met him. Just right from the beginning, how it all started.

**A.** Well, at first, I – I met a person who I now think was James Earl Ray because they were both standing at the bar together, and the shorter one of the two, he was very quietly spoken, and he asked me about going on a ship to possibly work his passage.

And I explained to him that he couldn't possibly do that in this modern day and age – even though I'm talking about nearly thirty years ago, twenty-odd years ago – the – the situation – that he wasn't able to do that, and I explained it to him.

And then he said that he would like to get hold of a seaman's discharge book, and I explained to him again that the discharge books – when you sign on the ship in your home port, you hand the discharge book into the ship. So you don't get it back until you

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return to the port.

And the books that he had seen previously, obviously from other seamen, were identity books, and I told him that there are fingerprints – they put your fingerprints in, so if anybody was to – if they wanted to, they could try it by changing a photograph. He may be able to do that, but he couldn't change the fingerprints.

So that was the end of that conversation. He went back to the bar, and, in fact, I thought he was an off-duty bar tender because he was dressed in a white shirt, black tie. He spoke to the taller one, who was slightly of a Spanish look, but he didn't have black hair. He had brown hair, darkish brown hair. He came over and introduced himself to me and a couple of friends that I was with.

**Q.** Now, Sid, let me just interrupt you here. You think the first conversation you had may well have been with James Earl Ray?

**A.** It may well have been, but I never even saw any photographs, pictures on television of him. It was only when I saw

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him on the mock trial that was on television that I recognized it then that he – he was a bit fatter then obviously. I mean, when I seen him on television recently, the poor man was a shadow of his former self I should imagine.

**Q.** Right. Okay. So you think it may have been James Earl Ray who was asking you about getting some papers to get out of North America and get on a ship?

**A.** Yeah.

**Q.** Okay. And – and you had this discussion with him. Then you went back and sat down, and – and this other man came over with a brownish sort of hair; is that right?

**A.** Yeah.

**Q.** And –

**A.** He was asking me the same kind of thing. I think he was just trying to get confirmation for the first person, you know, to try and figure out whether it was possible, and I proved to him that it's been done many, many times where seamen had took other seamen, who maybe have jumped ship in Montreal, and they took them back on the

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ship, and they sailed back to Liverpool and kept away from the Master Arms in – on the ship for a week.

It – it was done on a more or less regular basis, and I said that if this friend of his – he could take that chance. He could go aboard the ship with – make friends with seamen, and especially if he had relatives in England, I mean, they would've helped him to get back to England, but he didn't sound English, obviously, and if he had done that, he would have needed it to avoid ejection on the ship on certain days.

And this person introduced himself to me, this Raul. He said, well, that's seven chances of getting caught, and I said, well, that's true. If you want to look at it that way, it's seven chances of getting caught. With a lot of hindsight, I didn't know how – why he needed to leave Montreal, and, you know, the length he was willing to go to to get away.

**Q.** I understand that.

**A.** Yeah.

**Q.** Sid, the man who introduced himself

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to you, he introduced him – what name did he give you?

**A.** He actually gave me that name – Raul.

**Q.** He introduced himself to you as Raul?

**A.** Yes. Yes.

**Q.** Right.

**A.** And it's only – it's only when I was watching the tape, the recording, of the mock trial. I didn't look at it but a couple of months after that maybe because I put it on the shelf and forgot about it, and when I did see it, part of it was – my daughter had taped something else, and when I put it in the television, it came up on the court scene where the prosecutor was ridiculing James Earl Ray and saying that this Raul was a figment of his imagination, and I called my daughter in the room and said, look, no, this isn't a figment or lie. I said, this poor man is telling the truth, and that is when I decided to try and locate you, which it took me a long time to do.

**Q.** Yes, I understand that, and you really persevered, Sid, and I –

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**A.** I phoned the U.S. Embassy to ask them who was defending James Earl Ray, but they didn't tell me. They said they didn't know, and I asked several things, you know. I was being put to one department to another in the Embassy, but they didn't know, however, so I eventually found out by going to the Citizen's Advice Bureau that put me in touch with the bar, the lawyer's bar, and the rest is, as they say, history.

**Q.** Yes.

**A.** Left it to you, and that was it.

**Q.** That's right. Thank you. Thank you very much for your – for your perseverance. Now, Sid, what – did you have other conversation with this man, Raul, at that point in time?

**A.** Yes. The lad that – the lad that I was talking to, and I met him over a period of, what, say three years – he sailed out of Montreal. He sailed on Canadian ships, but he was talking about the election with George Wallace, and at – at some point in the conversation, things became a bit heated, you know, as things do when you are talking

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politics, and I think that this Raul thought that we were Irish because the other lad spoke slightly different to me.

I'm from Liverpool, but, unfortunately, a lot of people can't make the difference out between Liverpool and the Irish because there is a big Irish population in Liverpool, and I think he thought that we were Irish Nationalists, you know, connected to the – possibly the IRA. He didn't say that. He didn't say that, but the conversation came down, and I – at one point I said, I believe in the rights of the people to bear arms, and I'm sure that you'll understand this being an American.

As I've said on many occasions that the people – I live in what the – is largely called a democracy, but the head of our country is home elected, and if it ever came to conflict, you know, the only people that would have the right to bear arms in defense of themselves would be criminals and the police, and he said he would be able to get some guns.

**Q.** He said he would be –

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**A.** I remember it quite clearly because I said to him, well, I don't want any of that Second World War rubbish, you know, rusting rubbish, and he said these are brand new, Army issued, nine millimeter. He said they were Browning nine millimeters, Army issued, and they are new.

**Q.** Now, he –

**A.** And another thing why I remember it – because although it sounds funny, it wasn't. He said to me, how many would you want, and I said four. And he said, how, you know, how are you going to get them on the ship, and I said that I would get them on the ship, just put them in a shopping bag or even in the waistband of my trousers and take them, and he said, four, what do you – four, what do you mean by four. I said four guns. He wanted to sell me four boxes of guns.

He said that he – once he knew that I would have only take – took four, he was very annoyed, and he said that there was a Master Sergeant in the Army – he wanted his cut out of this, you know, and it wouldn't be worth his while to deal in such a small

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number, and that was the end of that conversation, and he went back to the bar.

**Q.** Right. Now, Sid, did you have this – all this conversation with him in this one evening, or was this over a period of two evenings?

**A.** Of two – two evenings, yeah.

**Q.** Yeah. And the conversation about the guns, did that take place – which evening did that take place on?

**A.** I think that was the first – the first evening, yeah.

**Q.** So, you – you and – and –

**A.** It was at the same time when – who I now think – but it may not have been James Earl Ray, but, you know, it looks more to me as if it was. That was the – but that was the same evening when he came over because he made it his business to come over and talk to me, and this friend of mine that was stuck at the table as if he was taking charge of what the first person was saying, you know. And looking at it now from the point of view of the mock trial on television, I can see now why he wanted to prove to the first man that

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it was no good going by ship.

**Q.** Well, because he might have had other plans for – for James?

**A.** Right, if he did.

**Q.** Right. So, Sid, after you had this discussion with this man over two evenings –

**A.** Yeah.

**Q.** – did you ever see him again at the Neptune?

**A.** No. No. We sailed shortly after that.

**Q.** Right. And you never – and you never again saw him on any successive visits to the Neptune?

**A.** No. No. Nor the first man either.

**Q.** Right. Now, Sid, do you recall that when you did locate me and when we did meet up that you gave me and executed for me an affidavit?

**A.** Yes.

**Q.** And I'm looking at that affidavit now. You don't have a copy of it there, do you?

**A.** No. No.

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**Q.** The date of it is the 23rd day of January, 1997, and you've executed this affidavit in West Yorkshire before J. Brearley and Company?

**A.** That's right, yes.

**Q.** And do you know where they are located?

**A.** What? The solicitors?

**Q.** Yes.

**A.** They're here in Elland where I live.

**Q.** And on which street, do you recall?

**A.** Small town where I live.

**Q.** Yes, but do you –

**A.** On Burley Street.

**Q.** Okay. I just wanted you to confirm that for the record because that is – that is what the affidavit reads; that they are J. Brearely and Company Solicitors on Burley Street in Elland, West Yorkshire.

Do you recall at that time that I showed you a spread of photographs of six different people?

**A.** Yes.

**Q.** And did you identify one of those six people as being Raul?

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**A.** Yes, that's right.

**Q.** And do you recall those – how those photographs were arranged on the page?

**A.** What? How they were arranged on the page?

**Q.** How the photographs were depicted on the page, yes, how they were arranged. Do you recall that?

**A.** I think there was three on the top, three on the bottom, or maybe two – two sets of two.

**Q.** Three – three –

**A.** It's such a while back, you see.

**Q.** Yes. It is a long time ago. There were six photographs.

**A.** Yes, that's right.

**Q.** And they were arranged in – in three sets of two – top, middle and bottom.

**A.** Yeah.

**Q.** It's very difficult for you to recall, but do you remember where the photograph of Raul was listed – was depicted on that page?

**A.** Yeah. It was on the bottom to the right. And, you know, if people say – would

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say how could I pick someone out after all those years, it's very, very unusual to find someone of Spanish or even slightly Spanish with brown hair. I was at sea for many, many years, and believe me, it's a very small minority of people. That's what made me recognize him.

**Q.** When you saw that photograph of Raul, did you – did you know beyond any question of a doubt that this was the person you met in the Neptune?

**A.** Well, unless he's got a twin brother, that was him.

**Q.** You are certain that was Raul?

**A.** Yes.

**Q.** And do you remember affixing your initials on the photograph that you have depicted as being Raul?

**A.** Yes.

**Q.** Because I'm looking at the spread of photographs, and there is a – there is your initials and then I think also the initials of the swearing solicitor.

**A.** Yes, that's right. Yes.

**Q.** Okay. I'm going to put this

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affidavit of yours and the exhibits attached to it, one of which is the exhibit of the spread of photographs with your initials on them – one that you've identified as Raul – into evidence as a part of this deposition, Sid.

**A.** Yes.

**DR. PEPPER:** Plaintiffs' 1.

(Whereupon, documents were marked collectively as Plaintiffs' Exhibit 1.)

**Q.** Now, I have really nothing further, just to say at the conclusion at this point that I want to thank you for – one, for coming forward initially. I know it was very difficult for you to locate me, and, two, for thanking you for giving the deposition today.

And I think for the record, Sid, you should just briefly tell us what has happened to you following your coming forward and my writing about your story in the – [in the book that I published on this case.](#)

**A.** Oh, well, the journalists have been writing in the main saying how I'm a Nazi. This is even after being a person who's been

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with the National Union of Seamen defending seamen's rights and pay – called me a Nazi.

And on the other hand, any people of mixed race – you know, I'm getting the accusations from both sides, so I'm in the middle. I'm getting it from left and right, and my house was petro bombed, and I believe that that was through an article called Search Right that is distributed to not only trade unionists, but what they call fascists. I've never been a fascist in my life.

**Q.** You've been – you've been really what is termed a nationalist in terms of Britain –

**A.** Oh, yes. I'm a nationalist, yeah. Hard to be an Englishman.

**Q.** Right. And that has been picked up and twisted and distorted, and as a result of your coming out here in support of an action on behalf of James Earl Ray. That seems to have been turned into a pretty difficult – a difficult time for you.

**A.** Oh, yes. Not only me, my daughter as well. I mean, when the petro bombs were thrown at the house, it was closest to 2:00

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in the morning, and my house is what we call here a back-to-back. There is only a front way in and out. There is no back way in or out. We could have been burned to death.

You know, it's a – and unfortunately, the – you may have the same kind of journalists in America. They don't let the truth stand in the way of a good story, and it – and it sounds a lot better if you can call the person either a Nazi or a fascist. It sounds good, but it's –

**Q.** Right. Well, it's – Sid, do you have any reason to believe that there are any official agencies of government behind these acts, or do you think this is – all of this is simply spontaneous on the part of hate-mongering people?

**A.** Well, I – I don't feel that – I don't know much about that kind of thing, but I do know that anybody who writes in magazines and – destroying their living and helping to try to destroy their lives, I don't see how they could possibly get away with it unless it was being state protected.

**Q.** Has anyone been arrested for the

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petro bombing?

**A.** No. Even when the police came to the house, the journey that they told me that they came from would take less than five minutes, and it took twenty minutes for them to get here, and, again, you know, there is a lot of things that people might think is rather funny, but I don't, is that they said that the local patrol car were on their tea break.

**Q.** They were on their tea break?

**A.** Yeah. So, you know, if that doesn't sound funny, I don't know what does.

**Q.** So they were delayed in answering a call for a petro bombing.

**A.** That's right.

**DR. PEPPER:** All right, Sid. Well, I wanted that on the record as well because I think you've shown a great deal of courage in coming forward, and, again, I'm grateful for you for doing so.

Now, I have nothing forward, and Mr. Lewis Garrison may have some questions, and he will put them to you. Thank you very much.

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**THE WITNESS:** All right.

**DR. PEPPER:** Nothing more.

**MR. GARRISON:** No, I have nothing, Mr. Carthew, to ask you. We appreciate your time.

**VIDEOGRAPHER:** Okay. This is the end of the videotaped deposition of Mr. Sidney J. Carthew, November 5, 1999, approximately 3:07 p.m.

(End of the video deposition of Mr. Sidney J. Carthew.)

**THE COURT:** Pass them from one end to the other, please. And those people of the press that had them, would you just hand them back over to the attorney.

**MR. PEPPER:** Your Honor, plaintiffs move admission of Mr. Carthew's affidavit which was cited in the course of the deposition.

**THE COURT:** All right.

**MR. PEPPER:** Which includes the exhibit – the photograph that he initialed.

(Whereupon said document was marked as Trial Exhibit Number 12.)

**THE COURT:** All right. Now

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we'll break for lunch and we'll resume at about 2:30.

(Lunch recess.)

**THE COURT:** Are we ready for the jury? Bring them out.

**THE SHERIFF:** Yes, sir.

(Jury in.)

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

**MR. PEPPER:** Thank you, Your Honor. Plaintiffs call Mr. J.B. Hodges, Your Honor.

**JOE B. HODGES,**

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

DIRECT EXAMINATION

BY MR. PEPPER:

**Q.** Good afternoon, Mr. Hodges.

**A.** Good afternoon, Dr. Pepper.

**Q.** Thank you very much for coming all the way down here to give your testimony. We appreciate it.

**A.** Okay.

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

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**A.** Joe B. Hodges, 174 Dillon Road, Mickey, Tennessee.

**Q.** Thank you. And, Mr. Hodges, what do you do now?

**A.** I'm retired from the police department, yes, sir.

**Q.** And how long did you serve on the police department?

**A.** 25 years.

**Q.** And what was your capacity? What role – position did you have on the police department?

**A.** For a couple of years I was assigned to a car. The last 23 years I was assigned to the dog squad.

**Q.** And were you assigned to the dog squad in 1968?

**A.** Yes, sir, I was.

**Q.** Were you assigned to the dog squad at the time of the assassination?

**A.** Yes, sir, I was.

**Q.** And where were you on the afternoon of the assassination?

**A.** Myself and two other officers was at a restaurant at the intersection of Crump and

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Third Street.

**Q.** And how did you receive word that Dr. King had been shot?

**A.** It came over the car radio.

**Q.** What did you do when you heard that announcement?

**A.** We both – well, all three of us proceeded back to the car and got in and went to the scene where the call was at. The dispatcher at the time he put out the

information advised all cars in the area to move into that area.

**Q.** So your instructions were to pull into that immediate area?

**A.** Right. Yes, sir.

**Q.** And did you pull into that area?

**A.** Yes, sir.

**Q.** And how did you arrive into the area?

**A.** We came down north on Main Street in front of the hotel and then down – I've forgotten the street. It's just north of there. But, anyway, back up in front of the Lorraine Motel and parked there.

**Q.** In front of the Lorraine Motel?

**A.** Yes, sir.

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**MR. PEPPER:** Your Honor, may I show this to the witness?

**THE COURT:** You may, yes.

**Q. (BY MR. PEPPER)** Mr. Hodges, can you see this graphic drawing?

**A.** Yes.

**Q.** Now, there's Butler Avenue on one side and Huling on the other.

**A.** Yes, sir.

**Q.** Mulberry and South Main. Which route did you take to come into the area?

**A.** I would have came in on South Main to Huling Avenue, east on Huling and then south on Mulberry Street.

**Q.** You turned right on Mulberry and went south?

**A.** Right.

**Q.** And where did you park your car?

**A.** Just about – I guess right at the edge of the dark green area just to the – right along in there somewhere where the squad car was parked.

**Q.** Right here on the west side of Mulberry?

**A.** Right. Yes, sir.

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**Q.** How long was this after the shooting?

**A.** Whatever time it would take me from – to get – that length from the Third – Third and Crump area to there.

**Q.** Could you estimate that for the jury. They're not necessarily familiar.

**A.** Five minutes maybe. I don't know if it took that long. Maybe three. It's not that far up there. It's just a short distance up there.

**Q.** Maybe even three minutes?

**A.** Yes, sir.

**Q.** Very quickly.

**A.** Yes, sir.

**Q.** And you came in north on South Main –

**A.** Right.

**Q.** – made this right turn on Huling.

**A.** Yes, sir.

**Q.** Now, when you made the right turn on Huling, were you going at a pretty fast clip?

**A.** But at that – at the time we got to the – probably about where the fire station is, we had slowed down because we was kind of – to observe, you know, anything –

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anybody that might be running in the area or anything like that. But we were still moving on to that area. But we was more alert to our surroundings is what we were.

**Q.** Okay. Now, did you see anybody or any cars moving quickly on South Main?

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

**Q.** Did you see any pedestrians on the sidewalk that came to your attention?

**A.** Not that I recall, no, sir.

**Q.** As you turned the corner at Huling and went down Huling – east on Huling, did you see any movement at all?

**A.** No, sir, not that I recall.

**Q.** Not at that time?

**A.** No, sir.

**Q.** Did you notice any cars parked there at all?

**A.** On Huling?

**Q.** Yes.

**A.** No, sir, I don't recall whether there was any or not. I don't know to be honest with you.

**Q.** That's fair enough. And then you turned onto Mulberry. Now, at the time you

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arrived, had they set up barricades yet here?

A. No, sir, they hadn't.

Q. So they hadn't – the police had not yet arrived to block off Mulberry.

A. No, sir.

Q. Because they did block off Mulberry on both ends; did they not?

A. No, sir, they were not blocked when we arrived on the scene.

Q. So you were able to proceed unimpeded in through here.

A. Right.

Q. To this spot here?

A. Yes.

Q. Now, when you turned onto Mulberry, did you notice any movement on the street?

A. No, sir, none other than police officers was all I had seen.

Q. You saw some – and where did you see the police officers?

A. There was some in front of the – on the east side of the street and also a few officers on the west side of the street there.

Q. Were there some officers –

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A. In that general area right in there.

Q. In and around this area here?

A. Yes, sir.

Q. Did you notice any firemen?

**A.** No, sir, not right offhand. I don't recall seeing any.

**Q.** And you didn't – did you notice anybody on this sidewalk here?

**A.** Could have been some police officers. They was – I believe there was some police officers on the sidewalk at that time.

**Q.** Okay. So you parked your car right around here.

**A.** Yes, sir.

**Q.** What kind of car were you driving?

**A.** A black – I believe it was a '67 Ford. I'm not sure in that squad car – a regular squad car.

**Q.** And what was the color of the regular squad car?

**A.** It was black – solid black all over.

**Q.** Solid black?

**A.** Yes, sir.

**Q.** Is there a difference in the color

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between the squad cars and the traffic cars?

**A.** Yes, sir. The traffic cars were white, best I remember, during that time.

**Q.** So the Memphis Police Department traffic cars were white and the regular squad cars were black.

**A.** Yes, sir.

**Q.** Now, were you alone in your squad car?

**A.** No, sir, there was two other officers with me.

**Q.** Who were those officers?

**A.** J.D. Hodges, and I don't recall the other officer's name.

**Q.** You don't remember his name.

**A.** There was two rookie officers that was just out of the police academy.

**Q.** Where was Patrolman Torrence Landers? Do you recall him?

**A.** Yes, sir. I knew – I knew Officer Landers. At the time I arrived on the scene?

**Q.** Yes.

**A.** I believe that we had already – was up and behind the building there behind the

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hotel when I ran into him. I believe that was the first time that I had ran into him.

**Q.** So you didn't see him when you were in this –

**A.** No, sir, I don't recall seeing him down on the street. No, sir.

**Q.** Now, you exited your vehicle.

**A.** Yes, sir.

**Q.** And when you exited your vehicle, did you look around and see what was going on?

**A.** More or less just looking for a commanding officer. Because on a scene, normally you report to the officer on command and the officer on the scene so he could assign to you wherever he wanted – whatever he wanted you to do.

**Q.** Did you find the commanding officer?

**A.** Yes, sir, we did.

**Q.** And who was the commanding officer?

**A.** Lieutenant Cochran.

**Q.** Lieutenant Cochran?

**A.** Yes, sir.

**Q.** He was there ahead of you?

**A.** Yes, sir, I believe he was assigned to homicide at that time.

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**Q.** So he would have worked under Inspector Eddie Zachary?

**A.** Yes, sir, he would have.

**Q.** And what did Lieutenant Cochran instruct you to do?

**A.** Well, he instructed us to go up to behind the building area there. And I don't know what he told the other officers. But to me – he wanted me – he took a measurement there. No, excuse me. We went up and just looked in the general area around the building there to start with. And later on I helped him with some measurements there.

**Q.** Okay. Well, let's understand. You parked here, you met Lieutenant Cochran where, somewhere on Mulberry Street?

**A.** Somewhere right along that area right here.

**Q.** In this vicinity. You exited your car, you met him. Did you notice what was going on over at the Lorraine Motel?

**A.** No, sir, I didn't. I just seen some people over there. That's all I could see.

**Q.** And you met Lieutenant Cochran, and he instructed you to go up behind the rooming

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house.

**A.** Yes. Both myself and the two officers with me was just checking the general area for anybody.

**Q.** And you were advised to go up into this brush area here?

**A.** Yes, sir.

**Q.** Now, how did you climb that wall?

**A.** I don't recall. I believe there was a drum somebody had placed down there – a 55-gallon drum or something, best I remember. But I know we did have trouble getting over because it was a fairly high wall there next to the street.

**Q.** How high would you say that wall was?

**A.** Oh, best of my recollection, probably at least six foot I would think. I'm not sure.

**Q.** So you put this drum –

**A.** No, sir, I didn't. I think some of the other officers –

**Q.** The drum was already there?

**A.** Yes, sir, I think some of the other officers had already placed it there.

**Q.** Was this drum standing upright?

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**A.** Yes, sir.

**Q.** And was it close to the wall?

**A.** Yes, sir, it was right up against the wall.

**Q.** And where was it in the area of the wall?

**A.** Best I remember, it was down close to where we parked the squad car, right in

that area – right along in there somewhere, yes, sir.

**Q.** In here?

**A.** Yes, sir.

**Q.** Would it have been near the corner of the wall?

**A.** Possibility it would have been near the corner of the wall.

**Q.** By "the corner of the wall," I'm pointing to the northeast corner – northeast –

**A.** Yes, sir.

**Q.** – section of the wall. All right. So you jumped on that drum, did you?

**A.** Yes, sir. Best I remember I got up there, yes. Because I recall it was the – the wall was fairly high. It would have been

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difficult to climb up on.

**Q.** How tall are you?

**A.** Six foot.

**Q.** You're six foot?

**A.** Yes, sir.

**Q.** And how tall was this drum?

**A.** Well, a 55-gallon drum, probably 3 foot.

**Q.** About 3 foot?

**A.** Yes, sir.

**Q.** So if you stood upright on that drum, the top of your head would have been about 9 feet above the ground?

**A.** Probably. Something like that, yes, sir.

**Q.** Do you recall standing on the drum – standing upright?

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

**Q.** What did you do? How did you climb up?

**A.** I would have got on the drum and then pushed myself up on the wall and made my way through the – it was real brushy, that area was. It was quite –

**Q.** Okay. Can you describe that area

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that you made your way through?

**A.** Yes. It was real thick brush and stuff in there. It was quite difficult to get through. It was overgrown really bad.

**Q.** It was overgrown really bad?

**A.** Yes, sir.

**Q.** It was really thick brush?

**A.** Yes, sir. Once you got past the initial – I would say kind of like a hedge area, it was weedy, but you could walk right behind the building there.

**Q.** Well, that's way in here –

**A.** Yes, sir.

**Q.** – behind the building.

**A.** Yes, sir.

**Q.** But in this area here –

**A.** Yes, sir.

**Q.** – it was thick –

**A.** Yes, sir.

**Q.** – in the bushes. What did you do when you sort of fought your way through these bushes?

**A.** Where I went to first I'm not really sure. But I just remember checking the sides of the building to my right to the area in

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there. Too, of course, on the way in there we was kind of checking the best we could within the weed area itself where it was overgrown, you know, looking around in there.

And I came up to the – then to the back part of the building right in there, and I worked myself around the corner to your right – right around like that into the open area right in there between the building.

**Q.** Okay. So you're telling us that you came up to the back of the –

**A.** Yes, sir.

**Q.** – this wing – the northern wing of the rooming house and worked your way around this corner.

**A.** Yes, sir.

**Q.** And there is an alley way between the two wings of the rooming house –

**A.** Yes, sir.

**Q.** – is that right? And did you go down into that alley way in that area?

**A.** Yes, sir. I didn't get into the alley way itself. I moved just a short distance around the corner of the building

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there when I found a – a footprint.

**Q.** Now, you found then a footprint.

**A.** Yes, sir.

**Q.** Where did you find that footprint?

**A.** The best I remember – wasn't – it was close just as I come around the corner just a short distance. I ran into it right along in there somewhere. I'm not really – as far as foot wise, I wouldn't say how far. I couldn't recall. It was just around the corner shortly – after I stepped around the corner, I did observe it.

**Q.** Was it a very distinct footprint?

**A.** Yes, sir. I had no trouble seeing it.

**Q.** Did it appear to you to have been freshly made?

**A.** Yes, sir, at that time it did appear to be a fresh print.

**Q.** Was there more than one footprint?

**A.** No, sir. One was all I can recall observing.

**Q.** Somehow you saw this one, what appeared to be, freshly made footprint right in this area here.

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**A.** Yes, sir.

**Q.** What did you do after you discovered the footprint?

**A.** One of the officers – I believe I spoke to one of the officers and told him to advise Lieutenant Cochran that I had located a footprint. And he sent word back for me to stay with the print until he had one of the other officers arrive on the scene. He wanted to take a cast of it.

**Q.** Now, Mr. Hodges, do you recall in which direction that footprint was pointing?

**A.** Best I remember, it was – let's see. That would have been west. It would have been pointing west.

**Q.** It was pointing actually toward the alley way?

**A.** Right. Yes, sir.

**Q.** Now, Mr. Hodges, did any of your group follow that footprint down the alley way to the entrance to the basement of this rooming house?

**A.** I don't know because I – I stayed with the cast. And as soon as they got there, Lieutenant Cochran had me to – he

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wanted to do some measurements to the bullet directly from the rooming house to the Lorraine Motel over there. And I stayed with him, so I don't know if any of the officers – I didn't myself, and I don't – I didn't see any other officers go down.

**Q.** So you just remained with the footprint.

**A.** Yes, sir.

**Q.** Now, how long after the shooting – now, we're trying again to get you to try to recall time frames. How long after the shooting would you say you actually had come upon that footprint?

**A.** 15 minutes at the most I would think. Because he assigned us immediately when we got there and told us to start scouring the area, looking, you know. And that was – I came up behind – through the brush to that point. And there was other officers – I wasn't the only one in the brush. There was other officers looking in there also. And I came to that area and around the corner of the building there, and that's when I – I would say probably a

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maximum of 15 minutes.

**Q.** A maximum of 15 minutes after the shooting you found this footprint?

**A.** Yes, sir.

**Q.** What were the other officers who were in the area doing?

**A.** Basically same as I was. Just trying – working their way through the heavy brush to see if they could locate anything or anything like that. Those that I seen. Now, there was a lot of officers because the brush was so thick that I didn't see. I was just noticing the officers that was close to me.

**Q.** Do you recall the names of any of the other officers you saw in that brush area?

**A.** No, sir, I do not. Just only – Landers is the only one that I actually call – recall that was there. There were the two officers that were with me.

**Q.** Was Lieutenant Cochran informed that this footprint was pointing down the alley toward the basement?

**A.** Not to me. He might have been informed by – one of the other officers might have told him, but I didn't tell him.

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I just told him I had a footprint.

**Q.** Did you know Lieutenant Earl Clark –

**A.** Yes, sir.

**Q.** – at that time? In the time that you were in this area after the assassination, did you see Lieutenant Earl Clark anywhere in sight?

**A.** I do not honestly recall or remember seeing him. I could have, but I just don't remember.

**Q.** But you don't remember seeing him.

**A.** Yes, sir. I don't remember off-hand, no, sir.

**Q.** What kind of uniform were you wearing on that day?

**A.** The standard uniform would have been dark blue trousers and the blue shirt – light blue shirts, I think, best I remember.

**Q.** Would any officers have worn a white shirt at the time?

**A.** Yes, sir. Your commanding officers would have had white shirts on that was in uniform. But as far as the patrolmen, they would have the same uniform on that I did.

**Q.** Would lieutenants and captains have

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worn –

**A.** Yes, sir, lieutenants and above would have white shirts on.

**Q.** They would have white shirts on.

**A.** Yes, sir.

**Q.** Thank you. How long do you recall remaining with this footprint?

**A.** Maybe five, ten minutes at the most. I would say just as soon as he got somebody up there, I went on and checked with him to make the measurements.

**Q.** So you went to other duties after that –

**A.** Yes.

**Q.** – but in this – still in this vicinity?

**A.** Yes, I was in that same general area, yes, sir.

**Q.** Did you at any time enter the rooming house itself?

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

**MR. PEPPER:** That's fine. Thank you very much, Mr. Hodges. Nothing further.

## CROSS-EXAMINATION

BY MR. GARRISON:

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**Q.** Mr. Hodges, I believe this area was the area in fact – I think you call them bushes or brush or something like that.

**A.** Yes, sir.

**Q.** Was that a very thick area – was it difficult to walk in?

**A.** Yes, sir, it was.

**Q.** And were there a lot of limbs?

**A.** Yes, sir.

**Q.** Were there leaves on the bushes and trees?

**A.** I believe that – that some of them had begun to fall off, but I do not recall to be honest with you.

**Q.** How high were the bushes and trees? Were they over your head?

**A.** Oh, yes, sir.

**Q.** They were that high?

**A.** Yes, sir.

**Q.** Do you recall the ground area there? Was it muddy or dry or do you recall how it was?

**A.** Best I remember, it was – had a little moisture in it because I recall that the impression of the footprint was

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distinct. You had no trouble telling that it was a footprint. So I assume there was a little moisture in the ground.

**Q.** Now, when you say a footprint – it was just one print of a shoe?

**A.** Yes, sir.

**Q.** You didn't find anything but one print of a shoe?

**A.** That's all.

**Q.** It was headed west?

**A.** Yes, sir.

**Q.** Would that be in the direction of the back of the rooming house or toward the fire station?

**A.** Well, it would have been towards the river, towards the front of the rooming house.

**Q.** How far was it – how far was it away from the back of the rooming house there would you say?

**A.** Well, actually it was the side of the rooming house there.

**Q.** Oh, I see.

**A.** Maybe two or three foot away from the side of the building on the south side.

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**Q.** Okay. And did you see a door around there on the rooming house in that area – did you see any door entry?

**A.** I don't recall, no, sir.

**Q.** Let me ask you, how would you describe the print? Was it what you call a large one, a small one, a medium one? In other words – it was a shoe print; am I correct?

**A.** It was a shoe size, yes, sir.

**Q.** All right. And did it have any markings on the sole of the shoe that you could distinguish?

**A.** No, sir, best I can remember it did not have any distinguishing marks. It was maybe a 10 or 11 size shoe – just rough estimate.

**Q.** A 10 or 11 size shoe of a man – did it appear to be a man's shoe?

**A.** Yes, sir, it was a man's shoe.

**Q.** When you said it appeared to be fresh, what did you mean by that exactly? Does that mean that it was just made a few moments before or the day before?

**A.** Well, it hadn't been there long to

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get any trash or to deteriorate or anything like that. There was enough moisture in the ground that there was a good impression. And normally, as woody as it was around there and trashy, there would have been trash if it had been there very long, it would have got blown in.

**Q.** Let me ask you something, Mr. Hodges. When you walked back there, did your shoes leave tracks? Was it muddy enough that you left tracks?

**A.** I don't recall about that. I really don't.

**MR. GARRISON:** That's all. Thank you.

REDIRECT EXAMINATION

BY MR. PEPPER:

**Q.** Mr. Hodges, what was done with that cast that was made?

**A.** I have no – I assume homicide – well, at that time homicide would have been handling the scene. And I have no idea what they did with it.

**Q.** So you just – you just stayed by it. And they came –

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**A.** They came and I left. I didn't even see them make the cast. I left before they even poured the cast.

**Q.** Did you ever hear about what happened? Did you ever inquire about what happened to that footprint?

**A.** No, sir, I didn't. I think I had seen some pictures at one time of the cast. But as far as the actual cast, I don't recall whether I've seen it or not. I don't believe I have.

**Q.** And Lieutenant Cochran or anyone else never told you what happened to it?

**A.** No.

**Q.** Or what investigation was done?

**A.** No, sir.

**Q.** Once again, to the best of your knowledge, did you see any police officers going into or coming out of the basement of that rooming house –

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

**Q.** – at that time?

**MR. PEPPER:** Nothing further.

**THE COURT:** All right, sir, you may stand down. You're free to leave.

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**THE WITNESS:** Thank you, sir.

(Witness excused.)

**THE COURT:** Call your next witness.

**MR. PEPPER:** Your Honor, if it please the Court, plaintiffs have a short affidavit to put into the record from Reverend James Orange. Reverend Orange's sister-in-law died, and he was due to testify and he had to attend a funeral that was called yesterday in Detroit.

This is an affidavit – a statement that he gave under oath some while ago. This is the affidavit of Reverend James Orange.

"James Orange, care of Martin Luther King Center For Non-Violent Change, 449 Auburn Avenue, Atlanta, Georgia, being duly sworn deposes and says: In 1968 I was a member of the Executive Staff of the Southern Christian Leadership Conference. And in April of that year, I returned with the staff to Memphis, Tennessee, as a part of SCLC's efforts on behalf of the strikes being mounted by the Sanitation Workers.

"On April 4 we were in Memphis

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preparing for a march which was necessitated by the eruption of violence on the previous march which was attempted on March 28th. On that day the Reverend James Bevel and I were driven around by Marrell [Merrell] McCullough, a person who at that time we knew to be a member of the Invaders, a local community organizing group, and who we subsequently learned was an undercover agent for the Memphis Police Department and who now works for the Central Intelligence Agency.

"It was later in the afternoon when he brought us back from a meeting to which he had driven us and both Reverend Bevel and I noticed that he took us back a different and longer route than we took when going. In fact, I recall that Jim raised the question, though I do not remember McCullough's response. In any event, when we returned to the Lorraine parking lot, it was about five minutes to six. And Bevel and I started wrestling and joking about below the balcony.

"We continued the horseplay for a short while before the shot. After the shot,

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we ducked down. And the first thing I saw was Dr. King's leg dangling over the balcony. When I saw the leg, that's when I looked back and saw the smoke. It couldn't have been more than five to ten seconds. The smoke came up out of the brush area on the opposite side of the street from the Lorraine Motel. I saw it rise up from the bushes over there.

"From that day to this time I have never had any doubt that the fatal shot, the bullet which ended Dr. King's life, was fired by a sniper concealed in the brush area behind the derelict buildings. I also remember then turning my attention back to the balcony and seeing Marrell [Merrell] McCullough up on the balcony kneeling over Dr. King looking as though he was checking Dr. King for life signs.

"I also noticed quite early the next morning, around 8 or 9 o'clock, that all of the bushes and brush on the hill were cut down and cleaned up. It was as though the entire area of the bushes from behind the rooming house had been cleared. They were

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cut to the ground. The police was all over the place within minutes covering both the Mulberry and the South Main Street areas.

"I will always remember the puff of white smoke and the cut brush and having never been given a satisfactory explanation. When I tried to tell the police at the scene as best I saw it, they told me to be quiet and get out of the way. I was never interviewed or asked what I saw by any law enforcement authority in all of the time since 1968."

This was executed on the 20th day of January previously in 1993, Reverend James Orange. We move admission of this affidavit, Your Honor.

(Whereupon said document was marked as Trial Exhibit Number 13.)

**MR. PEPPER:** Your Honor, plaintiffs call Mr. Jim Smith.

**JAMES W. SMITH,**

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

DIRECT EXAMINATION

BY MR. PEPPER:

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**Q.** Good afternoon, Mr. Smith.

**A.** Good afternoon.

**Q.** Thank you for coming here this afternoon. For the record, are you here voluntarily or under subpoena?

**A.** Under subpoena.

**Q.** Would you state your full name and city address for the record.

**A.** James W. Smith, Memphis, Tennessee.

**Q.** Thank you. Mr. Smith, were you previously employed by the Memphis Police Department?

**A.** Yes.

**Q.** And for how many years did you work with the Memphis Police Department?

**A.** About seven.

**Q.** Would you tell us that time frame, please.

**A.** From '64 to '70.

**Q.** And what was your position with the Memphis Police Department at that time?

**A.** At which time? I served a lot of different – during that time period a lot of different assignments.

**Q.** Why don't you just walk us through

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the positions that you had from '64 on.

**A.** Okay. Started uniform patrol, worked vice squad, worked special services, pretty much that – plain clothes.

**Q.** What position did you hold in 1968?

**A.** In '68, special services.

**Q.** Special services. Would you describe for the jury what special services entails.

**A.** Well, it – some of the assignments that I worked in special services was during the Sanitation Strike – surveillance, escort on the garbage trucks, plain clothes assignments, uniform assignments, worked riot control.

**Q.** Were you involved in riot control on the afternoon of the 28th of March?

**A.** On the morning of.

**Q.** On the morning of the 28th of March.

**A.** 28th of March, yes, sir.

**Q.** And would you describe what your assignment was and what you did on that morning of the 28th of March.

**A.** I was assigned to a tactical squad – TAC 5. I was assigned at the Memphis Fire Station Number 2 until the parade started,

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and then we were moved up to the parade route.

**Q.** And when you moved up to the parade route, where exactly were you located?

**A.** On the first move we were moved to Front and McCall. On the second move they put us down to Main and McCall.

**Q.** And where is McCall? It's obviously off this drawing.

**A.** Yes. I don't think that street is there anymore at all. But it's – was a – across the

street from where the Light, Gas and Water is now. McCall came in right there.

**Q.** And what was your formation at that time?

**A.** We were in the tactical squad. The formation was a wedge formation.

**Q.** And could you describe a wedge formation. What does that mean?

**A.** A wedge formation is like this, and it's designed to move into a crowd to disperse it.

**Q.** All right. Were you spread across South Main Street at that time?

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**A.** We were on Main just south of Beale Street.

**Q.** Just south of Beale Street. But did you – did your wedge – your formation take up – spread entirely across the street?

**A.** Well, there were 12 officers and a lieutenant, so I would guess we had six on each side of the wedge and the lieutenant in the middle.

**Q.** And is that where you were located when the march began?

**A.** Yes.

**Q.** What did you – what did you observe after the march began?

**A.** We observed the march coming up Beale Street. And just as it approached Main Street, we observed some people started breaking windows.

**Q.** You heard some shattered glass?

**A.** Yes.

**Q.** And where was that glass being shattered, did you –

**A.** All along Beale Street there near Main. There was also one person trying to knock the window out at the – what's the

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Orpheum Theater now. I think it was a movie house at that time.

**Q.** Well, did you see anyone breaking any windows between your formation and the marchers?

**A.** Yes. They were on each side of the march. They were on the sidewalk, and the march was in the street.

**Q.** Okay. So windows were being broken behind the line of march and in front of the line of march between the police formation and the marchers.

**A.** Right.

**Q.** Did you or your unit do anything at that time to apprehend the people who were breaking the windows in front of the march line between you and the marchers?

**A.** No, that was not our assignment.

**Q.** What – what do you mean that wasn't your assignment?

**A.** Well, they had other officers there that would tend to that type of activity. We were there only to prevent anyone from coming south on Main Street.

**Q.** So you were told not to break the

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formation?

**A.** Right.

**Q.** Was that the usual instruction when you were in that formation?

**A.** Right. If you break the formation, you're just an individual acting on your own.

**Q.** Did you see any of the other officers interfering with the people or apprehending people who were breaking the windows in front of the march area?

**A.** Well, shortly after that, things really broke up.

**Q.** Well, before things broke up, the marchers started proceeding, you're in formation, windows are starting to be broken – before things broke up, was there any attempt to apprehend people who were breaking the windows? This is before the march broke up now.

**A.** I didn't see – see that.

**Q.** You didn't see any. Does that seem strange to you?

**A.** Well, I really had my hands full worrying about what I had to do, and I didn't

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really pay attention to what the other officers would be doing. I was aware of the windows breaking, and I knew we had to maintain our formation.

**Q.** Okay. Now, as the marchers approached up South Main Street toward you, what – could you describe, please, what happened next.

**A.** Well, another group started throwing bricks. They had just demolished a building there, the old M & M building. And bricks were stacked up there. And some people not in the march started throwing bricks, and that's when the march started breaking up.

**Q.** At whom were they throwing those bricks?

**A.** They were just throwing them. Anyone that was out there would have gotten hit by them.

**Q.** And what was the response of your unit as these bricks started to be thrown around?

**A.** Well, when the bricks started raining down, they were coming down on the marchers and everybody. And as people started south

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on Main, we moved up to block them from coming on Main.

**Q.** Which people?

**A.** Everybody. Anybody on the street that was coming south on Main.

**Q.** So people started running or – forward on South Main?

**A.** They ran in all directions. But anybody that came south on Main we were supposed to turn back the other way.

**Q.** Your instructions simply were just to prevent them from going any further –

**A.** Right.

**Q.** – as they reached you.

**A.** Containment.

**Q.** To contain them. Were you able to do that? Were you able to contain them?

**A.** No.

**Q.** What happened?

**A.** First thing that happened, somebody got behind us and our lieutenant went down. And as we tried to help him, things broke up and everybody was pretty much on their own.

**Q.** So it just became chaotic; is that right?

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**A.** Very much so.

**Q.** During all this melee, did you see Dr. King anywhere?

**A.** He was hustled away as soon as all those bricks started.

**Q.** So around the time that the bricks started being thrown, he was taken away – taken out of the area?

**A.** When I saw him, they were ushering him away.

**Q.** You saw him taken away.

**A.** And I didn't keep up with any movements after that.

**Q.** Did you ever recognize any of the people who were throwing bricks or breaking windows in front of you? Had you seen any of those people around?

**A.** I didn't recognize any of them.

**Q.** Didn't recognize any of them.

**A.** Huh-uh.

**Q.** Now, this was on March 28th when this all happened. Let's back up to Dr. King's first visit to Memphis related to the Sanitation Workers Strike which would have been on March 17th. He was in Memphis on

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March 17th and 18th and delivered a speech. Do you recall that visit?

**A.** Yes.

**Q.** Do you know where he stayed during that visit?

**A.** At the Rivermont.

**Q.** At the Rivermont Hotel. Did you have an assignment on that visit?

**A.** Yes.

**Q.** And what was your assignment during the course of that visit of Dr. King's?

**A.** I was told to meet the Feds at the dead-end of Calhoun Street on the river bluff.

**Q.** I'm sorry. Could you repeat that, I didn't hear it.

**A.** My assignment that day was – I was on a surveillance at Danny Thomas and Crump, and I was pulled from that and sent to the dead end of Calhoun Street on the river bluff to meet the Feds.

**Q.** Okay. You were sent to the dead end of Calhoun Street – pulled off another assignment and sent to the dead end of Calhoun Street. And what was your role in

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the place that you were sent?

**A.** Keep vehicular and pedestrian traffic out of that area.

**Q.** To keep vehicular and pedestrian traffic out of that area. Did you learn why you were given that assignment?

**A.** I'm not sure I understand your question.

**Q.** Well, why did they want to keep pedestrian and vehicular traffic out of the area at that time?

**A.** I learned the next day that there was a surveillance going on down there.

**Q.** There was a surveillance going down – going on where?

**A.** In that area.

**Q.** In that area.

**A.** Right.

**Q.** And who was the target of that surveillance?

**A.** I was told it was Dr. King.

**Q.** Dr. King was under surveillance. And how was that surveillance being conducted?

**A.** Hearsay. Electronic surveillance.

**Q.** Well, did you – did you see yourself

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a van out of which the – you came to believe that surveillance was being conducted?

**A.** Yes, sir.

**Q.** Did you see at any time any equipment in that van?

**A.** Yes, sir.

**Q.** What was the nature of the equipment that you saw?

**A.** It looked like radio equipment.

**Q.** And was that radio equipment manned by officers?

**A.** Yes. There were two people in there.

**Q.** There were two people in there. Were they Memphis Police Department officers?

**A.** No.

**Q.** What was your – what is your opinion of where they came from or who they were?

**A.** Well, I was told to meet the Feds, so I assumed they were Feds.

**Q.** They were federal agents of one sort or another?

**A.** Right.

**Q.** Is it true that at one time you thought they might have been FBI agents?

**A.** Yes. At that time when I heard the

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word "Feds," I just assumed FBI.

**Q.** But have you subsequently come to believe that they were not FBI agents?

**A.** I've been told that they weren't.

**Q.** So they were federal agents from some other federal agency.

**A.** Some federal agency, yes, sir.

**Q.** Now, Mr. Smith, how is that kind of electronic surveillance normally conducted? Would you just explain – because you were involved in the intelligence operations and surveillance. How would that kind of surveillance operation be conducted? How would they be receiving spoken word in that van?

**A.** I would imagine they would be monitoring some kind of transmitter.

**Q.** And would that transmitter have to be in Dr. King's suite at the Rivermont CHECK?

**A.** It would – if that's who they were monitoring, it would have to be near that person, yes, sir.

**Q.** Did you ever come to learn that there was microphonic – that there were microphones installed in his suite that was

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transmitting into that van?

**A.** That was the – that was my understanding.

**Q.** Yes. Would those microphones have been in every room of the suite?

**A.** There's a good possibility, yes.

**Q.** Would they conceivably have been also out on the balcony picking up any conversations out there?

**A.** There – there could be, but I'm not sure they would get a good, clear return on something like that.

**Q.** Now, you weren't a part of the group that did the actual installation.

**A.** No.

**Q.** Who would have done the actual installation of those microphones in Dr. King's suite?

**A.** It would be a guess on my part. But someone connected with the people in the van.

**Q.** It was their equipment, so that would make sense, wouldn't it?

**A.** Yes.

**Q.** Did you ever have any discussions with the – any of the officers – any of the

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people in the van?

**A.** A couple times I was sent to get sandwiches and drinks. But other than that, no real conversation.

**Q.** Did they ever tell you what they were doing?

**A.** No.

**Q.** They ever discuss what they were doing with you?

**A.** No. They just told me to keep vehicular and pedestrian traffic out of that area.

**Q.** Keep traffic away from where they were. And exactly where was this surveillance van located?

**A.** It was on the bluff overlooking Riverside Drive across from the Rivermont.

**Q.** Are you aware of the fact that throughout this – this sad and sorry history that the Federal Government has always denied having Martin Luther King under surveillance when he was in Memphis prior to his assassination?

**A.** I'm not sure I understand that either.

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**Q.** Well, the question is: Were – are you aware that the government – that the Federal Government has consistently denied having Dr. King under surveillance when he was in Memphis?

**A.** No, I wasn't aware of that.

**MR. PEPPER:** Thank you. Nothing further.

**THE COURT:** Mr. Garrison?

**MR. GARRISON:** I have no questions of this witness. Thank you.

**THE COURT:** All right, sir. You're free to leave. Thank you very much.

(Witness excused.)

**THE COURT:** Does anybody on the jury need a break? All right. Call your next witness.

**MR. PEPPER:** May we approach, Your Honor?

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

**THE COURT:** All right. Ladies and gentlemen, while they're lining up the next order of proof, we're going to take a short break.

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(Brief break taken.)

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

**THE SHERIFF:** Yes, sir.

(Jury In.)

**THE COURT:** Mr. Pepper, call your next witness.

**MR. PEPPER:** Your Honor, plaintiffs call Barbara Reis to the stand.

**THE COURT:** Barbara Reis.

**MR. PEPPER:** She's in the courtroom, Your Honor.

**THE COURT:** Barbara Reis, come around, please.

**BARBARA REIS,**

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

DIRECT EXAMINATION

BY MR. PEPPER:

**Q.** Ms. Reis, would you state your full name and address for the record.

**A.** Barbara Reis, R E I S, 167 Avenue Way, Apartment 8, New York, New York 10009.

**Q.** Ms. Reis, what do you do for a living?

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**A.** I'm a journalist.

**Q.** And for whom do you work?

**A.** For *Publico*. It's a Portuguese newspaper.

**Q.** Is *Publico* a large Portuguese newspaper?

**A.** It's the leading daily newspaper in Portugal.

**Q.** Were you the – the correspondent of *Publico* in the United States?

**A.** Yes.

**Q.** Are you taking this stand willingly?

**A.** No, I'm not.

**Q.** Would you rather not testify about the events about which I am going to question you?

**A.** Yes, as I stated many times.

**Q.** Ms. Reis, what are your reasons for not wanting to testify about these events?

**A.** Because I came to Memphis to cover the trial, and I don't feel it's – it's my place to change from that batch to this one.

**Q.** Do you believe that your testimony here in any way could compromise your – your professional integrity?

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**A.** I think in a way, yes.

**Q.** Even though you are not testifying voluntarily and you have been – you have been called against your will?

**A.** Yes.

**Q.** How long have you been here in Memphis covering this – these proceedings?

**A.** Since Sunday.

**Q.** You are aware of the fact that this section of plaintiffs' case has been dealing – it's disjointed to some extent because of witnesses coming and going and problems – but basically dealing with the issue of the existence of a man called Raul.

**A.** Yes.

**Q.** And you are aware of the fact that plaintiffs believe on the basis of evidence that Raul is a native of Portugal.

**A.** Yes.

**Q.** Is that one of the reasons why you and your newspaper have taken an interest in this case?

**A.** Yes.

**Q.** Have you written articles about this

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case that have been published in *Publico* in Portugal?

**A.** Yes.

**Q.** And how long have you been writing articles about this case that have been published in *Publico*?

**A.** Two years.

**Q.** Two years?

**A.** (Witness nods.)

**Q.** Would you say how many articles you've written?

**A.** Well, on – on Raul specifically, just two.

**Q.** I'm sorry.

**A.** On Raul's part –

**Q.** Just on the case generally or any – any aspect of the case.

**A.** Well, I – I did many articles two years ago when it was the 30th anniversary of the assassination. I came to Memphis. I covered the events that took place here. I reviewed many people for that – for those articles, and I did other stories related to the case.

**Q.** So you have familiarized yourself

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quite considerably with the case.

**A.** A little bit.

**Q.** Now, how long have I known you – have you known me?

**A.** Personally – two weeks I would say.

**Q.** Not very long.

**A.** No.

**Q.** Do you recall where we met for the first time?

**A.** Yes.

**Q.** And where was that?

**A.** At the Harvard Club.

**Q.** Where?

**A.** In New York City.

**Q.** All right. And at that time did I ask you a range of questions about Raul and what information you might have concerning Raul?

**A.** Yes, you did.

**Q.** And did you ask me – as a reporter, a journalist, did you ask me a number of questions about the case?

**A.** I did.

**Q.** So there was this kind of exchange of information. Did you not tell me at that

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time that at one point you took it upon yourself, out of interest, to attempt to visit with Raul himself?

**A.** Yes. I actually had tried that before.

**Q.** And were you successful?

**A.** No, he wasn't at home.

**Q.** But you – you went to his home.

**A.** Yes.

**Q.** Did you at some point, in the course of your interest and your visit to his home, develop a certain understanding or obtain certain information from a source connected with the family?

**A.** Yes.

**Q.** Did that source tell you that these proceedings and these accusations had been a burden to the family?

**A.** Yes. They felt harassed.

**Q.** And that it had to some extent disrupted their family life?

**A.** Yes.

**Q.** And, in fairness, did the source also maintain that there was no basis, that this was the wrong person, not the Raul?

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**A.** Yes. They say that absolutely they have no connection.

**Q.** To all of that – all of that was laid out for you, all of that objection to the identification in the proceedings were laid out to you.

**A.** They feel they are victims.

**Q.** Sorry.

**A.** They feel they are victims of mistaken – a mistake.

**Q.** They feel that they are victims of mistaken identity?

**A.** Mm-hum.

**Q.** That Raul is the victim of mistaken identity?

**A.** Right.

**Q.** Plaintiff has and will be putting on continual evidence about – about Raul. And you may or may not choose to cover that and review that evidence yourself. But, moving on, did this source indicate to you that the government of the United States was giving them assistance?

**A.** Not in a specific way. But the person mentioned they, as the government,

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having visit them.

**Q.** The government had visited them?

**A.** The person said "they." And I asked who is "they." And the person said the government.

**Q.** The government. How many times had the government visited them?

**A.** Three times.

**Q.** Three times. And what did the government – presumably agents of government here – what did the agents of government do when they visited them?

**A.** I have no idea. It was a very brief conversation, and I didn't ask specifically what, and she didn't say what they did when they went there.

**Q.** Well, did you have the protection – did you have the impression that the government – that she believed that the government was giving them some kind of protection?

**A.** The person mentioned that they are protecting us. So in a way of telling me, go away. You won't get anything from me and, plus, we are protected. So she said a

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general statement regarding –

**Q.** We are protected, meaning the family is being protected?

**A.** They are looking over us. That was –

**Q.** They are looking over.

**A.** That was the expression.

**Q.** Looking over us. Did the source indicate that the government was monitoring their telephones?

**A.** Yes.

**Q.** That was a way of protecting them?

**A.** Exactly.

**Q.** And she was pleased, was she, that this activity was going on?

**A.** I wouldn't say pleased. She – she said that, and I took note of it. We didn't – I guess she felt confidence, but I didn't get into that.

**Q.** All right. So as that – as the conversation developed, it emerged that at least some comfort was being derived from government protection or government looking over them?

**A.** Yes.

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**Q.** Government intervening after this difficulty began –

A. Yes.

Q. – for them?

A. Yes.

Q. Was there an indication of the fact that it was ongoing, this protection?

A. At the time, yes. This was two years ago.

Q. You made this visit two years ago, and at the time there was an indication that it was ongoing, this government protection?

A. I don't know what ongoing can mean. But three years over – three times over maybe three years. So once a year I would say.

Q. That there was some contact?

A. Mm-hum.

Q. Was there any indication of how the electronic monitoring or surveillance of their telephones was being conducted by the government?

A. I have no idea.

Q. No details of that at all?

A. No.

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Q. Only that it was being done.

A. Yes.

**MR. PEPPER:** Nothing further, Your Honor.

**THE COURT:** Mr. Garrison?

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Ms. Reis, how do you spell your last name?

A. R E I S.

Q. I'm sorry. How long have you been working on this case?

A. As I told – two to three years.

Q. All right. Has anyone else with your paper worked on this case besides you?

A. I'm sorry.

Q. Has any other employee of the paper worked on the case besides you?

A. No.

Q. You're the only one?

A. Yes.

Q. Have you ever contacted any of this – well, let me back up. You learned and know that this gentleman, Raul, is from – originally from Portugal. You know

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that, don't you?

A. Yes.

Q. And have you ever contacted any of his family who still lives in Portugal?

A. No, never.

Q. You know Mr. Ray – you've heard that James Earl Ray had left Memphis after the assassination and ended up in Portugal. You know that, don't you?

A. Yes.

Q. Do you know anything about the fact that he had contacted some of this Raul's

family in Portugal when he got there?

**A.** No.

**Q.** Had you ever heard that?

**A.** (Witness nods.)

**MR. GARRISON:** Okay. That's all, Your Honor.

**THE COURT:** All right. You may stand down.

(Witness excused.)

**MR. PEPPER:** Your Honor, we have a short video deposition from a Mr. J.J. Isabel who is unavailable to testify.

**THE COURT:** What do you call

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short?

**MR. PEPPER:** Well, it says 46 minutes, Your Honor.

**THE COURT:** That's too long. It will be dark in 46 minutes. We'll have to start on that tomorrow.

**MR. PEPPER:** Okay.

**THE COURT:** All right. Ladies and gentlemen, we're going to stop at this point.

(Court adjourned until Wednesday, November 24, 1999, at 10:00 a.m.)

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