

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

Volume 11

2 December 1999

1545

THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE

THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

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.

PROCEEDINGS

December 2, 1999

VOLUME XI

Before the Honorable James E. Swearngen,

Division 4, Judge presiding.

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1546

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1547

- INDEX -

WITNESS: PAGE NUMBER

REV. SMAUEL B. KYLES

Direct Examination

By Mr. Garrison ----- [1551](#)

Cross-Examination

By Mr. Pepper ----- [1577](#)

Redirect Examination

By Mr. Garrison ----- [1598](#)

FRANK W. YOUNG

Direct Examination

By Mr. Garrison ----- [1599](#)

Cross-Examination

By Mr. Pepper ----- [1613](#)

ELI ARKIN

Direct Examination

By Mr. Garrison ----- [1621](#)

Cross-Examination

By Mr. Pepper ----- [1635](#)

REBECCA A. CLARK

Direct Examination

By Mr. Garrison ----- [1641](#)

Cross-Examination

By Mr. Pepper ----- [1649](#)

JOHN DOE (By Video)

Direct Examination

By Mr. Garrison ----- [1676](#)

LAVADA ADDISON

Deposition read by Mr. Garrison ----- [1707](#)

EXHIBITS

34 ----- [1596](#)

35 ----- [1601](#)

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1548

P R O C E E D I N G S

THE COURT: Mr. Garrison and Mr. Pepper, I'd like to see you.

MR. GARRISON: Sir?

THE COURT: Come up here.

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

THE COURT: Bring the jury out.

THE SHERIFF: Yes, sir.

(Jury In 10:25 a.m.)

THE COURT: Good morning, Ladies and Gentlemen. Before we get started, the Court has another matter that it has to deal with. Mr. Campbell, would you come around, please, sir.

THE COURT: Mr. Campbell, my deputy had these pictures processed, and it appears that you did take pictures of the jurors in violation of the Court's order.

MR. CAMPBELL: I did not realize that. It wasn't on purpose, Judge. I tried to get Mr. King, and I guess I got everybody from the angle I had.

THE COURT: Well, I'm hoping it was inadvertance rather than deliberate.

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(901) 529-1999

1549

And, of course, I'm going to reflect that in my judgment. But I do find that you're violating of the order was an act of contempt, and I'm going to impose on you a fine in the amount of \$25 which would cover the cost of the rapid development of this film and the cost that my deputy had to incur in gas and time for having them developed.

MR. CAMPBELL: I understand. I'm surprised they came out very good – good at all.

THE COURT: All right. You can settle up with the deputy.

MR. CAMPBELL: Okay. I'll have to do it later. I ran down here with no money at all. So I'll catch you –

THE COURT: Well, we sure would hate to have to put some handcuffs on you.

MR. CAMPBELL: Don't do that. Don't do that. I can get it. I just got to get to the bank. When we have a break, I'll go out and bring it back.

THE COURT: All right. You will do it before 12 o'clock.

MR. CAMPBELL: Yes, sir. I

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(901) 529-1999

1550

would like to stay for this and –

THE COURT: Well, if you consider that more important than taking care of this –

MR. CAMPBELL: Dr. King is more important to me.

THE COURT: You can do it like you want to. But at 12 o'clock it's either paid or I'll send you –

MR. CAMPBELL: I'm going to sit here for a while, and then I'll go out.

THE COURT: I'm not going to advise you on it.

MR. CAMPBELL: I got you, Judge. Thank you.

THE COURT: Mr. Garrison, are you ready to proceed?

MR. GARRISON: Yes, Your Honor.

THE COURT: All right, you may.

MR. GARRISON: Call Reverend Kyles.

REV. SAMUEL B. KYLES,

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

THE WITNESS: Your Honor, may I

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1551

just have – reflect for the record that I was subpoenaed to come, not of my own free will.

THE COURT: All right, sir. Let the record reflect that Reverend Kyles is here under subpoena.

DIRECT EXAMINATION

BY MR. GARRISON:

Q. Good morning, Reverend Kyles.

A. Good morning.

Q. Let me ask you, sir, if you will tell us your full name.

A. Samuel Billy Kyles.

Q. All right. And, Reverend Kyles, you've been around Memphis a long time, haven't you?

A. 40 years.

Q. And what presently do – what do you do presently?

A. Pastor, Monumental Baptist Church.

Q. All right, sir. And how long have you been a pastor of that church?

A. 40 years.

Q. All right. You were here, Reverend Kyles, during the Sanitation Strike; were

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(901) 529-1999

1552

you, sir?

A. I was.

Q. All right. And did you have the occasion during the Sanitation Strike back in 1968 to have some conversation or association with Dr. Martin Luther King, Jr.?

A. I did.

Q. Tell us, Reverend Kyles, during that time when you first recall having any conversation with Dr. Martin Luther King.

A. The garbage workers had been on strike, I think in February. And I was in Miami, Florida, with a group of ministers from around the nation. Dr. King had called a group

of us down there. And I got the word that the garbage workers had gone on strike. And I said, just rather offhandedly, you may have to come to Memphis to help us out on the strike. I had no idea it would go that long.

And, of course, when the strike picked up momentum, we called and – "we" being a group called Community On The Move For Equality – called Dr. King about coming to Memphis to make a speech for us. This was

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1553

in March.

Q. Of 1968?

A. Of 1968, yes, sir. And the staff says, well, he doesn't have time to come. We're behind schedule on the Poor People's Campaign. But he overruled the staff and came because he thought that the garbage strike was so important and was very akin to what he was doing with the Poor People's campaign. So that was our beginning conversation about the strike.

Q. Let me ask you something. Back before – before March of 1968 had you – had you had some association with Dr. King? Had the two of you been together in revivals or preaching or anything like that?

A. We were pastors together, and we were in the same convention. He was president of the Congress – or one of the vice presidents of the Congress. But the meeting I mentioned in Miami was a meeting that SCLC had called of ministers of urban communities to see what we could do about the violence and other things happening in the community.

Q. All right, sir.

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(901) 529-1999

1554

A. So we had a relationship before his coming to Memphis.

Q. All right, sir. Now, when Dr. King first came to Memphis – that was in March of '68; am I correct, sir? The first time – during the first march that they had.

A. Yes, for a speech.

Q. And were you in his presence some during the time when he first came here?

A. I'm sorry.

Q. Were you in his presence some of the time –

A. Yes.

Q. – when he first came here?

A. Yes. Each time he came I was involved.

Q. Let me ask you, Reverend Kyles, did you have any conversation or any meeting with Dr. King before the first march that was held here in Memphis?

A. Yes. That's – he came to make the speech – not the Mountain Top Speech, but he made another speech when he finally came. That – don't hold me to dates, I just can't remember.

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1555

Q. That's fine.

A. But I'm fairly certain it was March.

Q. All right, sir. Let me ask you, when the march was held, there was some, I guess, violence you call it. Were you present at that time with Dr. King?

A. Yes, sir, I was.

Q. You were in the march?

A. I was, yes.

Q. All right. Now, when he left Memphis to go back to Atlanta – at that point did you have any conversation with him about coming back to Memphis?

A. Yes. During the march break-up, the police had been just so vicious and so

violent. There were a number of young guys who really started breaking out windows during the march. And rather than isolate them, the police just waded into the crowd and started beating anybody just randomly. I was not at the front of the march because I was trying to give some direction in the back.

And I could hear on the police radio the officers – I heard this – this sound.

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(901) 529-1999

1556

I didn't even make it to Beale Street. I was still on the street leading up to the church. And I heard this noise. And I could hear a sound, and I could hear the police saying: Permission to break up the march. Permission to break up the march. The Negroes are rioting. The Negroes are rioting.

And finally the permission was granted. And he said, permission granted. I'm listening to this on a police radio. And then this wave of people started coming back to the church. They started spraying tear gas and just beating people randomly. My six-year old daughter was sprayed in the eyes with mace by some big burly policeman.

But they were quite vicious. And we were concerned for Dr. King's safety. So we flagged a car down. I wasn't an eye witness to this, but this is how I'm told it happened. They flagged a car down and went to – took him to the nearest motel – hotel, which was the Rivermont Hotel. After things had calmed down, I finally went by the hotel. He was lying on the bed fully dressed

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(901) 529-1999

1557

and was very depressed.

Q. Is that the Rivermont Hotel?

A. Yes, the Rivermont Hotel.

Q. Yes, sir, go ahead.

A. He was very depressed. And he said, Billy, what happened? I said, I don't know. I don't know. He said, well, we have got to have a peaceful march in Memphis. If we

don't have a peaceful march in Memphis, we can't go to Washington. The Washington march was not going to be a march. It was really a campaign for poor people. He had – he had gathered poor people from the African-American community, from Native Americans, Appalachian, whites.

And it was not a case of going to Washington making speeches and leaving, but we were going to build tents and live in Washington until this nation did something about its poor. So he said, if we don't have a peaceful march in Memphis, we can't go to Washington. And so we determined that – he determined that he would come back.

That's how all the staff happened to have been in Memphis at the time of the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1558

assassination because he sent the staff in to workshop Memphis so we could have a peaceful march.

Q. All right, sir. Now, when he came back to Memphis, which was what, April the 3rd –

A. Yes.

Q. – '68? Did – were you present when he arrived in Memphis?

A. No. I did not go – I was – I was not at the airport. I was at the church. He came from the airport to the church and had a press conference there at Centenary United Methodist Church where Jim Lawson was pastor.

Q. And I believe that plans were made at some point that he and Reverend Abernathy and some others would dine in your home that afternoon; am I correct, sir?

A. No, that was – not – not that day. The 3rd they had dinner at another place – at another home. Usually when you're on the road like that and you – you're eating hotel food all the time, it's kind of expected that somebody locally would have a home-cooked meal. And so someone else had it the 3rd.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1559

Q. On the 3rd. It was your home on the 4th.

A. The 4th, yes.

Q. All right. I've got my dates wrong. So you were on the 4th. During the date now of the 4th of April, 1968, would you tell us what happened that day as best you recall, what transpired between you and what you saw Dr. King –

A. Yes. Dinner was to be served at my home at six o'clock.

Q. 6 p.m.?

A. Yes.

Q. And what time did you first talk to him that day or see him that day?

A. It was earlier that day. I think we had a minister's meeting at one of the churches, and then he went back to the hotel – to the motel – the Lorraine Motel. He went back there to conduct some meetings.

One of the things that he was really concerned about – and I think the last staff meeting that he had, he got a recommitment to non-violence from his staff.

He said, this is a non-violent

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1560

movement. And even if you don't embrace non-violence as a philosophy, you have to embrace it as a tactic because we're non-violent. Now, anybody that really can't embrace non-violence cannot be in this movement. He was very, very clear on that.

And he was meeting during the day with several groups including his own staff. I went over to the motel about 4 o'clock. I told he and Ralph that dinner was at 5 because we were already running so late. When I got to the room, knocked on the door, and they let me in. And I said, okay, it's almost 5 o'clock. And they said, oh, no, we called the house, dinner is not until 6, and we're not in a hurry. And that gave me that wonderful privilege of spending the last hour, he and Abernathy and myself, in Room 306 waiting for the 5 o'clock hour – or the 6 o'clock hour.

Q. Now, I know I've seen you talk about this. You said you talked preacher talk while

you were there, is that –

A. Well, the night before – [the Mountain Top Speech](#) was so unusual, so

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(901) 529-1999

1561

different than what we had heard. The reporters were very curious as to what mood he was in the next day and how – had he come off that. The Mountain Top Speech almost didn't take place because there were thunder storm warnings that night, and it was thundering and lightning and raining.

And he thought there would not be many people at the temple. So he told Abernathy, Jesse Jackson and myself and others to go over and have the meeting. He would stay at the hotel and work on the Poor People's campaign.

Well, when we got there, there were – the place was nearly full – more than half filled. And even though it was raining and thundering and lightning, people came. And so when Abernathy walked in and I walked in and Jesse Jackson walked in, the people started clapping. And Abernathy's preacher sense told him – he said, these people are not clapping for us, they think Martin is behind us. Show me a phone, let me go call Martin. So he went and called him.

He said, man, you need to get over

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1562

here. These people have come to hear you. And we're not – I'm not making a speech tonight. And so he said, if you think I need to come, I'll come. We almost missed his Mountain Top Speech. But he did come and – and that night he dwelt on death more than I had ever heard him.

He talked about the time that he was stabbed in New York City. A woman came up to him and said, are you Dr. King? He said yes. And she stabbed him in the chest with a letter opener. And he said of all the – he's telling this at the meeting.

He said of all the greetings I got, the most telling came from a young girl who wrote: Dear Dr. King, I read about your misfortune. And the paper said that the blade was so close to your aorta that if you had sneezed, you would have drowned in your own

blood. And she put at the bottom: I'm glad you didn't sneeze.

And he picked up on that and did a whole litany on I'm glad I didn't sneeze. If I had sneezed I would have missed the march, I would have – he just listed all of the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1563

things he would have missed. And by that time we were on our feet, we were crying, and there was such passion and pathos in his voice. I mean, we just – we didn't know what to do.

And he just said, I'm not fearing any man. I may not get to the Promise Land with you, but you – we as a people will get to the Promise Land. And I thought about that. And I'm so certain that he knew he wouldn't get there, but we couldn't stand to hear him say, I won't get there. So he said, I may not. He softened it for us. I may not get there with you. And it was such a powerful presentation.

And so the press was very curious as to what mood he was in after that. But after that, the next day, he was all right. I mean, he was back doing what he needed to do.

Q. Let me ask you this. At that point had you been aware of threats against Dr. King? Had you heard about it or had any first-hand knowledge?

A. That was always the case. There were

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1564

always threats. There were always threats.

Q. How were these threats communicated, through telephone calls, or how did they come about?

A. I'm sure many of them were phone calls. Some of them were written. But he – he would say that he's not going to – he's not going to live in that fear. He just wouldn't let that – and I think part of what that speech was about at Mason Temple was preaching through the fear of death. He preached it out of him. He just got it out of him. He said, I'm just not fearing any man. I'm not worried about anything.

And I'm not sure he knew that it was as imminent as it was. But he – he just preached through it. And then – and lived with – with that fear.

Q. Now tell us, Reverend Kyles, on the day of the assassination what happened there. Walk us through that if you can.

A. When I went to – to get them at the motel and told them it was time to go and they said, no, no, no, we got another hour.

So in the room, Abernathy had washed one of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1565

those drip-dry shirts, and he couldn't button it. So he took it off. And he said, Ralph, you mean you're not going to wear that – that shirt, and I washed it? He said, I can't button it.

So he took it off. And he was speaking very kindly about his father and mother. Three preachers in the room really talking. Ralph needed an Evangelist to preach a revival in Atlanta. And Martin said, why don't you get Kyles? And when I was told – I said, what date is it? And they gave me the date. I said, well, I will be in Columbus, Georgia, preaching for Fred Lofton, who is now pastor here of Metropolitan. He was in Columbus.

Martin said, wait a minute. Anybody with good sense would rather spend a week preaching in Atlanta than Columbus, Georgia.

So I said, does that mean I don't have good sense? He said, I didn't say that. Hear what I said. Anybody with good sense would rather spend a week preaching in Atlanta. And it was very light. And I'm so glad it was. It was light conversation.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1566

He talked about what we were having for dinner. And we had recently purchased a new home. And he said, now, if we go there and you bought a home and can't buy furniture and – like a friend in Atlanta. A preacher bought a house, I won't call his name, but we had to eat on a card table, and the kool-aid was hot and the ham was cold. He said, if that happens at your house, I'm going to spread it on you. So he

was in a very light mood.

And we did that until about quarter to six and we walked on the balcony. He stepped on the balcony. And he was greeting people he had not seen. And he saw Jesse and he told Jesse – Jesse Jackson – you're not dressed for dinner. He didn't have a suit on or something. Jesse said, I didn't know a shirt and tie was a prerequisite, I thought an appetite was and I have that.

And he spoke to Chauncy Eskridge and his – his lawyer from Chicago, and we stood together on the balcony. And someone said, it's going to be cold tonight. Abernathy was still in the room putting on shaving lotion.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1567

And Martin went back to the door. He didn't go in the room. He said, Ralph, get my coat. And he came back to the balcony and was greeting people again.

Jesse said, this is Ben Branch who is a musician from Chicago who grew up in Memphis. And Jesse Jackson was having a conversation with Martin and Ben Branch. Martin and I stood together greeting. I said, come on, guys, let's go. I got about five steps and the shot rang out. I looked back, and I saw him lying on the balcony.

One of his feet was hanging through the railing. There was a tremendous hole in his face. There was a bigger wound under his shirt that we couldn't see, and there was blood everywhere.

And I ran in the room, picked up the phone to call an ambulance. The phone is operator assisted. The operator had left the switch board. She was out in the courtyard. And when she saw that Dr. King had been shot, she had a heart attack. And she died the next day. She was the motel owner's wife.

And then I ran back out. The police

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1568

were coming with their guns drawn. And I hollered to them: Call an ambulance on your police radio. Dr. King has been shot. And they said: Where did the shot come

from? And the picture you see of people pointing is in response to them saying "where did the shot come from?"

Q. Where were you at this point? Were you up on the balcony?

A. I was still up on the balcony running between the room and the balcony. When the police got there, they secured the balcony. Some people had come up, but they wouldn't let others come up. And then we finally got someone on the switchboard. They did call the ambulance. I took the spread from one of the beds in the room and covered him from his neck down. Someone put a towel to his face. And there was just – just – blood was just everywhere.

Q. Reverend Kyles, did you know a young gentleman named Marrell McCullough at that point?

A. I heard his name, but I didn't know who he was until – I guess when this trial

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1569

started I knew who he was.

Q. That's the first time you ever heard his name called?

A. No. I heard his name before, but I really didn't know who he was.

Q. Well, was he up there that day when Dr. King –

A. I'm told that he's on the photograph. I don't know. I don't know him. I didn't know him, so I don't know.

Q. Now, when Dr. King – when the shot was fired, are you still on the balcony or were you going down the steps at that time?

A. No, I was still on the balcony.

Q. How many feet would you say you were away from him roughly?

A. Five.

Q. Do you remember at that time which direction you were facing?

A. The – I was going down the right side, so that would be north.

Q. All right. So you would have been facing north looking toward the back, I guess –

A. The back of the buildings on Main

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1570

Street.

Q. All right. And when you heard the shot, did it sound like a shot? Did it sound like a shot to you from a gun?

A. It's – yes, it sounded like a shot. But I really kind of thought it was a car back-firing until I saw people ducking. Everybody on the ground took for cover. And then I realized it was – it was the shot.

Q. All right, sir. And did you look back in the direction of the bush area of the rooming house and all – did you look back in that direction?

A. Yes. I did, yes.

Q. Did you see any movement of anyone in that area at all?

A. I did not.

Q. All right. And you had a clear view where you could see. Wasn't anything obstructing your view since you were up on the balcony; is that right?

A. Yes, I would have had a clear view. I'm sure I looked in that direction, but I guess I was in such shock I can't – I can't say that.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1571

Q. Reverend Kyles, you've talked to, I know, many, many people and read many things and had many conferences about this. Can I ask you this, sir. Is it your opinion or has it been your opinion that James Earl Ray acted alone in this case?

A. Never has. The first interview I gave after that I said I was certain that there was a conspiracy – that others were involved. I thought there was enough physical evidence to point to James Earl Ray. But all day that day of April the 4th, I heard on the radio and all the news casts: Martin Luther King, Jr., is back in town to lead a march. He's at the Lorraine Motel in Room 306.

And I finally mentioned that to Andy Young. I said, Andy, they're putting Martin's room number on the radio. And he said, yes, we need to check it. But I don't think he ever did because he was in court down here trying to get the injunction lifted against the march.

And I just knew that any news person who came into the – into the news room and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1572

took that off the teletype would read that copy. But somebody had to put it in there. And that – that was just too many details to give in a regular news cast. So all the interviews that I've given over the – over the years, I've mentioned from day 1 that I thought more people were involved than Mr. Ray.

Q. But you have no first-hand knowledge of anyone else.

A. I do not.

Q. Of course you didn't see anything else that day. Could you tell us which direction or which – where did the shot seem to come from to you when you heard it? Which direction was it from the position you were standing in?

A. As I said, I thought it was a car back-firing. So I looked over the – I looked over the railing when I saw people ducking. That's when I realized it was a shot. I don't know at what point – I don't – I really don't know if I'm one of the people pointing. I don't think I am. I mean, it's just – I was in shock. I just

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1573

really don't know.

Q. Let me ask you, Reverend Kyles – now, you had talked to Dr. King about the Poor

People's March which was, what, planned for later in that year?

A. Yes.

Q. And had you planned to be a part of that campaign?

A. Yes.

Q. Okay. And had Dr. King had any feedback from anyone in the Capitol about this march that you're aware of?

A. They did not want it to happen. It was – it was so dramatic. It was something that had not been done before. If we had gone to make speeches and come back, that would have been okay. But when you talk about building tents – a tent city, which we eventually did, and living on the mall, that was different. That had not – nothing like that had been done with regard to the Civil Rights movement. And it was a very bold step.

And it had come to us that Martin was not to reach Washington with the Poor

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1574

People's campaign. There was no long-range plan for him even to come to Memphis because the staff really didn't want him to come. They didn't have time. But I think the order was that he was not to reach Washington, so it happened –

Q. Are you aware of the speech with Senator Byrd a few days before that he made where he was very critical of Dr. King and indicated what would happen if the march took place, how he would tear up the Capitol, and how it would evolve around the world?

A. I know about that speech. I heard that. And also there was a concern that with as many soldiers being away at Vietnam that if something broke out in Washington, it would just – it would exacerbate the whole thing.

Q. Do you know of any security that was around Dr. King when the assassination occurred?

A. No, there was not. There was – the police were there so quickly because they were stationed – after the march broke up, every fire station in the black community had

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1575

a TAC squad comprised of local police, sheriffs, national guard and the like. And they had tanks and that whole thing. They had all of it. And they were just – right across from the motel is a fire station, and they were there at that fire station.

Plus, we also found out that we were under surveillance. There were policemen in the fire house spying on us. I don't have the facts to this, but – I mean, the first-hand knowledge, but I was told that the young fellow who was assigned to do the surveillance that day had such guilt that he became an alcoholic, that he couldn't live with the fact that he had spied on Dr. King. And I don't know – subsequently I think he died. I don't know if he took his life or what.

Q. Did he have the same security on this visit that he had on previous visits from the police department?

A. No, because the police had been so – they had been so vicious at that march that the committee – the Committee On the Move – the umbrella group that all of us worked

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1576

under called COME, Committee On the Move for Equality, said we don't want the police around. We just don't want them around, and we'll deal with them later.

The security that they would have had would have been at least two African-American policemen that they assigned to us at our discretion. And so it wasn't like a large contingent or something pulled off. It simply meant the guys who would be with him as bodyguards. But that had happened – that had happened after that terrible march break-up by the police.

Q. Let me ask you, Reverend Kyles, do you know – or had word reached Dr. King that Washington didn't want him to come up to the Capitol and have this –

A. Oh, I'm sure it had.

Q. Did you ever have a conversation with him about it?

A. No, I didn't.

Q. After the shot was fired, the only policemen that you saw were ones who came running up with their guns drawn; is that correct, sir?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1577

A. Yes, two of them – two policemen. Could have been three, but I think it was two.

Q. Did you see any movement of police cars in and around the area just down below the balcony there?

A. No, I did not.

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

THE COURT: Mr. Pepper?

CROSS-EXAMINATION

BY MS. AKINS:

Q. Good morning, Reverend Kyles.

A. Good morning.

Q. You testified that it sounded like a car back-firing. So I'm assuming that – and tell me if I'm wrong. I'm assuming that the sound came more from a downward location than an upward location; is that correct?

A. I couldn't say. That could be true. I mean, I just thought it was – I didn't think it was a shot.

Q. But cars are usually on the streets somewhere; is that correct?

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1578

Q. That's true, okay. You mentioned that you were aware that there was some surveillance on Dr. King's activities; is that correct?

A. That's true.

Q. And – now, would it surprise you if this surveillance consisted of video or audio surveillances? Would that surprise you any?

A. Oh, no, it would not.

Q. Okay. Would it surprise you that every move that was made by Dr. King was somehow being recorded?

A. No. We knew that.

Q. You knew that?

A. Yes.

Q. Okay. You testified that you knew that there was a young fellow who had – was part of surveillance team. Was that the first –

A. I was told this, yes. I don't know him for sure. I don't know him.

Q. You don't know him. But you testified that this person had so much guilt that he later committed suicide.

A. No. I said he later became an

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1579

alcoholic and he died. I don't know if he committed suicide or not.

Q. Okay. I'm sorry. Now, would it surprise you that that young fellow's name was Richmond – would it be Richmond? Were you aware of his name?

A. No, I didn't know him. I mean, we were under surveillance too. I mean, it wasn't just the surveillance of Dr. King. The local – local leadership was under constant surveillance by the local police. As I said, they were just – they were quite vicious toward us.

Q. Now, the person that did that surveillance, [he was actually here in court](#). He's not dead, okay?

A. Oh, okay.

Q. He was here. He came to court and he testified. I want to give you a copy of his report. It's [Exhibit Number 22](#). If you would turn to the fourth page, I believe. Well, actually, third page, I'm sorry.

A. I'm sorry.

Q. Third page.

A. Front page?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1580

Q. Third page.

A. Third, okay.

Q. At the bottom, approximately the sixth paragraph, it starts at – let's go to "at 2:05." Do you see that?

A. Mm-hum, I see it.

Q. "At 2:05 p.m. Reverend Samuel Kyles arrived and went to Room 307, departed at 2:23 p.m. Do you – who was in Room 307?"

A. I think that room was already occupied, I think. That's where – I think that's the room with the big bed where Martin ordinarily would have stayed but I think was occupied.

Q. What were you doing in Room 307?

A. I'm sorry.

Q. What were you doing in Room 307? What was going on in Room 307?

A. I don't know that that's the room I went to. It's been a good while ago. I had a

room there at the motel that we always kept for people who – who would come in – VIP's who would come in. I was one of the few people who had an American Express card. And I had secured a room. As it turned out, his

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1581

brother did come unannounced.

Now, whether that room was 307, I'm not sure. It might have been a – I think 307 was occupied by someone else, and that was the room that – if you go to the motel now at the museum, you will see in 307 a large king-size bed where Dr. King would have ordinarily stayed, but I think somebody was in that room. So he and Dr. Abernathy both stayed in 306 with two beds.

Q. Okay. Now, Dorothy Cotton – Dorothy Cotton, do you know who she was?

A. Yes, I do.

Q. Now, that was her room, okay?

A. I don't know. I mean, I don't know who was in that room.

Q. I'm just telling you that that was her room –

A. Oh.

Q. – maybe to refresh your memory as to what you were doing –

A. Okay.

Q. – in Room 307 at that time.

A. I don't remember going – I don't know if – I didn't go to that room. I don't

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1582

know – I don't recall going to that room.

Q. Okay. I understand. It was a long time ago. That's fine. It says you arrived at 2:05

and you left at 2:23. Do you remember – whatever room you went to whether it – do you remember what – where did you go at 2:23?

A. I don't recall at all really. I really don't. I don't know if he got the room numbers mixed up. I know there was some conversation about my not having gone in 306 at all.

Q. And that's not what I'm talking about now. I'm talking about earlier in the – before the shooting, we're talking at 2 o'clock.

A. Quite frankly, I don't remember going to that room.

Q. Okay. Can you turn to the next page. Let's start from "at approximately 5:50." It's at the very top of that. Do you see that?

A. Yes.

Q. Would you read that?

A. "At approximately 5:50, John B.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1583

Smith, Milton Black, Charles Cabbage and one female colored and approximately six or seven more of the Invaders opened the door of their room, and I could see them gathering their belongings. They then brought them downstairs and placed them in the trunk of a light blue Mustang, license BF3-750. And they left the motel area going to meet – going west on Butler to Main.

"Immediately after the Invaders left, the Reverend Samuel Kyles came out of Room 312 and went to the room where Martin Luther King was living. He knocked on the door and Martin came to the door. They said a few words between each other, and the Reverend Martin Luther King went back into the room closing the door behind him, and the Reverend Kyles remained on the porch."

Q. Now, this is the written statement that was recorded on – on that day saying that you arrived – you went to Dr. King's room at 5 – some time after 5:50, okay. Yet you testified that you had been there one hour earlier.

A. That's true.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1584

Q. Okay. So you're saying that this report is not correct?

A. I am.

Q. Okay. You also have testified that James – at the James Earl Ray hearing; is that not correct?

A. I have.

Q. And on that day you said that you had been there for an hour.

A. Yes.

Q. Isn't it true that you've gotten much notoriety out of wearing that title as being one of the people – one of the few people who were with King the last hour of his death (sic)?

A. No, I have not.

Q. Isn't it true that people have wanted – old women have wanted to just come and shake your hand just because you were there? Yes? No? Yes? No?

A. When I said to my audiences that it was a wonderful privilege for me to have spent the last hour of Martin's life on earth, I did that because there is such interest in his life. And I had to wonder

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1585

for a very long time: Why was I there?

Q. But it was interest in his life; is that not correct?

A. Why – that's right, in his life. Why was I there?

Q. You –

A. And I didn't quite finish.

THE COURT: You may finish.

Q. (BY MS. AKINS) Go ahead.

A. It took some time for the revelation to come. I had some feelings I couldn't even express. It took a good while. I said, if he hadn't been going to my home, would he have been killed? If he hadn't have been coming to Memphis, would he have been killed? And then God revealed to me why I was there. I was there to be a witness. And my witness is that his life was so wonderful and so full. That he didn't die in some foolish way. He didn't die overdosing or a jealous lover's gun, but he died helping garbage workers.

And so as I share that story with people, they will come up and shake my hand. They will say, may I shake your hand because

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1586

you knew Dr. King. I've sought no notoriety out of this. And I just – I think I know where that came from. I'm sorry.

Q. Okay. That's – since you were so adamant about finishing your statement, let's go back to my question. What is the answer to the question?

A. Have I received notoriety from –

Q. Well, actually –

A. – from Dr. King's death?

Q. No, that's the one you answered. The one you didn't answer was: Wasn't it true that women – old women have just wanted to come and just shake your hand because of the fact that you were present?

A. Yes.

Q. Okay. That's all I asked. You were one of the organizers or the planners of the 30th anniversary celebration of Dr. King; is that not correct?

A. Yes.

Q. Okay. And that was a big event here in Memphis?

A. Yes.

Q. Okay. And was that event

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1587

city-funded? Did you get private donations? How did that come about?

A. Private donations.

Q. I want to – it's going to take him some time to get that warmed up. When you testified earlier, you testified about how Dr. King – I think you said that the night before his speech dealt – kind of dealt with death – was on the topic of death. Is that correct?

A. I said he dealt with the whole question of the fear of death.

Q. And is it your opinion that you think he might have had some type of premonition or that he –

A. Oh, yes, he did.

Q. That he knew that something – didn't know when, but just knew –

A. He always said he would never live to be forty. Not that he didn't want to, he just thought he never would.

Q. Okay. I'm going to show you a video.

(Whereupon said video was played for the Court and Jury.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1588

Reverend Kyles: “And so we will be gathering in Memphis April 3rd through 5th. And we planned a number of activities. Some of the activities are geared especially for the young who did not have a chance to – to get the feel to know what the Civil

Rights Movement actually was about. Even as they marched, now they could have stopped in a hotel. But when you think about marching from Memphis to Jackson or Jackson to Memphis, there weren't hotels.

“You stayed in churches. You stayed in people's homes. And – and that's how we got over. That's how we got through. The struggle was a very – was a spiritual struggle. You couldn't pay people to do what we had to do. You couldn't pay people to stand before mad dogs and fire hoses and billy clubs and cattle prods. It was strictly a spiritual and moral movement.

“So we wanted that dimension to be in the pilgrimage to Memphis. We will revisit [the Mountain Top Speech](#) site. That's the Mason's Temple where Dr. King made his last address. Which he almost didn't make

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1589

because the night that we were having that rally, there were tornado warnings, that he was behind on the Poor People's campaign.

“And he said, you guys go on over and have the rally. I'm going to stay at the motel and work on the Poor People's Campaign. When we got there and Dr. Abernathy walked in and Jesse Jackson walked in and I walked in and others, people started clapping because they thought Martin was behind us. And so Ralph's preacher sense said to him, this is not our crowd. And he went to the phone and called Dr. King.

“And any of the marches that – that – that we had in those days, you had the opportunity to bring the children and bring the family and march with us. And when I finished sharing with them the last hour of Dr. King's life ... but that gave me the wonderful privilege of spending the last hour on earth. Three preachers in a room – Abernathy, King and Kyles. And we spent that last hour together in Room 306 at the Lorraine Motel.

“The press is always curious and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1590

writers – what went on? What did you talk about? I say, we just talked preacher talk.

What preachers talk about when they get together, revivals and all the like. About a quarter of six we walked on the balcony, and he was talking to people in the courtyard. He stood here, and I stood there. Only as I moved away so he could have a clear shot, the shot rang out.

“I turned around and it had knocked him back on the balcony. This tremendous hole was in his face, and all of this was torn out under his shirt. We couldn't see that. The bullet mushroomed and tore all of his insides out. He was bleeding profusely. I ran in the room, picked up the phone and tried to get the operator. The phone was operator-assisted.

“I said, answer the phone, answer the phone. And no one answered the phone because the operator left the phone – switchboard and came out in the courtyard. When she saw what happened, she had a heart attack on the spot. So there was no one on the phone. I came back out and hollered to

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1591

the police: Call an ambulance on your police radio. They were coming with their guns drawn saying, where did the shot come from? The picture you see pointing is in answer to the police saying, ‘Where did the shot come from?’ And the point is in the direction of the rooming house.

“And, of course, he finally came – the ambulance finally came. I kept shaking my head trying to wake up because I thought I was having a nightmare. But I was – I was not having a nightmare. It was real. I took the spread from bed and covered him from his neck down. Somebody put a towel to his face. And I had to wonder, Reverend Campbell, a long time, of all the places I could have been, all the places that Martin could have been, why was I there, why was it at that moment?

“And I had to find out, through living, God revealed to me that I was there to be a witness – a witness that Martin Luther King, Jr., didn't die in some foolish way. He didn't O.D. He wasn't robbing somebody, wasn't running from the scene of a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1592

crime. But he came to Memphis to help garbage workers – the least of these. And so we commemorate the life and times.

"I started telling you about the Louisville trip. 80-year old lady came up on the stage. I said, no, ma'am, I'll come down there. She says, no, I want to come up. 30 years later she came up. And she was shaking with her program in her hand. And she said, I have never in my life – I'm 87 years old. I have never asked the mayor for an autograph. But because you had your hand in Dr. King's hand, I want your autograph. 30 years later.

"And so we commemorate this great American. Join us in Memphis, April 3rd through 5th. The first SCLC meeting after Dr. King's death was in Room 306. Reverend Jim Orange was right there in that meeting. Thank you again, Mr. Mayor, we appreciate what you're doing" –

The Mayor: "Thank you, sir."

Rev. Kyles: – "in support of all these people who are here."

(End of videotape portion.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1593

Q. (BY MS. AKINS) Now, that was you at the 30th anniversary of – well, discussing the 30th anniversary.

A. That's correct.

Q. And in that you again stated that you were – had been with King the last hour of his death (sic); is that correct?

A. Yes.

Q. Now, can you tell us any reason why Lieutenant Richmond would want to lie about the whereabouts – what you was doing at that time?

A. I just think he made a mistake. I think the whole idea of him spying was just – he just – it was too much for him. If that's the young man you're talking about. I don't know him. I never met him. But I was – I was – the information just came to me. I just think he was in error. I think he was newly on the force too at that time.

Q. So you think he was in error when he said that you arrived at 2:05, left at 2:30, then subsequently arrived and went to Room 312, then left Room 312 at 10 after 5 –

all

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1594

of the activities involving you he made a mistake on?

A. He could have made it on others too, I don't know. I'm not – I'm really not following what we're trying to do here. I mean, I don't know. I came as a witness for this man because I was subpoenaed. Now it sounds like I'm on trial or something. I don't understand this.

Q. Reverend Kyles, I represent the plaintiff, and this is cross-examination time. That's what I'm doing, okay. Just bear with me. I only have just really one more question to ask you. And – concerning – well, actually, I guess two more. You've heard the tape and your account of the events. What is your feeling about that?

A. I'm sorry.

Q. You've heard the tape and your recount – or your account of the events that occurred.

A. The amazing thing to me again is that people are so interested in his life 30 years after his death. If that gives me notoriety

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1595

because I share that – they want to hear it. I mean, I don't – I don't know what – I don't know what to say.

Q. No. I mean, what is your opinion concerning the tape? That was you.

A. Yes, I was in Jackson, Mississippi. 30th celebration – 30-year celebration of the assassination of Dr. King.

And I shared that information at a press conference on the steps of the mayor's – of City Hall in Jackson, Mississippi.

Q. And that was the recording of – that occurred in Jackson?

A. Yes.

MS. AKINS: Okay. Your Honor, I would like to move this as – into evidence, the video tape.

THE COURT: Any objection?

MS. AKINS: Now, one more question.

MR. GARRISON: The report of

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1596

Officer Richmond?

THE COURT: No, the tape.

MR. GARRISON: I don't have any objection.

THE COURT: All right.

(Whereupon said videotape was marked as Exhibit Number 34.)

Q. (BY MS. AKINS) When you gave an account of what occurred, you mentioned "he." And I want to know who "he" was. Can you replay that section, please.

(Whereupon a portion of the videotape was replayed for the Court and Jury.)

Rev. Kyles: "What preachers talk about when they get together, revivals and all the like. About a quarter of 6 we walked on the balcony, and he was talking to people in the courtyard. He stood here and I stood there. Only as I moved away so he could have a clear shot, the shot rang out."

(End of videotape portion.)

Q. (BY MS. AKINS) Who was "he"? You said, "only as I moved away, so he could have a clear shot." And I want to know who "he"

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1597

was. Who was the person that you moved away to give him a clear shot?

A. In the conversation I was talking about James Earl Ray.

Q. Okay. One second. Just to make sure there's no confusion, you moved away so James Earl Ray could get a clear shot?

A. Only as I moved away. I don't think he wanted to risk shooting the wrong person, whoever shot him.

Q. Okay.

A. And since we both were standing there, we're both African-American men, he wanted to be sure that he hit the right – the problem we had, we thought if he had kept shooting he could wipe out the whole staff because they were all exposed – all of us were exposed.

Q. So you're moving away so that he could –

A. My moving away had to do with going to get in the car to go to my house for dinner. That's what my moving away had to do with.

MS. AKINS: Okay. I have no

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1598

further questions.

REDIRECT EXAMINATION

BY MR. GARRISON:

Q. Reverend Kyles, let me ask you this, sir. In referring to this statement that was just seen, you said, "so he could get a shot." You're referring to James Earl Ray, that was your –

A. Yes.

Q. – thinking, wasn't it?

A. That's who I was referring to, yes.

MR. GARRISON: That's all. Thank you, sir.

THE COURT: Anything further?

All right. Reverend Kyles, you may stand down, and you can remain in the courtroom or you're free to leave.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: Let's take a short break.

(Brief break taken.)

THE COURT: Mr. Garrison, are you ready?

MR. GARRISON: Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1599

THE COURT: Bring the jury.

THE SHERIFF: Yes, sir.

(Jury in 11:48 a.m.)

THE COURT: Mr. Campbell.

MR. CAMPBELL: Yes, sir.

THE COURT: Did you give him those other pictures?

THE SHERIFF: I'm going to do it.

THE COURT: All right. We're ready to proceed.

MR. GARRISON: Call Mr. Warren Young.

FRANK WARREN YOUNG,

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

DIRECT EXAMINATION

BY MR. GARRISON:

Q. Tell us your full name, please, sir.

A. It's Frank Warren Young.

Q. And, Mr. Young, where are you employed, sir?

A. Shelby County Criminal Clerks's Office.

Q. Mr. William Key, who was here

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1600

earlier, is a criminal court clerk?

A. Yes, sir, he is.

Q. And you work in that office?

A. I do, yes, sir.

Q. Pursuant to a subpoena did you bring certain records to the court today?

A. Yes, sir, I did.

Q. And would you explain to the Court and the Jury what those records consist of.

A. It's a transcript of Mr. Ray's guilty plea that was entered in Judge Battle's court on March the 10th, 1969.

Q. All right, sir. And I provided with you a copy. And would you tell His Honor and Ladies and Gentlemen of the Jury if the copy I provided you – is it a replica, a direct copy, of the one that what you have in the Court.

A. I've looked at it and, yes, sir, it is.

MR. GARRISON: I'd like to have that marked as an exhibit to his testimony at this time.

THE COURT: Any objection?

MR. PEPPER: No objection.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1601

(Whereupon said document was marked as Trial Exhibit Number 35.)

Q. (BY MR. GARRISON) Mr. Young – just hand it back to him. Do you have a copy – it says "Petition For Waiver Of Trial And Request For Acceptance Of Plea Of Guilty." Do you have that copy, sir?

A. Yes, sir.

Q. And that's signed by you. It has the signature of the defendant, James Earl Ray. All right, sir. Now, let me ask you if you will turn over then to the part that says "Voir Dire Of Defendant On Waiver And Order." Do you see that?

A. Yes, sir.

Q. Would you read what you see there and down there through the next page and the end of the first three pages?

A. I will. Yes, sir. This is **Judge Battle:** "James Earl Ray, stand. Have your lawyers explained all your rights to you and do you understand that?"

The defendant answered: "Yes."

Judge Battle: "Do you know that you have a right to a trial by jury on the charge

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1602

of Murder in the First Degree against you, the punishment for Murder in the First

Degree ranging from death by electrocution to any time over 20 years? The burden of proof is on the State of Tennessee to prove you guilty beyond a reasonable doubt and to a moral certainty, and the decision of the Jury must be unanimous both as to guilt and punishment.

"In the event of a jury's verdict against you, you would have the right to file a Motion for a New Trial addressed to the trial judge. In the event of an adverse ruling against you on your Motion for a New Trial, you would have the right to successive appeals to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee and to file a petition for review by the Supreme Court of the United States. Do you understand that you have all these rights?"

The defendant answered: "Yes."

Judge Battle: "You are entering a plea of Guilty to Murder in the First Degree as charged in the Indictment and are compromising and settling your case on agreed

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1603

punishment of ninety-nine years in the State Penitentiary. Is this what you want to do?"

Defendant answered: "Yes."

Judge Battle: "Do you understand that you are waiving, which means 'giving up,' a formal trial by your Plea of Guilty although the laws of this State require the prosecution to present certain evidence to a jury in all cases of Pleas of Guilty to Murder in the First Degree?"

"By your plea of guilty, you're also waiving your rights to (1) Motion for a New Trial; (2) Successive Appeals to the Supreme Court of Criminal Appeals and the Supreme Court of Tennessee; (3) Petition for Review by the Supreme Court of the United States.

"By your plea of guilty, you are also abandoning and waiving your objections and exceptions to all the Motions and Petitions in which the Court has heretofore ruled against you in whole or in part, among them being:

"1. Motion to withdraw a plea and quash indictment.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1604

2. Motion to inspect evidence
3. Motion to remove lights and cameras from jail
4. Motion for private consultation with attorney
5. Petition to authorize defendant to take depositions
6. Motion to permit conference with Huie
7. Motion to permit photographs
8. Motion to designate court reporters
9. Motion to stipulate testimony.
10. Suggestion of proper name."

The defendant answered: "Yes."

Judge Battle: "Has anything besides this sentence of ninety-nine years in the penitentiary been promised to you to get you to plead guilty? Has anything else been promised to you by anyone?"

The defendant answered: "No."

Judge Battle: "Has any pressure of any kind by anyone in any way been used on you to get you to plead guilty?"

Defendant answered: "No."

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1605

Judge Battle: "Are you pleading guilty to Murder in the First Degree in this case because you killed Dr. Martin Luther King under such circumstances that would make you legally guilty of Murder in the First Degree under the law as explained to you by your lawyers?"

The defendant answered: "Yes."

Judge Battle: "Is this the Plea of Guilty to Murder in the First Degree with agreed punishment of ninety-nine years in the State Penitentiary, freely, voluntarily and understandingly made and entered by you?"

The defendant answered: "Yes."

Judge Battle: "Is this plea of guilty on your part the free act of your free will, made with your full knowledge and understanding of its meaning and consequences?"

The defendant answered: "Yes."

Judge Battle said: "You may be seated."

Q. (BY MR. GARRISON) Then would you turn over to Page 1 of the transcript and down where it says "this is a compromise and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1606

settlement," would you start reading there.

A. Where I had previously read?

Q. On Page 1 of the transcript.

A. Oh, yes, sir. "James Earl Ray, Guilty Plea," it's entitled, Monday, March 10, 1969.

The Court: "The calendar has been transferred to Division 1. All right. I believe the only matter we have pending before us is the matter of James Earl Ray."

Mr. Foreman: "Would Your Honor give me just a minute?"

The Court: "Yes, sir."

Mr. Foreman: "May it please the Court, in this cause we have prepared the defendant, and I have" –

Q. Signed.

A. – "signed and Mr. Hugh Stanton, Sr. and Jr. will now sign a Petition for Waiver of Trial and Request for Acceptance of Plea of Guilty. We have an order. I believe the Clerk has this."

The Court: "This is a compromise and settlement on a plea of guilty to murder in the first degree and an agreed settlement

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1607

of 99 years in the penitentiary; is that true?"

Mr. Foreman: "That's the agreement, Your Honor."

The Court: "Is that the agreement? All right. I'll have to voir dire Mr. Ray.

James Earl Ray, stand. Have you" –

Q. That's "a lawyer."

A. "Have you a lawyer to explain all your rights to you and do you understand them?"

Answer: "Yes, sir."

The Court: "Do you know that you have a right to a trial by jury on a charge of Murder in the First Degree against you, the punishment for Murder in the First Degree ranging from death by electrocution to any time over 20 years? The burden of proof is on the State of Tennessee to prove you guilty beyond a reasonable doubt and to a moral certainty. And the decision of the jury must be unanimous, both as to guilt and punishment. In the event of a jury verdict against you, you would have the right to file a Motion for a New Trial addressed to the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1608

Trial Judge.

"In the event of an adverse ruling against you on your Motion for a New Trial, you would have the right to successive appeals to the Tennessee Court of Criminal

Appeals and the Supreme Court of Tennessee and to file a Petition for Review by the Supreme Court of the United States. Do you understand that you have all these rights?"

Answer: "Yes, sir."

The Court: "You're entering a Plea of Guilty to Murder in the First Degree as charged in the indictment and are compromising and settling your case on an agreed punishment of 99 years in the State Penitentiary. Is this what you want to do?"

Answer: "Yes, I do."

The Court: "Is this what you want to do?"

Answer: "Yes, sir."

The Court: "Do you understand you are waiving, which means giving up, a formal trial by your Plea of Guilty although the laws of this State require the prosecution to present certain evidence to a jury in all

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1609

cases on pleas of guilty to Murder in the First Degree? By your plea of guilty, you are also waiving your right to: (1) Your Motion for a New Trial; (2) Successive appeals to the Supreme Court, to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee; and (3) Petition to Review by the Supreme Court of the United States. By your plea of guilty, you are also abandoning and waiving your objections and exceptions to all the motions and petitions in which the Court has heretofore ruled against you in whole or in part.

"Among them being: (1) Motion to Withdraw Plea and Quash Indictment; (2) Motion to Inspect the Evidence; (3) Motion to Remove Lights and Cameras from the Jail; (4) Motion for Private Consultation with Attorney; (5) Petition to Authorize Defendant to take Depositions; (6) Motion to Permit Conference with Huie; (7) Motion to Permit Photographs; (8) Motion to Designate Court Reporter; (9) Motion to Stipulate Testimony; (10) Suggestion of Proper Name.

"You are waiving or giving up all

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD

(901) 529-1999

1610

these rights. Has anything besides this sentence of 99 years in the State penitentiary been promised to you to get you to plead guilty? Has anything else been promised to you by anyone?"

Answer: "No, it has not."

The Court: "Has any pressure of any kind by anyone in any way been used on you to get you to plead guilty?"

Answer: "Now, what did you say?"

The Court: "Are you pleading guilty to Murder in the First Degree in this case because you killed Dr. Martin Luther King under such circumstances that it would make you legally guilty of Murder in the First Degree under the law as explained to you by your lawyers?"

Answer: "Yes. Legally, yes."

The Court: "Is this Plea of Guilty to Murder in the First Degree with an agreed punishment of 99 years in the State Penitentiary freely, voluntarily and understandingly made and entered by you?"

Answer: "Yes, sir."

The Court: "Is this plea of guilty

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1611

on your part the free act of your free will made with your full knowledge and understanding of its meaning and consequences?"

Answer: "Yes, sir."

The Court: "You may be seated. All right. Are you ready for a jury?"

Q. (BY MR. GARRISON) Would you turn now to Page 9 and read beginning with the first – second – "I just want to make one more statement."

A. Yes, sir. "I just want to make one more statement to you gentlemen" –

Q. Let me ask you first of all, who is it doing – doing the –

A. This is General Philip Canale, Jr.

Q. All right.

A. Who was the District Attorney General at the time. "I just want to make one more statement to you gentlemen before we proceed in this matter. There have – actually, in any case, there have been rumors going all around, perhaps some of you have heard them, that Mr. James Earl Ray was a dupe in this thing or a fall guy or a member of a

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1612

conspiracy to kill Dr. Martin Luther King, Jr.

"I want to state to you as your Attorney General that we have no proof other than that Dr. Martin Luther King, Jr., was killed by James Earl Ray and James Earl Ray alone, not in concert with anyone else.

"Our office has examined over 5,000 printed pages of investigation work done by local police, by national police organizations and by international law enforcement agencies. We have examined over 300 physical bits of evidence, physical exhibits. Three men in my office, Mr. Duire, Mr. Beasley and Mr. John Carlisle, the Chief Investigator of the Attorney General's Office – you can't see him over here – have traveled thousands of miles all over this country and the many cities and foreign countries on this investigation, our own independent investigation.

"And I just state to you frankly that we have no evidence that there was any conspiracy involved in this. I will state this to you further. If at any time there is

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1613

evidence presented – competent evidence presented which we can investigate and bear out that there was a conspiracy involving this, I assure you as your Attorney

General that we will take prompt and vigorous action in searching it out and in asking that an Indictment be returned if there are other people or if it ever should develop that other people were involved.

"And you have my assurance on that. Not only me but the local law enforcement officers and your national law enforcement officers. I just wanted to give you that thought. Thank you very much."

Q. Thank you. If you will just leave the exhibit here.

A. Yes, sir.

MR. GARRISON: Thank you.

CROSS-EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Young.

A. How are you, sir.

Q. Mr. Young, if you will just turn again to the first page of the "Voir Dire of Defendant and Waiver and Order."

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1614

A. Yes, sir.

Q. Where the judge orders Mr. Ray to stand.

A. Yes, sir.

Q. Do you see – and the judge then begins to address Mr. Ray.

A. Right. Yes, sir.

Q. Do you see any instance there where the judge has put Mr. Ray under oath?

A. No, sir, I do not.

Q. Would you turn, Mr. Young, please, to Page 16?

A. All right, sir.

Q. At this point in the proceedings, the defendant, Mr. Ray, has – has interrupted the proceedings. And would you read what he has said starting –

A. Is that the lower portion of the page?

Q. Yes, the last full paragraph starting at "James Earl Ray."

A. Yes. It states: "Your Honor, I would like to say something. I don't want to change anything that I have said, but I just want to enter one other thing. The only

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1615

thing that I have to say is that I can't agree with Mr. Clark."

Q. Please continue.

A. Mr. Foreman: "Ramsey Clark?"

And **the Court** said: "Mr. who?"

Would you like for me to continue?

James Earl Ray stated: "Mr. J. Edgar Hoover, I agree with all these stipulations, and I'm not trying to change anything."

The Court: "You don't agree with whose theories?"

James Earl Ray: "Mr. Canale's, Mr. Clark's and Mr. J. Edgar Hoover's about the conspiracy. I don't want to add something on that I haven't agreed to in the past."

Q. That's fine to that point. Now, would you please turn to Page 48.

A. All right, sir.

Q. This Court and Jury have heard testimony about a white Mustang with Arkansas plates parked in this – in the same position as this – this statement here. I'd like you to read, please, from "Gentlemen, coming back

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1616

to the overall mock-up, the State's proof" – do you see that? It's the fifth line down – the end of the fifth line.

A. Yes, sir. "Gentlemen, coming back to the overall mock-up, the State's proof would show that between 4:30 and 4:45 p.m. Mrs. Elizabeth Copeland, who worked across the street from this area designated as Canipe Amusement Company, observed a small white automobile pull up and park in this general area, as designated by the smaller car here on the mock-up, to the north of this light pole and to the south here of Canipe Amusement Company.

"Mrs. Copeland told a Mrs. Peggy Hurley: 'Peggy, your husband is here for you.' Mrs. Hurley came to the window and looked out. She said: 'No, that's not my husband. My car is a Falcon, a white Falcon, and this is a white Mustang."

Q. Continue.

A. "She did note a man sitting in the car. Shortly thereafter, Mrs. Hurley's husband arrived. She got in the car and left."

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1617

Q. That's fine. Thank you. Would you please turn over to the next page, Page 49. This Court and Jury have heard testimony about the condition of Mr. Stephens at the time – a rooming house resident. Would you, on the fourth line from the bottom, starting "at approximately 6 p.m.," would you read from there, please.

A. "At approximately 6 p.m., Mr. Stephens heard a shot coming apparently through this wall in the bathroom. He then got up and went through this room, out into the corridor in time to see the left profile of the defendant as he turned down this passageway which leads to an opening with a stairway going down to Main Street."

Q. Now, that's one aspect of proof that was put the forth. The second aspect of proof continues right after that. This Court and Jury have heard evidence with respect to the dropping of the bundle in front of Canipe's. That's the second area of proof that is being referred to. Would you read from there, please?

A. "Now, gentlemen, you can see here

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1618

this mock-up. This offset area here is in front of Canipe Amusement Company. It is reflected here on this mock-up at this point. Mr. Guy Warren Canipe along with two customers, Bernell Finley and Julius Graham, were in Canpie's Amusement Company when they heard a thud in the area immediately here and up in this little offset and, looking out, saw the back of a white man going away from that area in a general southern direction on down Main Street observing momentarily thereafter a white Mustang pull from the curb heading north on Main Street, one occupant.

"This packet was subsequently guarded and found to be the rifle, the box, the suitcase wrapped in a green spread and so forth that has heretofore been introduced to you gentlemen through some of the witnesses."

Q. That's – that's fine. Would you please turn next to Page 53. This Court and Jury has heard evidence with respect to the window sill of the bathroom and the dent in the window sill. The State's – would you comment on the State's proof, please, reading exactly what was said from "the sill of this

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1619

window."

A. "The sill of this window in the bathroom was observed by Inspector Zachary to have what appeared to be a fresh indentation in it. This sill was ordered removed, was cut away, and was subsequently sent to the FBI for comparison. And the proof will show through expert testimony that the markings on this sill were consistent with the machine markings as reflected on the barrel of the 30 aught 6 rifle which has heretofore been introduced to you."

Q. Would you one more time, please, read from the line on Page 53 starting with "the markings on this sill."

A. "The markings on this sill were consistent with the machine markings as reflected on the barrel of the 30 aught 6 rifle which has heretofore been introduced to you."

Q. That's fine. Thank you. Would you turn to Page 56, please.

A. Yes, sir.

Q. The Court and Jury have heard evidence with respect to the 30 aught 6 rifle

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1620

in evidence and the fact that the scope was not sighted in. If you would back up to Page 55, last full sentence, "he changed the scope" – State's proof there.

A. "He changed the scope from the .243 to the .30 aught 6. And at 3 o'clock that afternoon, he delivered the 30 aught 6, which is the same rifle that has been identified here in the courtroom to the defendant along – he didn't have a box with a scope on it."

MR. PEPPER: That's – that's fine. Mr. Young, thank you very much for laboring through this with us. No further questions.

MR. GARRISON: We have no further questions.

THE COURT: Go ahead, call your next witness.

MR. GARRISON: Eli Arkin.

ELI H. ARKIN, Jr.,

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

THE COURT: You may proceed.

DIRECT EXAMINATION

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1621

BY MR. GARRISON:

Q. Mr. Arkin, tell us your full name please, sir.

A. Eli H. Arkin, Jr.

Q. And you live here in Memphis, Tennessee?

A. Yes, I do.

Q. Where do you presently work? Where are you employed presently?

A. The Cottonwood Company.

THE COURT: Is that A R K I N?

THE WITNESS: Yes, sir.

Q. (BY MR. GARRISON) Now, let me ask you, you're formerly retired from the Memphis Police Department; am I correct, sir?

A. I left the police department in 1976.

Q. How long were you with them?

A. 20 years.

Q. All right. And going back to the year 1967 and 1968 specifically, what division of the police department were you working in then?

A. I was in the inspectional bureau.

Q. And so His Honor and Ladies and Gentlemen of the Jury will understand, what

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1622

do you do in the inspectional bureau?

A. The inspectional bureau was broken into three parts: inspections, internal affairs and intelligence.

Q. All right. And was any of these – specifically these that you worked in, consisted of what?

A. After I was in the bureau for a while, I was in intelligence.

Q. Were you the head of the intelligence division at the time –

A. No.

Q. – in early '68?

A. No.

Q. Who was the – who was the chief over the – who was over the intelligence division?

A. Inspector Tynes.

Q. What, Mr. Arkin, was your – were you a lieutenant, captain? What was your ranking?

A. I was a lieutenant.

Q. All right. Now, in early '68, you're in the Sanitation Strike. Were you asked to take part in any type of investigation into

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1623

the Sanitation Strike?

A. We were well involved in observing what was going on and letting the Chief of Police know when they were going to have a march or things of that nature.

Q. All right, sir. Who was the chief of police at that time?

A. Let's see. Chief McDonald had just left, and Chief Henry Lux.

Q. And who was the police director at that time?

A. Director Frank Holloman.

Q. Let me, Mr. Arkin, ask you this. Where was your office located at that time, in early '68 – March, April?

A. It was on the second floor of the police department near the rotunda.

Q. The old police station?

A. Yes, sir.

Q. All right. Was there a time after the first march by Dr. King in '68 – or maybe after the march or before – when some Army personnel became stationed in your office?

A. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1624

Q. Okay. Did you have any – did you have any warning? Did you know that they would be coming into your office?

A. I'm sorry, sir. I didn't hear you.

Q. Did you have any warning or notice that they would be coming into your office?

A. Not until they were there.

Q. And who did they say they were? What were they supposed to do?

A. They said – they identified themselves as Army intelligence.

Q. All right. And do you know who sent them in here?

A. No, sir, I have no idea.

Q. But they were U.S. Army intelligence?

A. According to what Inspector Tynes told us, yes, sir.

Q. And how many people were there in your office?

A. Possibly –

Q. In other words, what's the largest number at one time?

A. Possibly three or four at any one time.

Q. And what were they doing while they

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1625

were there in your office?

A. Basically observing and taking notes.

Q. How long were they – were they there stationed in your office?

A. Sir, I'm sorry, I can't remember.

Q. A week or two, month or two, what would you –

A. No. At some point I asked Inspector Tynes to please have them relocated and get out of our offices.

Q. Had they – had they just moved in and pretty much taken over your office?

A. No, sir, they didn't take it over. They were just there standing around and listening to what you had to say, whether you were on the telephone or in any conversations, and taking notes at the same time.

Q. I was going to ask you that. Were they taking notes or recording, making any photographs or pictures or photos of anything?

A. Not to my knowledge. Taking notes – writing notes.

Q. Were they there every day pretty

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1626

much?

A. For a while, yes.

Q. Did – were they in uniform?

A. No, sir.

Q. They were not in uniform?

A. No, sir.

Q. Well, when they came in, did you have to arrange some desk space for them, or how did that come about?

A. No, sir.

Q. How were they – were they just standing around all day or did they have space they worked in?

A. To my knowledge, they didn't have any desks in there at all. They just roamed back and forth. We had a fairly large office.

Q. Did you ever have any conversation with any of those people?

A. Oh, yes, sir.

Q. But they identified themselves as U.S. Army personnel on the telephone; am I correct, sir?

A. Yes, sir.

Q. That's what they said?

A. Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1627

Q. And they never said who sent them in here or what they were doing?

A. They didn't tell me, no.

Q. All right. Mr. Arkin, did there come a time on April the 4th of 1968 when you used your vehicle or used a police vehicle to go down to South Main Street?

A. Yes, sir.

Q. At what time did you go down?

A. Sir, I'm sorry, I don't remember.

Q. Well, are we looking like at mid afternoon, early morning, what time?

A. I would suggest that probably in the afternoon.

Q. All right. And where did you go on South Main Street?

A. To the fire house at Butler and Main.

Q. Okay. And do you know who was in charge of the fire station there at that time?

A. No, sir, I don't.

Q. Okay. What was your purpose in going down there?

A. I was going down there to talk to one of our patrolman who was stationed there at

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1628

that time.

Q. And what was that patrolman's name?

A. Reddoch [[Redditt](#)].

Q. All right. How long had he been down there?

A. Sir, again, I'm – several weeks, I assume.

Q. And what was the reason you were dispatched then to talk to him, Mr. Arkin?

A. I was sent down there to retrieve him and bring him back to the office.

Q. Okay. And under whose orders or direction did you go down and get him?

A. Director Holloman.

Q. Director Holloman told you to go get him?

A. Yes. Well, Director Holloman and Inspector Lux. And I don't remember which one actually told me to.

Q. Okay. And did they tell you the reason why they wanted you to go get this particular officer?

A. Yes, sir.

Q. What was the reason given to you?

A. They said that they had information

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1629

that possibly someone who was from the east was possibly coming down here to assassinate a police officer – a colored police officer. And the assumption was made, I guess by them, that it possibly might be Reddoch [Redditt].

Q. Okay. So we'll understand, they did not tell you that this threat was made against Officer Reddoch [Redditt], they just said a police officer; is that right, sir?

A. Yes, sir.

Q. And Officer Reddoch [Redditt] was African-American; am I correct, sir?

A. Yes, sir.

Q. An officer with the police department?

A. Yes, sir.

Q. And so Director Hollomon's direction to you was to go to the South Main fire station to get Officer Reddoch [Redditt] off the job; am I – is that correct?

A. Yes, sir. I went to the fire house, picked up Reddoch [Redditt], and brought him back to the police department.

Q. Did anyone go with you?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1630

A. No, sir.

Q. Okay. Now – and you say it was around the middle of the afternoon, what, 3 or 4 o'clock, in that range? Would that be a fair or reasonable time?

A. Sir, I don't remember.

Q. But it would have been the afternoon you think?

A. Yes, sir, I believe so.

Q. All right. When you arrived at the fire station, did you see Officer Reddoch [Redditt]?

A. Yes, sir.

Q. Okay. And what communication did – what was said between the two of you?

A. I just basically, I'm sure – I don't really remember word for word.

Q. Obviously it's been a long time. But what do you remember being said between the two of you?

A. That he was supposed to go back to the police department with me.

Q. Okay. Did he have any comment about that?

A. Not that I know of.

Q. All right. And then did you take him

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1631

back to the police department?

A. Yes, sir, I did.

Q. And when you returned to the Police Department with him, who was there?

A. I'm sorry, who was –

Q. When you returned to the Police Department with Officer Reddoch [Redditt], who was there when you took him back?

A. I brought him to our office.

Q. All right. And who was in your office when you arrived back?

A. I don't remember, sir.

Q. Was Director Holloman there?

A. I don't remember.

Q. Okay. Were any FBI personnel that you know of?

A. No, I don't think so.

Q. Any CIA representatives in the office at the time?

A. I never saw a CIA agent.

Q. Were there any Army personnel still there?

A. No, sir.

Q. Intelligence. When you took him back to the office then, what happened after that?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1632

A. At some point I was called down to Director Holloman's office, I believe, and told to take Officer Reddoch [Redditt] home.

Q. Who told you that?

A. Sir, I'm sorry, I can't remember exactly.

Q. I understand. It's been 30 years. Okay. And someone told you to take him home.

How long was that after you arrived that you were told to take him home?

A. I don't remember exactly. I can tell you this, that when we pulled up in front of his house, he went in the house to talk to his wife. And during that period of time is when I heard another officer who was stationed at the fire house or the dispatcher, one, I'm not sure which, said that Dr. King had been shot. So it must have been right around 6 o'clock or a little after.

Q. Okay. All right. On the way home from the police station, Mr. Arkin, did you have any conversation with Officer Reddoch [Redditt] about why you were taking him home instead of returning him to duty?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1633

A. Yes, sir, I'm sure I did.

Q. Okay. And do you remember anything he said about – any statement he made about any threat or anything of that nature?

A. No, sir, I can't remember much about the conversation at all. His main concern was that – it was either his mother or his wife's mother – he didn't think that they would try and move away from the house and go into an apartment somewhere incognito.

Q. Did you stay there with him then that afternoon or that night or –

A. No, sir, I did not. They sent, if I'm not mistaken, a marked squad car.

Q. Okay. And how long did they stay? Do you have any idea?

A. I have no idea, no.

Q. About the time you arrived is when you heard on the radio from the dispatcher Dr. King had been shot?

A. Shortly after we arrived, yes, sir.

Q. Now, Mr. Arkin, are you aware of the fact that Director Holloman says he didn't – he never told you to go pick Officer Reddoch [Redditt] up or didn't have any knowledge that Officer

1634

Reddoch [Redditt] was supposed to be picked up? Are you aware of that?

A. No, sir.

Q. Did you conduct any type of investigation or were any part of an investigative team that investigated the assassination of Dr. King? Did you do anything toward the investigation of the assassination?

A. No, sir.

Q. You said the threat was – had come in from the east, is that what they told you? Came in the from the east?

A. Came in from Washington D.C. from what I understand.

Q. All right. And when you arrived at the fire station, were there any other African-American firemen or police officers at that time there?

A. There was a police officer there, yes.

Q. Do you know who that was?

A. I believe it was – his name was Richmond.

Q. Okay. Did he remain at the fire

1635

station or did he leave also?

A. He stayed there.

Q. Okay. And did you see any African-American firemen there when you arrived?

A. No, sir, I didn't.

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

CROSS-EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Lieutenant. A few questions. Officer Richmond was also on surveillance at the fire station.

A. Yes, sir.

Q. Was he working under your command?

A. He was working out of the intelligence bureau, yes, sir.

Q. Did you find him to be a reliable surveillance officer?

A. I had no reason to doubt him.

Q. And when he submitted reports to you and others, did you find those reports, as a rule, to be accurate?

A. Yes, sir.

Q. Professionally prepared?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1636

A. Yes, sir.

Q. Because one of his reports has been put into evidence in these proceedings, and it's quite impressive in terms of its detail. And I would have hoped that would have been your response. Had you ever heard of – from the intelligence side, have you ever heard that there were photographs taken from the fire station roof by Psychological Operation Army photographers of the entire assassination of Martin Luther King?

A. No, sir.

Q. That evidence has been introduced here. Have you ever heard of that?

A. No, sir.

Q. Never? Never saw any of those photographs that were taken from –

A. No, sir.

Q. – the roof? Were you ever advised that the captain of that fire station, [Carthel Weeden](#), put those Army photographers on the roof and put them in the vantage point for the taking of those photographs?

A. No, sir.

Q. Would that have been something that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1637

perhaps Inspector Tynes would have known about and not shared?

A. I have no idea, sir.

Q. But you didn't hear about it –

A. No, sir.

Q. – in any event. Did you in the course of April 3rd or 4th speak with or talk to any out-of-town agents – from whatever source, you might not have known where they even were from – but individuals who you didn't know as being part of the local FBI office or the Memphis Police Department? At any time do you recall speaking to any of those individuals – any persons?

A. I'm not sure I understand the question exactly.

Q. I know it's a long time ago. But do you recall speaking, in the course of – let's take April 4th – with any persons who came into town from one or another federal agency about any strategic intelligence activities?

A. I don't believe I did. I can't remember if I did.

Q. Okay. You don't remember speaking

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1638

with any of them. Now, lastly – this is really just more for the historical record than anything else. As a trained intelligence officer, without naming – we're not going to ask you to name any informants.

Did you use – as a part of the modus operandi, did you use informants in organizations in Memphis, Tennessee?

A. Yes, sir.

Q. So you – you ran informants and obtained – as a way of obtaining intelligence information.

A. Yes, sir.

Q. Without naming any names, because I know that you would not want to do that, would there have been any informants who were close to Dr. King's organization when he was in Memphis?

A. I'm not sure I know what you mean by "close to Dr. King's organization."

Q. Well, people who would have been in contact with Dr. King or members of his organization, SCLC, or people who were aligned with them in support of the sanitation workers, would you have had any

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(901) 529-1999

1639

informants in those organizations?

A. We had an informant in a local group called the Invaders.

Q. Yes. And that man's name is public, so that's – that's Mr. McCullough, is that right, Mr. Marrell McCullough?

A. Yes, sir.

Q. All right. But would you have had any sort of deeper cover – not interested in the names – but any deeper cover individuals who would have been able to feed you information with respect to what was going on?

A. No, sir.

Q. No – no other ones other than –

A. Not to my knowledge.

Q. Did the FBI office have, again to your knowledge, any informants in any of these organizations?

A. They probably did, yes.

Q. So they might have had a wider intelligence net. Did they share that information with you?

A. Some information they did, yes.

Q. Okay. So they had informants and

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1640

their informants they were running would have provided you with information.

A. No.

Q. Through them I mean, through the office.

A. Yes, sir.

Q. Thank you. Do you know what Mr. McCullough did when he left the Memphis Police Department?

A. No, sir, I have no idea.

Q. Do you know what Mr. McCullough does today?

A. No, sir, I do not.

Q. You've never heard of what his occupation is or what he might –

A. I've heard, but –

Q. What have you heard that he is doing?

A. Well, I've heard that he's in the CIA now.

Q. That he works for the CIA now.

A. But I have no proof of that.

MR. PEPPER: Not directly, but you just heard that. Okay. Nothing further. Thank you.

MR. GARRISON: I have nothing

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1641

else. Thank you, Mr. Arkin. You're free to go.

THE COURT: You may stand down.

THE WITNESS: Thank you, sir.

(Witness excused.)

THE COURT: It's that time again – 2 o'clock.

(Lunch recess.)

THE COURT: All right, Mr. Garrison.

REBECCA A. CLARK,

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

DIRECT EXAMINATION

BY MR. GARRISON:

Q. Ms. Clark, would you tell us your full name, please, ma'am.

A. Rebecca A. Clark.

Q. And you live here in Memphis, Ms. Clark?

A. Yes, I do.

Q. And you've lived here most of your life?

A. Since high school.

Q. All right. At one time, Ms. Clark,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1642

you were married to – I believe it was Captain Earl Clark with the Police Department; am I correct?

A. Well, actually, he started out as a patrolman and went as far as chief inspector.

Q. Okay. Now, Ms. Clark, let me say this – or ask you this. You and Inspector Clark were divorced at some period; am I correct?

A. Yes.

Q. But in 1968, you were married to him then; is that right?

A. Yes, I was.

Q. During the time of the Sanitation Strike and the assassination of Dr. King –

A. Yes, sir.

Q. – you were married to Inspector Clark; am I correct? Okay. Let me ask you this. We have taken your testimony before now. But Inspector Clark had a large collection of weapons, did he?

A. Yes, he did.

Q. And he was one of the better – I guess you call a marksman with the police department. He had a lot of honors for that,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1643

didn't he?

A. Well, not just for the Police Department. He won the Tennessee State Trap Shoot one year.

Q. Okay. And did he work on the – at the – for the police department at the track where they used weapons to shoot things, like target practice, things like that? Did he work there at one time?

A. Yes, he worked at the pistol range.

Q. Pistol range, that's a better word for it. Do you know, Ms. Clark, during the Sanitation Strike, was he tied up with that where he didn't come home – I mean, did the police department have him pretty much in – on duty full time where he wasn't able to come home for some time?

A. That's correct.

Q. And on the day of April the 4th, 1968, how long had it been since he had been home then; do you recall?

A. Probably three or four days. Might have been longer.

Q. Okay.

A. I can't remember.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1644

Q. Now, you were working somewhere at the time, weren't you?

A. Yes.

Q. And, in fact, you used to work for the police department. Am I correct that at one time you were employed at the police department yourself?

A. Yes, before we married.

Q. Right. I understand. On the day of April the 4th, 1968, do you remember what

time you came home that day?

A. Well, I got off work at 4 in the afternoon.

Q. Okay. And how long did it usually take you to drive home?

A. Probably 10 to 15 minutes.

Q. And when you arrived at your home, was your husband there?

A. No.

Q. He was not there then.

A. No.

Q. Okay. So you got home around 4:15, roughly in that range; would that be right?

A. Right.

Q. And how long was it roughly before he

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1645

came home?

A. I really don't remember. It wasn't right away, but – probably an hour or so maybe.

Q. Okay. And he came home – did you know he was coming home then?

A. No.

Q. Okay. So he came home unexpectedly.

A. Right.

Q. And what happened when he reached your home? What happened?

A. Well, he said he came home to get some clean uniforms. And so when he got there, he said he thought he would lie down on the couch in the living room for a few minutes and take a nap. And then he was going to take a bath and go back because

they had been staying up all night over at the pistol range. And so he asked me to listen to the police radio for him.

Q. Okay.

A. So that's when I heard – a short time later – I don't know how long he was asleep, maybe 30, 40 minutes – 45. But that's when I heard on the radio that

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1646

Dr. King had been killed – had been shot.

Q. Okay. Had your husband made any statement about the fact that Dr. King was here and the Sanitation Strike was going on? Had he made any statement – comment to you about that?

A. About him being here?

Q. Yes, ma'am.

A. Well, everybody knew he was here.

Q. Well, had he made any comment to you about it, the fact that it was tying up a lot of the police officers and causing a lot of problems here with the Sanitation Strike? Did he make any statement to you –

A. I don't recall any conversation like that.

Q. Well, on your deposition – let me ask you – you remember giving your testimony before?

A. Yes.

Q. Page 25, the question: "Did you ever make – did he ever make any comment about Dr. King at all? Did he ever say anything about Dr. King, right, wrong or indifferent?"

Answer: "I'm sure he did. I'm sure

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1647

he was concerned about this being here and the Sanitation Strike might cause a problem, which was" –

Q. Do you remember giving that answer?

A. Yes, sir.

Q. Okay.

A. But I don't recall any specific conversation that he – you know, I'm sure he must have commented about it.

Q. Okay. At some point you left to go get a uniform for him.

A. Yes, sir, I did. When I woke him up and told him that Dr. King had been killed, he said, you've got to go get my uniforms out of the cleaners before they close. And he was going to take a bath while I was gone.

Q. Okay. And, Ms. Clark, you're aware of the fact – you know that there's been some testimony/allegation made that Lieutenant Clark was at the back of the rooming house across from the Lorraine Motel on the day that this occurred. You know that, don't you?

A. Well, at the time of the deposition I didn't know that. Matter of fact, I didn't

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1648

really know why I was called to give a deposition.

Q. Okay.

A. I mean, I had heard of this thing about a conspiracy but I, in my wildest imagination, never dreamed that they thought that he was involved or the police department was involved.

Q. Okay.

A. I found out about a week later when two – two gentlemen from the Justice

Department called me and asked me if they could come out and talk to me. And then that's when they told me that you all thought that he was involved. And that was the first I had heard.

Q. Okay. Well, he had only been home for a very short time when you left to go get his uniform, hadn't he?

A. Yes. I don't think he was asleep over 30, 45 minutes.

Q. Okay. Ms. Clark, I know we talked about this before when we took your deposition. But isn't it true that Inspector Clark had a rather bitter feeling toward

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1649

African-American people? Truthfully.

A. I don't – I wouldn't say that he had a – bitter feelings. I know that after his brother was killed that he probably felt some kind of animosity for a period of time. But I know that he had a lot of black friends that he had met through law enforcement over the years.

Q. Okay. Let me ask you something. Now, you said that when he reached his home that he had a police radio with him.

A. Yes, sir.

Q. What type of police radio was it?

A. It's kind of like a little walkie talkie because it was laying on the dining room table.

Q. Okay. Now, are you sure about that?

A. Well, I could hear him.

Q. According to the information we have, they didn't have walkie talkies back in 1968. Are you sure it was a walkie talkie?

A. It was some kind of radio.

MR. GARRISON: That's all.

CROSS-EXAMINATION

BY MR. PEPPER:

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1650

Q. Ms. Clark, excuse me one minute, I'm just reorganizing the copy of the deposition that we let you examine and that counsel has just used. I know this may not be very easy for you. Thank you for coming here this afternoon.

How many children do you have, Mrs. Clark?

A. I have two.

Q. And the first time that we met – do you recall that afternoon?

A. Yes, I did. I didn't know who you were the second time I met you, which was some years later, but –

Q. Okay. And were one of your children present when we spoke? Your son?

A. I believe he was. I'm not sure.

Q. Do you know how old he was then?

A. There's about – he's 27. It was about in '92 or 3. So –

Q. When was he born, Mrs. Clark?

A. He was born in February of '73.

Q. So he was in his early 20's at that time?

A. Right.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1651

Q. May I ask, are you a Christian?

A. Yes, I am.

Q. Do you believe that the sins of the father should be visited upon the children?

A. No, I don't.

Q. And that the children should bear no blame for any sins of the fathers?

A. I certainly believe that.

Q. Do your children believe that?

A. Yes.

Q. That's clear?

A. Sure.

Q. Okay. Now, in Mr. Clark's professional life were there things that he did – activities that he conducted that you knew nothing about?

A. You mean in – as far as police work? I'm sure.

Q. And in his personal life?

A. He may have. I don't – I don't know.

Q. Did you know Mr. Frank Liberto?

A. Well, in my deposition you all asked me that. And the only Frank Liberto that I had ever heard of owned a liquor store down

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1652

in south Memphis. And the reason I remembered that name was we had gone down there one night, and this black gentleman came in with high heels and a dress on. And back then, that was kind of odd to me, so that's the only reason I recall that incident. But that's the only Frank Liberto I've ever heard of.

Q. You've never heard of Frank Liberto who owned and ran a warehouse – a produce warehouse called Scott Street Market?

A. No. I've seen that name over there because I've been to Scott Street Market lots of times. And I've seen the name, but I didn't know the man.

Q. You didn't know him?

A. No.

Q. Did you not know of his – your husband's relationship with –

A. No.

Q. – this man?

A. No.

Q. Did you know of your husband's relationship with Mr. Loyd Jowers, the defendant in this action?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1653

A. No, I didn't.

Q. But your husband used to go, according to testimony and evidence in this case, hunting with Mr. Jowers. You didn't know he went hunting with Mr. Jowers?

A. No. I've never heard that name mentioned with him going hunting. And I know a lot of people that he went hunting with.

Q. All right. And you never heard about him going hunting with Mr. Jowers?

A. No, sir.

Q. Or of his – his close relationship with Mr. Jowers?

A. No, sir.

Q. And you never heard him – he never mentioned Mr. Frank Liberto to you?

A. No, sir.

Q. Did he ever mentioned Inspector John Barger?

A. I remember him.

Q. You remember that name?

A. Yes.

Q. Inspector Eddie Zachary?

A. I remember him.

Q. But not Mr. Liberto and not

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1654

Mr. Jowers?

A. No.

Q. If, Mrs. Clark – if what evidence has been placed into this Court by – in fact, by the defendants in these proceedings. If that evidence is true and your husband was involved in the assassination of Martin Luther King, how do you – how would you feel about that?

A. That's impossible.

Q. You can't imagine that?

A. Well, I know not. I know he was there.

Q. You know he wasn't –

A. And there's not any possibility as far as I'm –

Q. There's not any possibility?

A. No, sir.

Q. What time did you get home from work again on the 4th of April?

A. I get off at 4.

Q. You got home about 4:15?

A. About 4:15.

Q. All right.

A. Now, what time he got there, I do not

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1655

remember. It's been a long time ago.

Q. In your deposition, you indicated he got home fairly soon after you arrived home from work. Do you know when that would have been?

A. 30, 45 minutes. Fairly soon.

Q. Fairly soon after you arrived is 30 or 45 minutes?

A. I can't remember exactly, sir.

Q. You don't remember what time he arrived?

A. No, I don't.

Q. What did you do when you got home from work that day?

A. What did I do?

Q. Mm-hum.

A. Changed clothes, probably started cleaning or something, like everybody does when they get home, I guess. I don't know.

Q. At what point in the course of you performing your tasks did he come into the house?

A. Sir, I don't remember what time it was.

Q. I mean, you don't know if you were

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1656

cleaning –

A. No.

Q. – or changing, or what it was you were doing at that time?

A. I can't remember.

Q. All right. And what car was he driving when he came home?

A. I really couldn't say. I just assumed that he was driving a police car.

Q. Well, where would he park the car when he came in?

A. Right at the back door of the apartments.

Q. At the back door. Was there a driveway that ran up to the back door?

A. Yes, it was.

Q. So he would have parked the car in the driveway –

A. Yes.

Q. – near the back door. Did you look at it?

A. No.

Q. Did you look out? Did you see the car?

A. No.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1657

Q. Did you see him depart?

A. I don't know that I went to the back door to watch him leave. I'm sure I said goodbye, but I don't specifically remember going and, you know, waving.

Q. All right. Did you see him drive off?

A. I don't recall that.

Q. You don't recall seeing him drive off?

A. No, I don't.

Q. And he drove off after – after you came back from the cleaners with his – his clean uniform?

A. Yes.

Q. Did he call you that afternoon before he arrived home?

A. No.

Q. He just came home.

A. Yes.

Q. Ms. Clark, on Page 54 of your deposition – which was taken some while earlier, in April of this year – you were asked: "And how long did it take you to get home?"

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1658

You answered: "Not long. 10, 15 minutes."

The question is: "So you were probably home around 4, 4:15 or so, something like that."

A. Right.

Q. "Yes."

"And soon after you set foot in the house did Mr. Clark call you?"

Your answer was: "Not long as I recall."

The question was: "15 – 10, 15 minutes, something like that?"

Answer: "Well, yes."

Question: "He might have been home some time around 4:30; is that right?"

The answer was: "I don't know to be honest. I don't really remember. I just know that I was home from work and he wasn't asleep very long when I heard the radio. I woke him up. He ran to get a shower while I went to get his uniforms. That's all I remember."

Now, in fact, Martin Luther King was killed just shy of two hours – two hours

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1659

after you arrived home. What I'm trying to understand is if your husband came in shortly after you arrived home and was only there for 30 or 45 minutes, that still would leave almost an hour after he left the house of unexplained time.

A. Well, as I said, I wasn't sure about the times that he got there or how long he was there.

Q. Yes.

A. The only thing I do know was that I was listening to the radio when they came on and said that he was shot.

Q. You were listening –

A. Because I remember about the blue – they were talking about a blue Mustang.

Q. A blue Mustang?

A. Yes. Something about a Mustang. I don't know whether it was blue or not, but it was –

Q. And you heard that on a police radio –

A. Yes.

Q. – at some point –

A. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1660

Q. – that was sitting somewhere in your dining room?

A. Right.

Q. And your husband had been asleep somewhere – in the living room?

A. He was asleep on the couch in the living room.

Q. I'm trying to understand what happened during that hour. How long did he sleep?

A. I don't know. I don't remember. I have to hide my own Easter eggs. I can't remember.

Q. That's a very long time ago. That's a very long time ago. But you understand the problem?

A. I know what you're saying, but I just can't – you know, if I could remember how long or when he got there – I really don't.

Q. The problem that I'm putting to you is the possibility that your husband did come home – and you're telling the truth. To the best of your recollection, you're telling the truth.

A. I know I am.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1661

Q. And he came home.

A. Yes.

Q. But the times indicate that not only did he come home and ask you to go to the

cleaners – Dent Cleaners on Broad Street to get fresh uniforms –

A. Yes.

Q. Which you did and which you brought it back and he put it on and left. The times indicate that he left, in fact, much earlier – within an hour of the killing.

A. It couldn't –

Q. And that he was somewhere else during that hour.

A. He couldn't have been. He could not have been anywhere else. Because when it came over the radio – and I heard it. He asked me to listen to his radio because he was going to take a short nap.

Q. That's the thing we haven't taken into account.

A. And that's what I did. And that's when I heard that he was shot. So it couldn't have been – so he had to have been there longer than the hour or whatever you're

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1662

talking about.

Q. That's what we haven't taken into account, isn't it?

A. Right. See, I can't remember –

Q. This walkie talkie –

A. – exactly how long he was there.

Q. This walkie talkie, this radio, which as counsel has –

A. He's had one as long as I can remember.

Q. Counsel has indicated that they weren't standard issue yet –

A. They may not have –

Q. – in the Memphis Police Department.

A. – been standard issue, but he had one. He – you know, at my deposition – at that time I thought I recalled that he was on the TAC squad at the time, but I don't – looking back now, I think that he probably was just assigned to the pistol range because I think that was too early in his career – '68. So, you know.

Q. And he wasn't on the TAC squad, that he was assigned –

A. He may have just been assigned to the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1663

pistol range, and that's where they were staying. I don't – you know, I hadn't looked – I hadn't looked back to see or researched to see exactly where he was assigned. He was on the TAC squad at one time, but whether it was that particular time or not, I – you know, I'm not positive.

Q. It's the walkie talkie or the radio that convinces you that he was still there at the time because you heard it.

A. Yes.

Q. That's what you're saying?

A. Yes, sir. I woke him up, and that's when he said, you've got to get over to the cleaners before they close to get my uniforms. Because he came home specifically to take a bath and get some clean uniforms because they had been gone for so many days.

Q. Ms. Clark, if the – if these – if these were not available at the time, if they in fact were not standard issue or special-issue walkie talkie communications to Memphis Central Police Headquarters – if this was not possible, these were not available, what are we to believe?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1664

A. Why would I make that up about a police radio if I didn't hear it?

Q. Did you discuss the assassination with Mr. Clark –

A. No.

Q. – after it took place?

A. No.

Q. You didn't have any –

A. I don't think so.

Q. – discussion with him at all?

A. Not that I recall. We may have mentioned it. He may have mentioned it, or we may have mentioned it. But a specific conversation I don't remember.

Q. Ms. Clark, the assassination of Martin Luther King, you will agree, was a heinous, terrible act –

A. Absolutely.

Q. – and a blot on this community?

A. Absolutely.

Q. Which has never – from which this community has never really fully recovered?

A. Absolutely. I do understand that.

Q. Is it possible that here this afternoon, every good intention in the world,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1665

that you are trying to protect your loved children from being a part of this whole scenario – being dragged into this in any way?

A. Sir, I have told this story about what happened or where he was as far back – before there was ever any thought of conspiracy, ever.

Q. Who has asked you about this question? Who has asked you to tell this story?

A. I've told it to everybody. Everybody has said: Well, what was Earl doing? Where were you? And so and so. I've told everybody at work where – where he was.

And, you know, this story has been told a million times. I told you this story back in 1992 –

Q. Yes, you did.

A. – before I ever heard of a conspiracy. So why would I have lied then?

Q. Yes, you – well, the reason I started my query of you about the children was because I recalled the presence of your son at that time and his attentiveness in the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1666

course of that – of that discussion. And that's why I've asked you the last question about the protection of the children.

A. Sir, I'm just telling the truth. I – you know, it never entered my mind that I'm trying to protect my children. I would if I – you know, I would want to protect my children.

Q. If in fact you –

A. But I am not – I am telling the truth as far as I know the truth as much as I remember.

Q. That's fair enough. If in fact the truth were something else, would you tell this story? To protect your children, to insulate them from any possible repercussions of this act, would you tell this story?

A. No. I would never lie. I would never tell –

Q. No matter what the consequences would be?

A. No matter. I mean, their father is dead. I mean –

Q. But they're alive.

A. Pardon?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1667

Q. They're alive and they have lives.

A. Yes, they do. And they're making good lives.

Q. Why would –

A. And I love them dearly, but I would not lie.

Q. Why would anyone put your husband in the middle of this frame? What reason would they have?

A. I don't have the faintest clue.

Q. Why would a Memphis taxi driver quote your husband as saying: I'm going to kill Martin Luther King the next time he comes to Memphis, Tennessee? Why would –

A. I don't know.

Q. – [James McCraw](#) –

A. Why is anybody –

Q. Why would he say that about your husband?

A. – saying all this stuff? I just don't – you know.

Q. You don't know why people say things, of course. But that's a problem that we have.

A. All I know is –

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1668

Q. We don't know why –

A. All I know is I'm telling you the truth the best that I know – the best that I know it.

Q. The truth as best you know it is you came in around 4:15, he came in some time shortly thereafter.

A. Yes. What time, I do not know.

Q. You're not sure of that exact time. But at some point in the course of his sleep – and he was sleeping then maybe for an hour and a half – not 30 minutes, as you indicated earlier in the deposition, but maybe he was asleep for an hour and a half. Because he would have had to be asleep for about an hour and a half for you to hear on the radio that Martin Luther King had been assassinated.

A. Unless he came in later than 30 minutes.

Q. Unless he came in later.

A. See, I don't remember. But all I'm saying is that I was listening to the radio and heard it with my own ears.

Q. When you came back from the cleaners,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1669

was he awake?

A. No – yes, yes. I woke him up when I heard it. And that's when he said, you've got to get over to the cleaners and get my uniforms before they close.

Q. Okay. So you – you were in the house all the time. He was asleep. You heard it, you woke him up. He said, go to the cleaners.

A. Yes.

Q. But he had been asleep for all this period of time, for whatever period –

A. Yes.

Q. – hour, hour and a half?

A. Yes.

Q. On the sofa?

A. Yes.

Q. And he then put on his uniform and reported to work. Where did he go?

A. I have – I assume that he was going back to the pistol range.

Q. Why would he go to the pistol range?

A. Because that's where they had been staying.

Q. He would go back to the pistol range

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1670

when there – the city was in turmoil – fires and turbulence and assassination?

A. Sir, I don't know where he was assigned. I do not know where he – I just assumed – when he told me they had been staying over at the pistol range and sleeping over there, I just assumed that he was going back over there. I do not know where he went from there.

Q. When he left the house he was in uniform?

A. I don't specifically remember, but I'm – feel sure he was in a uniform because I had to go get his uniforms.

Q. And what uniform was he wearing at that time of year?

A. Well, I don't remember. I don't recall what kind of uniform. If he was – if he was assigned to the pistol range, he had on gray uniforms – gray khaki uniforms.

Q. Which uniform did you pick up, Mrs. Clark –

A. I don't remember.

Q. – at the cleaners?

A. I don't remember which.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1671

Q. As he walked out the door was he –

A. In fact, you all asked me that before and I couldn't remember.

Q. That's fair enough. As he walked out the door was he in short sleeves or did he have –

A. I do not know. I don't remember.

Q. Did he leave from the rear door or the front door?

A. The rear door.

Q. Because that's where the car was?

A. Yes.

Q. Did he normally drive a police car home?

A. Yes, lots of times.

Q. Was it an unmarked car or was it a regular Memphis police car?

A. Most of the time it was a regular car.

Q. And what color was that car?

A. Black and white, I think.

Q. It was a black and white regular – not a traffic car but a regular black and white car?

A. Right, far as I can remember.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1672

Q. And his rank at that time –

A. I don't recall.

Q. – in 1968?

A. I want to say he was lieutenant, but I'm not sure.

Q. I see. Okay. And you don't remember whether he had short sleeves, long sleeves –

A. No.

Q. – a jacket or anything else on?

A. He didn't have too many short-sleeve uniforms. They had – they had some – the gray uniforms when they were shooting on the pistol team, but that's the only short sleeve ones I remember.

Q. And when you –

A. He could have been – he could have been wearing short ones over there at the pistol range where he worked.

Q. When you were listening to this radio sitting on your dining room table, where were you?

A. I think I was in the kitchen.

Q. Right off the dining room?

A. Right.

Q. And he was in the living room off the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1673

other side?

A. Well, you go through the kitchen into the dining room and there's the living room. It was just an apartment – a two-bedroom apartment. It wasn't a house.

Q. Did any investigators from the House Select Committee on Assassinations in

1977 or '78 interview you?

A. At where? In what?

Q. The Congressional committee –

A. No.

Q. – that looked into this case. They never interviewed you?

A. No, sir.

Q. Did any FBI investigators ever interview you?

A. No, sir. The only interviews that I ever had was when you came and talked to me that time. And then after I gave my deposition there were two guys from the Justice Department that called and came out and talked to me. And that's when they told me that – that you all thought my husband was involved.

Q. At that point in time?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1674

A. Yes.

MR. PEPPER: Thank you, Mrs. Clark. Nothing further, Your Honor.

MR. GARRISON: I have nothing further. You may step down.

THE COURT: You may stand down, ma'am. You can remain in the courtroom or you're free to go.

THE WITNESS: Okay. Thank you.

(Witness excused.)

MR. GARRISON: Your Honor, at this time I'd like to read from the deposition of a witness. For security reasons, same as the jury, we did not want his identity known. He will be referred to as John Doe.

This is the deposition of John Doe taken on November the 5th, 1999. And I was

present for the defendant, Mr. Jowers, and Dr. Pepper was present for the plaintiffs. And these were the questions that were asked of this witness. Page 5:

(Whereupon the following is the deposition of John Doe that was read into the record.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1675

THE VIDEOGRAPHER: This is the videotaped deposition of Mr. John Doe. 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. It's being held via telephone at the offices of Daniel, Dillinger, Dominski in Memphis, Tennessee, on November 5, 1999, the time being approximately 4:03 p.m.

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

Will counsel now please introduce themselves.

DR. PEPPER: William Pepper for the King family, plaintiffs in these proceedings.

MR. GARRISON: I'm Lewis Garrison for defendant, Loyd Jowers.

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

DR. PEPPER: None for the plaintiffs.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1676

MR. GARRISON: And none for the defendant.

JOHN DOE,

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

DIRECT EXAMINATION

BY MR. GARRISON:

Q. All right. We're referring to you as John Doe. As I've indicated to you earlier, we have an agreement that we will not reveal your identity for purposes that you and I have discussed.

Let me ask you this. In the year of 1968, were you in the Memphis area?

A. Yes.

Q. And you, of course, know that the assassination of Dr. Martin Luther King occurred on April 4, 1968?

A. Yes.

Q. Okay. Now, let me ask you this. You and I have talked about this many times. Would you start – I believe the first time that you gave me information was along about January of 1998. Is that about correct?

A. That's correct.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1677

Q. All right. Would you tell us at that point what – what happened, what you know and what personally you were involved and how you know about it.

A. As regards –

Q. The very beginning of your meeting in a hotel – Holiday Inn in Detroit, I believe; is that correct?

A. Well, it was in – let's see, okay. Let's – it's Battle Creek, Michigan.

Q. All right. Go right ahead.

A. Yeah. All right. I had known some individuals, one person in particular was a layoff bookmaker from the Houston/Galveston area who owned a seafood place there on the Gulf Coast. He said his name was J.B. Bonner. And at that particular time, I was working in the sports department at the *Houston Post*, and he had called for information because – you've got to remember that they – that high school football was like their Super Bowl. Anyway, that's how I got to know J.B. Now –

Q. Could you spell his last name for us – this gentleman you are talking about –

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1678

J.B –

A. O N N E R.

Q. Okay. Go right ahead.

A. Okay. Now, then through him, I was in Battle Creek, Michigan, later on in my employment to do some things there in East Lansing, Michigan.

Q. Okay.

A. And Mr. Bonner wanted me to contact or sit down and talk to a fellow by the name of Emil Mazey, M A Z E Y, who I learned later is the – was the treasurer of the United Auto Workers.

I met him there, and then we met two or three more occasions on – and at the Red Apple Inn in Northwest Arkansas, mainly, is where we talked, and it was at this time that it was explained to me what Mr. Mazey wanted and what he was doing. And the idea that was given to me was that Walter Ruther, who was president of the UAW had been hit on pretty hard by Hubert Humphrey and L.B.J. about Martin Luther King's sudden – whatever he did, [he came out against the Vietnam War](#), and you have to remember that there was a problem

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1679

there between the UAW and the CIO with George Meedy [Meany].

And Meedy [Meany] and the CIO – they were pushing for the war, and the UAW, up until that point, had been a real supporter of the – let's see if I remember – Southern Leadership Conference of which King was involved nominally. I mean, he really didn't have anything to do with it. But, anyway, it was put to me is there a way to satisfy Mr. Humphrey and Mr. Johnson by making Martin Luther King, quote-unquote, I guess, "shut up" about the Vietnam War. And I asked him what that –

what did they mean by that.

And they said, well, by just taking him out, getting through with it. And I had done some work in the military and things like that. And so I said, I can do that.

And they offered four hundred thousand dollars to –

Q. Okay. Now, we got to the point where you said that they had been offered four hundred thousand dollars maybe, and just go on from there.

A. Okay. Now, to me, this was kind of

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(901) 529-1999

1680

an interesting proposition. This has nothing at all what to do with race or anything like that. It was obvious that they had some things already put in motion.

What I did was contact Jim Harmon, H A R M O N, a pilot who died in Korea, and who's supposed to be buried in Mills City, Oregon, but he's not, and then through Carlos Marcello in New Orleans, Ruelsa Mellon, R U E L S A M E L L O N, who was based out of Tegucigalpa, Honduras.

There was another lady involved. Her name was Dori, D O R I, Wyse, W Y S E. She was from Belize, and she was in that area supposedly to do research on antebellum homes and so forth.

The way I understood it, the Trafficante down in Tampa had gotten a hold of Marcello and asked him if he could take care of this, and he said, no, he couldn't.

Most of the FBI was all over him because of his J.F.K. problem, not which was correct, and so then through that and Ruelsa, we got – kind of got together about the whole thing in New Orleans and discussed it.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1681

Marcello was there, and he said he couldn't be involved, XYZ, but we could use – there was about a three-mile-long seashell-type small runway on his property just west of the Mississippi there, and I don't – it's Metairie or however the Louisianans

say it.

Anyway, we agreed to do this, and the idea was we knew whatever King was doing, but Dori Wyse's job was to indicate when King would be back at the motel. We knew the room, but – so we could set that up, and when he finally went out to do whatever he was doing – he was preaching to somebody or – anyway, he comes back. She calls then through to Mellon, and he contacts Harmon, who picks me up in Tampa.

We go on up there, find the little airport, fly right up the Mississippi on Mud Island. She picks the two of us up, Harmon – Jim stayed at the plane. We come down to the area that was selected. Now, I –

Q. What kind of vehicle was she driving, do you remember?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1682

A. Yeah. It was a sixty – I believe a 1967 gray Corvette.

Q. Okay.

A. Not a Corvette.

Q. Corvair?

A. Corvair, yeah.

Q. All right. Chevrolet Corvair?

A. Yeah, two-door.

Q. Okay.

A. And on the side, it had on there Aztec Aerial Mapping, just like the plane, and then – you know, to give you a reason why you were in there in the first place. So then we went on up there, and she moved on around down by Mulberry there, kind of a – kind of just to park there, and drop them. And Raul, he went upstairs to the window area up there. Nobody told him to go in the – into any kind of bathroom or closet or anything like that, but he apparently decided that, already had his bag full of everything he was supposed to leave.

James Earl Ray was never even there. He had left for Atlanta. I think he spent the

night in Starkville, Mississippi,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1683

on the way over, but he'd left about three hours before all this even came down. He was set up for that type of thing.

And then when the actual shooting of King took place, it was behind kind of a brushy little wall there just a couple hundred feet away. He used a sixteen-gauge modified rifle that had been made by a Pedro Ginton.

Q. Okay. What was it again? Tell us what it was again.

A. Ginton, G I N T O N.

Q. Okay.

A. Of Belize City.

Q. Belize City is where it was made?

A. Yeah.

Q. Okay.

A. The idea was that – it's the kind of shot that when it hits something, it starts to mess around. And if you move with it, it just falls apart.

Q. The shot itself?

A. Yeah.

Q. Go ahead.

A. Okay. So then he – the shot was

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1684

done, and Dori comes around and picks up the shooter, and they go on back down

to Mud Island. Jim's got the plane ready, we take off, and are flying right down the Mississippi right back down to Marcello's place, and opened the door and throw the gun and two or three other things out of there.

Q. Out of the plane?

A. Uh-huh, into the river.

Q. Okay.

A. Because he was flying real low, and we went on down there, and we all left there, and went on back to Tampa.

Now, Raul, he was supposed to drop a bag of stuff that he had managed to put together, just childish things really – but people believed, apparently – into a bag, and he was supposed to drop that upstairs someplace – I've never been in that building – but he didn't. He dropped it outside the door but then went and got in his car, which was a white Ford, you know, and then drove away from there.

Now, he drove to New Orleans. There – picked Ray up in Atlanta, and then

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1685

from there they flew on to Canada.

Q. Okay. Now, let me ask you something. Did you ever actually see James Earl Ray?

A. No.

Q. Okay. You've been told about him?

A. Yes.

Q. All right. Sometime later, you had a chance – you had an assignment in South America or somewhere in Central America; am I correct, sir?

A. Right.

Q. And you had a chance to – in your assignment to run and meet with the warden of the prison where Ray had been before he escaped; is that correct?

A. Correct.

Q. Okay. Tell us about your conversations and your association with the warden as to what you found out from that?

A. Well, the warden's name – the best – I know his last name, but I think his first name was Harold – Harold Swenson. And he was running the Missouri State Pen, and he had spent some time in the – over at

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1686

Leavenworth working in the federal pen over there. And they had got him from there, and sent him down – I believe it was to Mexico where they were having some kind of prison riot and all that.

He went down there, worked on that, and then that was settled, apparently, and then he went back and was hired on as warden at the Missouri State Pen.

Now, Swenson indicated that he knew of a person, the ideal for a – oh, he used a corny word – patsy or something like that. And I don't know if that came directly from Swenson's knowledge or from other guards who worked there at Leavenworth because Ray wasn't there. And the idea was that Swenson – which has always amazed me anyway – but that he would work it out to where they'd get Ray out of the pen on a – on a Sunday morning, drive him out someplace, and he'd just disappear.

I never – the FBI – no one ever even indicated, you know, what the – who the driver was other than to say he was a – and I know nothing about all of that little

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1687

work.

Q. Okay.

A. All I know is that Raul picked him up, picked James Earl Ray up, somewhere there at Jefferson City. They had set it up and had gone on to Chicago, hung around

there for a while and then went on to Canada.

Now, this was all, of course, four or five – well, probably more months than that before the actual thing. But by then Ray was pretty well doing whatever Mellon told him.

They drove around, did all kinds of stuff. It didn't cost that much money. And then after setting him up to go buy some – a rifle and then another rifle, and no – to be very frank, you know, James Earl isn't going to win or wouldn't have won any grants to college. He really wanted to be involved in something.

He never – as far as I know, because I never saw him, the only – Harmon never saw him. Dori never saw him. The only person that dealt with him was Mellon, and that was the way we set it up. And then,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1688

eventually, the way I understood it was, that the UAW people were going to get him out of Canada and fly him to Lisbon, Portugal, and there they were going to kill him. They were going to take care of it there, and that would be the end of the whole thing.

Now, something went wrong in Lisbon, apparently, because Ray came, and, you know, turns up in London or someplace, and then he's arrested, and they drag him back and go through all of this, and that's why you got to believe when Ray – who is dead, you know – said I don't know anything about this, he's – he's telling the truth.

Q. Okay.

A. He didn't.

Q. Let me ask you something, too. The guns that they – were brought in the night of the assassination, what did they have those in?

A. Could you repeat – I didn't –

Q. I think you had mentioned to me – can you hear me okay?

A. Yeah.

Q. You mentioned to me before that –

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1689

about this car that had something about some – what did it have on the side of it?
Aztec Aerial Mapping?

A. Yeah, Aerial Mapping.

Q. Okay. Have you told me before that the guns were hidden in map cases?

A. Right.

Q. You actually saw that?

A. Yes.

Q. All right. The four hundred thousand dollars, do you know where it came from?

A. Yes. It came from the United Auto Workers.

Q. All right. Okay. Now, is this about everything that you know about the case? Have you heard anything else about whatever happened to these people that you mentioned earlier?

A. Well, I think we all know that it took two tries, but they finally – Ruther finally was killed in a private jet crash. They had tried to kill him and his brother a year before when they had flown to Washington, and all they did manage there was that the pilot hit the landing, turning right

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1690

at the end of the runway. So in about another year, we try it again, and this time it worked.

I have heard – I don't know for sure, but it could easily be checked – the National Transportation Board people say that the altimeter for Ruther totally rules out – that was the same as backwards – in other words, the pilot really didn't know how low he was.

Mazey, I think, went ahead and stayed in the Union for a while, then died. He was in World War II, I know that. And Harmon, he began flying for Marcello or either Trafficante – I don't know which one – flying stuff – drugs and stuff through the Carribean. Haven't heard from him in years.

I know that Dori died in Nicaragua two years ago during that volcano they had there after that earthquake and the hurricane situation.

Q. Did you ever hear the name of Frank Liberto mentioned by Carlos Marcello?

A. No.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1691

Q. Did you ever hear the name of Loyd Jowers mentioned at any time?

A. No.

Q. Okay. This Warden Swenson – you – the two of you became pretty close on your assignment; is that correct?

A. Well, we were close enough to understand what we were doing. I – I felt, you know, because right off the bat that Ruther had Swenson pretty well where he wanted him.

In fact, I think one of the – of course, this has been a successful thing all the way through, obviously – but one of the strangest stories was that – reported in the – hell, I forget what the – *St. Louis*, maybe *Post* – that Swenson after he retired during a New Years party, I believe, or a Christmas party had shot himself. And the woman that had reported this lived right next door to it all, and I never heard anything else about that. Again, you know, I wasn't going to check it for sure, but I – I can't verify it, but that – anyway, he's gone. Mazey, I think, just died

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1692

naturally. Humphrey, of course, we know, and L.B.J.

Q. This Warden Swenson, he had had a position in the L.B.J. or Kennedy Administration; am I correct?

A. What he had was, he was in the – I think they used to call it a blind squad for the federal prison system.

Q. In fact, he was the one that directed, I believe, you to pilot Gary Powers to Russia; am I correct?

A. Right.

MR. GARRISON: Page 38 of his deposition.

(Continuing to read from the deposition.)

Q. The airport that Marcello – the small airstrip that Marcello said you could use –

A. Uh-huh.

Q. – where did you say that was located?

A. Well, it's across the river, across the Mississippi from New Orleans. He had a huge place over there, and most of it's

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1693

swamps.

Q. Yes.

A. But he did have this airstrip – in fact, he had two. But this one was the kind that you could count on getting down real quick. This is what Jim told me – get down, get pulled up real quick and get out of there, you know, because the weather had been so bad all through that particular time, all the way from Memphis – all the way to Tampa for that matter. And it was raining, and I don't think he particularly wanted to land.

There was a dirt strip there that ran kind of clockwise – excuse me – clockwise away from the one we used. Got there – when we got back there that night, they had turned on some lights around the field, and you could see the reflection of the shells, and were there for Jim to get the plane down. We weren't there fifteen minutes.

Q. Right. And you flew from that airstrip of Marcello's? You took off from there?

A. Yeah.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1694

MR. GARRISON: Page 57, beginning with Line 22.

(Continuing to read from the deposition.)

Q. What had he – what was his job? What had – what was he supposed to have done?

A. His job was to place and put in locations – I don't know if it could ever be, you know, declared evidence, but put things around that would indicate that James Earl Ray was – had been there – had been in that area and was responsible for whatever took place.

Q. He was to plant – plant evidence against James?

A. Yeah.

Q. And where was James during this time?

A. He had left around – he was supposed to, so I presume he did, because he made it to Atlanta, but he left around 3:00.

Q. And what was – what kind of car was Ruelsa driving?

A. He had a white – a little white Ford.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1695

Q. What kind of Ford was it, do you know?

A. Oh, one of those with the – a Mustang.

Q. So he had a Mustang?

A. They had two of them.

Q. All right.

A. James Earl.

Q. Okay. All right. Okay. If we can – and he was in the rooming house. He – at some point he had been in the rooming house?

A. Ruelsa?

Q. Yeah.

A. Yeah.

Q. Was he supposed to rent a room?

A. Yeah, uh-huh. And he was supposed to leave that stuff in that room.

Q. What was James' role there? What was James supposed to have done?

A. All he was done is – he went and purchased the – something – binoculars, I believe, or something to that effect that had his fingerprints and stuff on them, and he came back and gave them to Ruelsa. This is

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1696

the way I understand it because I obviously wasn't right there. And then he told James to go on to Atlanta and to stay at the place that he had set up for Ray in Atlanta.

Q. Right. Okay.

A. And that's the last from – what I understand from Ruelsa, when I talked to him later, Ray did just exactly what he was told.

Q. So he didn't – he got out of the area, and he did what he was supposed to do?

A. Yeah. He wasn't – he wasn't anywhere around there, I mean, as far as I know.

Q. That's what you were told?

A. That's right.

Q. Yeah. That is what you understand. Now, Warden Swenson –

A. Uh-huh. What about him?

Q. You're saying you knew Warden Swenson down in Central America. What was Warden Swenson doing down in Central America?

A. Well, I presume from what he had indicated that he was on a – on a vacation, and he was going to look at some of the prison operations and what have you in the

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1697

Panama Canal Zone for the feds – for the federal people. I saw him at the Myan Hotel.

Q. Right. And did – did he tell you that he had – where did he tell you he had met James and decided upon James as a – to be the patsy?

A. He said that – I said, well, what – is this going to be just in and out type thing, and then he said, no, I think Ruther wants it blamed on certain elements or people to flare things up. And I said, well, you know, it doesn't make any difference to me really one way or the other. And I said, how long have you known Mr. Ruther. And he said, for quite a long time. He said, in fact, I know him a lot better than I wish I did. That was one of his quotes, so I – then Raul – Ruelsa told me that Swenson had set this deal up for Ray to presumably cleverly escape in a red truck, on a Sunday morning, jump off of it, and Ruelsa was going to pick him up, which I know that did happen.

Q. How do you know that happened?

A. Because he called – Ruelsa called me from Chicago and told me that things had gone

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1698

exactly as planned and that he was taking – what did he call – he never called him James Earl. It's Jimmy, I think, or Jim – I'm taking him, and we're going to drive around the country a while. And when things get ready, I'll get back in touch. And – but that was the last I heard from that group until they did get back and started trying to set up some kind of base of operations, I guess you'd call it, in Alabama or Georgia or some place down there.

Q. Did Raul tell you what he – Ruelsa tell you what he – he and James did during the time after James escaped from prison?

A. He asked me if I wanted to know, and I said no.

Q. Did he ever discuss with you how James got his identities?

A. No.

Q. Okay.

A. Are you referring to the – the passports and that?

Q. No. The identity that he used when he traveled around the country.

A. Oh, you mean as Willard and all

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1699

that?

Q. No. He only used one identity, not Willard. He only used Willard at the very end when he rented a room, but he had another identity that he used when he traveled around the country, always.

A. Well, I guess Ruelsa set him up with it or somebody in New Orleans. I wasn't familiar with it.

Q. Right. What was supposed to have happened to James?

A. You mean after?

Q. Yeah. After everything.

A. Okay. He was supposed to go – after everybody had hit the fever pitch to Lisbon, Portugal, where the UAW had a very, very strong international union, and he was given and told a room to go to in a hotel there. And the way I understand it, when the people went in there to get him, he wasn't there, and I don't know how he picked up on it or what, but the next thing, he's in England someplace – London.

MR. GARRISON: Page 69, beginning on Line 18.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1700

(Continuing to read from the deposition.)

Q. Do you believe that you were entirely on your own in this operation?

A. With Ruther.

Q. With who?

A. Walter Ruther.

Q. With Walter Ruther. With the Union League?

A. Now, I might have misspoken just a minute when you asked me that question. Of course, the way I understood it from Emil was that Johnson had just lost his cool, so to speak, as they do today, about King all of a sudden in some New York or Chicago church coming out just raising the devil about the Vietnam War, and Johnson told Humphrey – the way I was told, because I wasn't there –

Q. Yes, of course.

A. – go tell Ruther to tell that SOB to shut his mouth. Now, the way Emil told me, Ruther took that – and don't forget, Ruther had been a long time – the UAW had really pushed the civil rights.

Q. Yes.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1701

A. And so he was told this by Humphrey.

Q. Yes.

A. That apparently convinced Ruther that – that they had to do something pretty quick. They had something set up called five regionals.

In this particular scheme of things, there were going to be five cities around the country where there would be this union organizing, vote organizing kind of situation, and Memphis had been selected to be the center of these things.

There was going to be one in New York, obviously, Detroit, Chicago, L.A. and Memphis, and that was what Ruther was basically trying to protect, I believe, was the fact that – you know, his slogan was – I don't know if you recall this or not or read it, but was – and I think it was a bad choice of words – was community-ized and unionized.

MR. GARRISON: That's all.

THE COURT: Do you want to read from the deposition?

MR. PEPPER: Yes, sir.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1702

Plaintiff's don't want to tax or burden this jury any more than absolutely necessary, but just very briefly – this is counsel's deposition so I'm having to just quickly go through it to find the one paragraph. Page 56.

Your Honor, plaintiffs concluded that this deposition – this statement is a – is disinformation, not to be believed, for a variety of detail and accuracy. Without burdening the jury, the one in particular that concerned plaintiffs is on Page 56.

Plaintiffs' counsel asked the deponent –

Question: "Was there anyone else in the brush area with you?"

Answer: "No."

Question: "And do you mind to tell us what you were wearing."

Answer: "I had on blue jeans."

Question: "Yes."

Answer: "A blue shirt, a blue jean jacket and some – I never say this right – tong or thong sandals."

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1703

Question: "Thong sandals?"

Answer: "Yes. I had been wearing them in Tampa, plus they have pretty slick bottoms."

Could Your Honor instruct please that any mobile phones in this courtroom be turned off.

"Yes, I had been wearing them in Tampa, plus they have pretty slick bottoms so you don't have to worry about them."

Question: "Was the area heavily overgrown – that brush area there?"

Answer: "Not particularly. It just looked thumpy. I mean, it looked like a lot of areas like that around Memphis. Right."

Question: "Do you know how roughly – how long it took you to get from the gated area where you came in down to the corner of the wall?"

Answer: "Two or three minutes."

Question: "Was there any impediment that you faced as you walked to that corner of the wall?"

Answer: "No, other than, you know, some bushes and stuff. But no physical – no

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1704

wire or any fence or anything like that."

Question: "You didn't encounter a fence?"

Answer: "No."

Question: "That separated those two pieces of property?"

Answer: "No."

(End of deposition testimony.)

MR. PEPPER: Your Honor, we're putting up on the screen Plaintiffs' Exhibit 8 which is a photograph taken after the brush area was cleared but at the same time in 1968, within a day or so, and it depicts, quite clearly, a fence that runs east and west separating the two pieces of property. That's the subject of testimony here.

And in the right-hand corner, the end of the fence as it goes straight down to the edge of the wall. So, in fact, there was quite a serious impediment, a fence separating those two pieces of property which this deponent claimed was not there. Nothing further.

THE COURT: Mr. Garrison, anything you want to read?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1705

MR. GARRISON: Your Honor, I have a deposition of Mr. Ray which is rather lengthy.

THE COURT: All right. Let's take a break and we'll get in a portion of it.

(Brief break taken.)

THE COURT: All right, Mr. Garrison.

MR. GARRISON: Your Honor, we have Mr. James Earl Ray's testimony – it's going to be rather lengthy. It's going to take two or three hours for that at least, and I have testimony of a witness that's 40 pages, so it will be 30 or 40 minutes before I can conclude with one of these.

THE COURT: Is this your way of telling us you're ready to knock off and come back Monday?

MR. GARRISON: Sorry. I didn't say that, Your Honor. But it's going to take quite a while to present Mr. Ray's testimony.

THE COURT: You're entitled to put on your defense. Go ahead.

MR. GARRISON: Start with this

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1706

one?

THE COURT: However you want to shape your proof, sir.

MR. GARRISON: Your Honor, Mr. Ray's testimony is rather lengthy and I would rather it be heard all in one day without it being broken up.

THE COURT: All right. We'll look forward to starting next week with that. And that will be the extent of your proof?

MR. GARRISON: There may be one other witness depending on whether or not I can get service on the witness.

THE COURT: All right. All right. What are we going to do now?

MR. GARRISON: I'm sorry.

THE COURT: What are we doing now?

MR. GARRISON: I have one other witness that's a 40-page deposition. If you want me to read that I'll be glad to.

THE COURT: Whichever – as they say, whatever.

MR. GARRISON: I'm sorry, I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1707

didn't understand.

THE COURT: Whichever way you want to proceed.

MR. GARRISON: I can present it now. It will be rather lengthy. But if you want me to go ahead, I'll be glad to.

THE COURT: You mean the Ray deposition?

MR. GARRISON: No, sir, it's another witness besides that. Almost 40 pages of it.

THE COURT: All right. Go ahead and do that.

MR. GARRISON: All right. This is testimony of Ms. Lavada Addison. And I was present for Mr. Jowers and Dr. Pepper was present for the plaintiff. These are the questions that were asked of this witness, Lavada Addison.

THE COURT: Please spell that name.

MR. GARRISON: A D D I S O N, L A V A D A. On Page 5 beginning with Dr. Pepper's questions.

(Reading from the deposition.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1708

A. Mr. Pepper, the one thing I want to clarify, when I gave the deposition to Mr. Ashford –

Q. The statement?

A. A statement, rather. It wasn't a deposition. He asked if I knew Mr. Liberto's relatives, and I had met one of his nephews, but at that time I did not recall his name, but his name is Billy, and that I also told him that Billy had something to do with electrical, and I told him it was the Coliseum, but it was the Convention Center where he was working. I don't know if that matters, but I want to clarify that.

Q. That's fine. Yes. I had discussion with Mr. Ashford at one point about it, and he did basically summarize what you know, what you have said, with respect to Mr. Liberto, and I gather in many ways it was a limited – in terms of the matters we're concerned about, you really had very limited contact with him or very limited conversation.

A. Right.

Q. I'd just like to move forward on

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1709

that. Mr. Garrison may have some other questions. He can take them up later. Could you tell us where you worked in 1967 and 1968?

A. Where I was in that period?

Q. Where you worked during that period, 1967 and 1968.

A. In Millington.

Q. What was the name of the establishment?

A. No, you are speaking of the early 1970's when I had the pizza parlor? Lavada's.

Q. Could we just move back. Before you had the pizza parlor, you worked during the time in Millington?

A. Millington Telephone Company.

Q. Right. How long were you there?

A. Oh, off and on probably thirty-five years or so.

Q. When did you go into the pizza parlor or the restaurant business?

A. In 19 – well, in 1975 I owned a florist on the same corner where I had the pizza parlor. Then I left my husband. I

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1710

don't know if that makes any difference. But, anyway, in 1976 is when I divorced him, and then the latter part of 1976 is when I opened the pizza parlor.

Q. All right. What was the address of that pizza parlor?

A. 3411 Macon.

Q. 3411 Macon?

A. Yes.

Q. All right. What sort of food did you serve there?

A. I had a hot breakfast, sausage, biscuits, homemade gravy and so forth, then we had a hot lunch, hot plate lunch. Mostly in the evenings it was pizza.

Q. What were the hours of business?

A. Six in the a.m. until whenever.

Q. Very long day?

A. Right.

Q. Did you serve lunch as well?

A. Yes.

Q. And did you have a dinner menu, did you serve dinner?

A. No, we just had a hot plate lunch.

Q. Just a hot plate lunch?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1711

A. Uh-huh. The kitchen was small. We didn't – we just had a hot lunch, and that was it.

Q. Now, when did you first meet Mr. Frank Liberto?

A. Probably in – well, after I opened the pizza parlor. He didn't come by when I had the flower shop there. He sold me produce. Then he came by for breakfast. Then I had seen him down at the Scott Street Market. He was what we call the tomato man there. He sold a lot of tomatoes.

Q. Do you know the name of his company on Scott Street during that time?

A. No. I don't remember. I just know where it was located, but I don't remember.

Q. Would the name L & L mean anything to you, Liberto & Latch Brothers?

A. No. You'd see the Liberto names down there, but that didn't mean anything to me.

Q. So you met him in a business way, you bought produce from him?

A. Right.

Q. Did he deliver produce to your restaurant?

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1712

A. Yes. Apparently he went to work early in the morning, and he dropped my tomatoes and different things off, and he would eat breakfast while he was there. Then after awhile he would eat and sit around and talk for awhile like a lot of people did.

Q. All right. So he would come by early. What hour of the morning would he come by?

A. I'm just speculating. I'm going to say somewhere around seven, somewhere around there.

Q. Did he live nearby?

A. I don't know where he lived.

Q. When he came by early in the morning and dropped off the produce, he had breakfast?

A. Uh-huh.

Q. Did you cook breakfast for him?

A. Yes.

Q. Did he have a regular type of breakfast that he had?

A. No. He didn't have a regular breakfast. Mr. Frank was a big man. He was like on a bland diet most of the time. He

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1713

would have like scrambled eggs and dry toast, coffee, occasionally orange juice, and then I'd fix oatmeal for him.

Q. Now, when you first met him, let's put that in a time frame. Which year would that have actually been?

A. I'm saying probably early 1977.

Q. Early 1977?

A. Yes.

Q. Okay.

A. Because he started coming by about the time I opened the restaurant there, and that was in 1977, the early part.

Q. Could you estimate his age at that time?

A. No, I couldn't. I don't know.

Q. That's fair enough. It is very difficult in some people.

A. He didn't have a lot of wrinkles. He didn't have as many as I've got right now. Let's put it like that.

Q. He'd come in and have breakfast, and then he would go off to his place of business. Would you see him every day?

A. Not every day. Most every day,

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1714

though. And sometimes he would come back for lunch. You just would look up, and there he was. He didn't have a certain time that he came in.

Q. He'd drop in for lunch. Did he ever drop in in the afternoon on his way home or after the business was closed?

A. Yes.

Q. What time would that be as a rule?

A. I don't remember. But I just remember that he was smoking a cigar when he came in and he would have like his dress clothes on. When I say "dress clothes," he'd have a sport shirt and pants. A lot of times when he would come in, he would have his overalls on, bib overalls. When he had on a sport shirt, I considered that his dress clothes.

Q. When he came in late in the afternoon when he was on his way home, would he eat then as well?

A. No.

Q. What would he do then? Did he drink –

A. He would drink beer.

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1715

Q. He would drink beer?

A. Uh-huh.

Q. And would he drink much beer or –

A. I don't recall. It has been so long, seventeen, eighteen years ago.

Q. How long would he likely stay?

A. I don't remember. Just different times.

Q. All right. Where would you – would you actually be serving him? Would you be

behind the counter serving him? How would you interact with him?

A. Like in the early morning, if he had produce on his truck, well, like the pizza parlor was on the corner, and the door was here in the corner of the building, and then there was big windows over here and big windows over here, and Mr. Frank would park his truck right by these windows. And there was a table next to the windows where he would watch his produce. He would sit there early in the morning.

Q. And would you serve him?

A. Yes. But it was like a family type thing. After I served him, you just would

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1716

sit down and talk. It was like a round table. Everyone would just gather around at times.

Q. You gradually became involved in conversation with him when he was around?

A. Right.

Q. You came to know him, actually?

A. Right.

Q. As a regular customer?

A. Yes.

Q. As you have many others, I'm sure. Did you have other staff working in the restaurant at that time?

A. Yes.

Q. Who were the other staff and what did they do?

A. I had, well, the cook, and she is dead now, by the way, Emma. I can't remember her name. Then there was Lewis Monticelli, he worked, Nathan, my son, worked. We had a couple of waitresses, Thelma Smith, a red-head, and there was another one, Annette something. I can't remember her name.

Q. Now, I understand at one time, one point in the course of your interaction with

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1717

Mr. Liberto when he was in your restaurant, the killing of Martin Luther King came up.

A. Yes, sir.

Q. Did it come up more than once in your presence or was it only one time?

A. Only one time.

Q. Only one time. And do you recall when that was?

A. No, sir, I don't.

Q. The year?

A. No.

Q. What prompted the discussion?

A. I had a TV up in the front part of the pizza parlor, and we were sitting at a table, and something came on TV about Martin Luther King, and I don't recall what it was. But he said in a low voice to me, he said, I had Martin Luther King killed. I said, don't be telling me anything like that, I don't want to hear it and I don't believe it anyway. And I got up and walked away.

That's the only time he ever mentioned it and I ever mentioned it to him either.

(End of deposition testimony that was read into the record.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

1718

MR. GARRISON: That's all I have, Your Honor.

THE COURT: Do you have anything to add to that?

MR. PEPPER: None. Nothing, Your Honor.

THE COURT: All right. Next order of business.

MR. GARRISON: The only other thing I have is the testimony of Mr. Ray, and I prefer to start it all in one day so the jury wouldn't forget what they heard. It's rather lengthy testimony.

THE COURT: All right. Monday morning at – what do we have? We'll just start Monday at 10 then. Ladies and Gentlemen, we'll resume Monday at 10 o'clock.

(Court adjourned until Monday, December 6, 1999, at 10 o'clock a.m.)

DANIEL, DILLINGER, DOMINSKI, RICHBERGER, WEATHERFORD
(901) 529-1999

[Vol 12](#) | [Table of Contents](#) | [Vol 10](#)

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