

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

Volume 14

8 December 1999

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IN THE CIRCUIT COURT OF SHELBY COUNTY,
TENNESSEE FOR THE THIRTIETH JUDICIAL
DISTRICT AT MEMPHIS

CORETTA SCOTT KING, et al,

Plaintiffs,

Vs. Case No. 97242

LOYD JOWERS, et al,

Defendants.

PROCEEDINGS

December 8th, 1999

VOLUME XIV

Before the Honorable James E. Swearingen,

Division 4, judge presiding.

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(9:50 A.M.)

(Jury in.)

THE COURT: Good morning, ladies and gentlemen. We've got two more depositions that we're going to – no. As I promised you, we're going into the arguments of counsel, and then you'll get your instructions.

As I indicated to you earlier, the plaintiff would give his summary first. The defendant then would give his version, and then the plaintiff is allowed an opportunity to respond to the defendant's arguments.

Mr. Pepper, you may proceed.

MR. PEPPER: Thank you, Your Honor. Good morning, ladies and gentlemen. Let me right at the outset thank you for your attention throughout these proceedings, long and sometimes tedious though they may have been. We're very grateful for your sitting here and listening to the variety of evidence that you have heard.

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Your Honor will charge you on the various aspects of evidence that you heard. You know you've heard a great deal of testimony here. You also have available to you a great number of exhibits that are attached to the testimony that you have heard.

We urge you to at any point require these exhibits to be brought to you so that you can read them and consider them at length. All the testimony, the various levels of credibility that you describe, his Honor will charge you with that, but it is really down to you at the end of the day as to how much you believe the various people who sat in that chair there and who told you things.

The media is very quick and prompt to say and yell out that such and such is hearsay, second-hand accounts, third-hand accounts. But the media is unable to tell you, of course, what the law is with respect to hearsay evidence.

They think because something is

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hearsay, a person is saying what another person has said, that it is not to be regarded, it is to be dismissed. In actual fact, ladies and gentlemen, if a witness is giving you hearsay but the hearsay statement is from a person who is speaking against his own interest, saying something that could put him in jail in the case of the defendant here, could have him indicted, then that is to be taken very seriously. It is admissible because of that exception. There are a range of other exceptions why you can consider hearsay.

Now, it is my job, my role here this morning, to summarize the plaintiffs' case. It is a case that is divided really into nine sections. In the course of presenting that case to you, we've taken witnesses out of order simply because they have come from various parts of the country and the world. We've had problems with schedules. So at one time you would hear a witness talking to you about a rifle, a murder weapon in evidence, then another time you would hear a witness

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talking about a crime scene, and we had already gone over that.

So it is difficult for you sometimes perhaps to put all those pieces together in an orderly fashion. That's really what I have to do. I have to try to do that. I have to set it out so that you can see how this case folds together.

I'm going to try to work with you on that this morning and try to help you understand it as best I can. Plaintiffs' case began with a section that dealt with [the background](#), the background of all of this, why you are here, why Martin King was assassinated, why he came to Memphis before he was assassinated. So it dealt with the background.

Then we moved with a second area concerned which was [local conspiracy](#) we called it, what was happening here in Memphis, what events were going on that constituted conspiracy, legally civil conspiracy under the law. Because that's really what we are asking you to find is that

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there was a conspiracy here.

Thirdly, we dealt with the [crime scene](#). What was this crime scene all about. Where was the crime scene? What happened there?

Fourthly, we went into [the rifle](#). This is the murder weapon. We discussed the murder weapon and asked you to consider all the evidence with respect to the murder weapon.

We move next to [a shadowy figure called Raul](#). Who is this man who was claimed to have been James Earl Ray's controller and the role that he played in this case?

Then we move beyond that to what we have called [a broader conspiracy beyond Memphis](#) that reached into the higher levels of the government of the United States and some of its agents and officials. We moved through that with you.

We went beyond that, then, into really what amounts to [a cover up](#). What was the cover-up activity and why was it important and why have these events been

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shielded from public view so that only you, you twelve, fourteen, here day after day, and his Honor, alone perhaps in this broad land, have heard this evidence.

How could that be, a case as important as this? How could that be? But it has been the case.

Then we considered [the defendant's admissions](#), the defendant – the named defendant in this case, his actual admissions, against his own interest and what is in evidence with respect to that.

We moved lastly really to [the area of damages](#). And there was a fair amount of testimony on damages from the members of the family with respect to what they were looking for and what their perspective was in terms of any kind of remuneration for the loss that they have suffered.

So that's the outline. Now let's look at each of those sections, if we can.

First the background. Martin King, as you know, for many years was a Baptist preacher in the southern part of this country, and he was thrust into leadership of the civil

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rights movement at a historic moment in the civil rights movement and social change movement in this part of the country. That's where he was. That's where he has been locked in time, locked in a media image, locked as an icon in the brains of the people of this country.

But Martin King had moved well beyond that. When he was [awarded the Noble \[Nobel\] Peace Prize](#) he became in the mid-1960's an international figure, a person of serious stature whose voice, his opinions, on other issues than just the plight of black people in the South became very significant world-wide. He commanded world-wide attention as few had before him. As a successor, if you will, to Mahatmas Gandhi [Gandhi] in terms of the movement for social change through civil disobedience. So that's where he was moving.

Then in 1967, April 4, 1967, one year to the day before he was killed, he delivered [the momentous speech at Riverside Church in New York](#) where he opposed the war.

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Now, he thought carefully about this war. He had been inclined to oppose it for quite a long period of time. Prior to that, two, three years prior to that he had uneasy feelings.

I remember vividly, I was a journalist in Vietnam, when I came back he asked to meet with me, and when I opened my files to him, which were devastating in terms of the effects upon the civilian population of that country, he unashamedly wept.

I knew at that point really that the die was cast. This was in February of 1967. He was definitely going to oppose that war with every strength, every fiber in his body. And he did so. He opposed it. And from the date of the Riverside speech to the date he was killed, he never wavered in that opposition.

Now, what does that mean? Is he an enemy of the State? The State regarded him as an enemy because he opposed it. But what does it really mean, his opposition? I put it to you that his opposition to that war had

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little to do with ideology, with capitalism, with democracy. It had to do with money. It had to do with huge amounts of money that that war was generating to large multinational corporations that were based in the United States, corporations that were based in the United States.

When Martin King opposed the war, when he rallied people to oppose the war, he was threatening the bottom lines of some of the largest defense contractors in this country. This was about money. When he threatened to bring that war to a close through massive popular opposition, he was threatening the bottom lines of some of the largest construction companies, one of which was in the State of Texas, that patronized the Presidency of Lyndon Johnson and had the major construction contracts at Cam Ran Bay in Vietnam. This is what Martin King was challenging. He was challenging the weapons industry, the hardware, the armament industries, that all would lose as a result of the end of the war.

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Forget about democracy, forget about any ideology. This opposition to Martin King, this growing enmity to him, was based on money and the loss of money.

The second aspect of his work that also dealt with money that caused a great deal of consternation in the circles of power in this land had to do with his commitment to take a massive group of people to Washington and there to encamp them in the shadow of the Washington memorial for as long as it took. For as long as it took, they would make daily trips to the halls of Congress and they would try to compel the Congress to act, as they had previously acted in terms of civil rights legislation, now to act in terms of social legislation.

Now, he begin to talk about a redistribution of wealth, in this the wealthiest country in the world that had such a large group of poor people, of people living then and now, by the way, in poverty.

That problem had to be addressed. And it wasn't a black-and-white problem. This was a

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problem that dealt with Hispanics, and it dealt with poor whites as well. That is what he was taking on. That's what he was challenging.

The powers in this land believed he would not be successful. Why did they believe that? They believed that because they knew that the decision-making processes in the United States had by that point in time, and today it is much worse in my view, but by that point in time had so consolidated power that they were the representatives, the foot soldiers, of the economic – the very economic interests who were going to suffer as a result of these times of changes.

So the very powerful lobbying forces that put their people in the halls of Congress and indeed in the White House itself and controlled them, paid and bought them and controlled them, were certainly not going to agree to the type of social legislation that Martin King and his mass of humanity were going to require.

So there was a fear. What happens

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when they are frustrated? What happens when they don't get any satisfaction? What would happen? They feared, the military feared, that there would be a violent rebellion in the nation's capital. And they didn't have the troops that could contain half a million angry poor alienated Americans. They didn't have the troops. Westmorland wanted another two hundred thousand in Vietnam. They didn't have them to give to him. They didn't have them.

They were afraid that mob would overrun the capital. They were afraid that what Mr. Jefferson had urged many, many times, that the body politic can only be cleansed by a revolution every twenty years. They were afraid that Mr. Jefferson would be listened to and that that revolution would take place.

Because of that, those factors, Martin King was not going to be allowed, not going to be allowed to bring that group of people to Washington. So that's the reason for the hostility. He saw Memphis as part

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and parcel of the overall problem, as a microcosm. He saw the plight of the garbage workers here as being symptomatic of the pervasive sickness of American society.

So he said if we turn our backs on these ones, how can we go on behalf of the broad national interests? These ones need us now, let's start the Poor People's Campaign here, which is what he did.

So he came to Memphis and he was here on the 17th and 18th of March and he spoke and he returned again on the 28th of March and the march turned nasty. Indications are there that there were provocateurs, that it was broken up deliberately, that he was discredited because of that, and he had to then return. And so he did plan to come back.

There was opposition within his own organization. But he said, no, we're going to do this and we're going to lead a peaceful march and this is the way we're going to launch this campaign, and so he came back to Memphis. After the 28th he came back on the

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3rd of April.

Now we move to the local conspiracy that related to the death of Martin Luther King. You've heard evidence of a very [reputable forty-year-in-business store owner](#) sit up there and tell you that he always bought – every Thursday he went to Frank Liberto's warehouse, that was his last stop before he went back to Somerville, and on that Thursday, April 4, he heard the owner of that place take the telephone and scream into it, "[Shoot the son-of-a-bitch when he comes on the balcony](#)," amongst other things. That is the first indication of the involvement of a Mr. Frank Liberto, which information was given to the police and the FBI and forgotten about.

Then you've heard two other independent witnesses testify at different ends of the trial, one called as a witness by the defense, [Mrs. Lavada Addison](#), who had this conversation with Mr. Liberto in her cafe when Liberto leaned over the table at a time when the Select Committee hearings were

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on, apparently something came on the television, and whispered to Mrs. Addison, "[I arranged to have Martin Luther King killed.](#)" She jumped back and was shocked by this.

So. Liberto puts himself in it against his own interest, mind you. He has said that. You are entitled to believe that. Then comes Mrs. Lavada Addison's son [Nathan, who confronts Liberto, and Liberto again confirms the same thing to him.](#) So we see now Mr. Frank Liberto's involvement in this whole scenario.

Then we have from the defendant himself in sessions that are before you and you've heard testimony from [Ambassador Young](#) and [Mr. King](#) about how he was approached and he was asked to assist or become involved in this assassination again by Mr. Liberto and how he was told that he would be visited by a man called Raul, he would first receive some money, be visited by a man called Raul, he would pass the money to Raul, he would receive a gun, that he was be asked to

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participate in this endeavor and he should not worry because there would be no police around, the police would not be there.

We've heard him say that in fact he did these things and that he received the gun after the shooting. He said [he received the gun right at his back door.](#) That's as far as he went in his admissions. Of course, he also said he didn't know what was going on. Neither Ambassador Young nor Mr. King believed him in that respect, that he didn't know what was going on.

Now, why would anyone say this? Is this something new? No. You heard testimony from witnesses who indicated that Mr. Jowers had said this to them years ago, as much as twenty years ago he had said this, he had said that he knew how Martin Luther King was killed. He had indicated to them that he didn't do it but he knew how it was done, and in one case he actually told the same story way back then that he is telling now.

So this is not some afterthought from Mr. Jowers to try to make a movie or

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become – have notoriety or something like that. This is a consistent story that has been around for a long time, and other witnesses from previous times have confirmed it.

So other indications of the local conspiracy, what are they? You've heard about [the removal of Detective Redditt](#), who was a police officer on surveillance duty on the afternoon. He was removed within an hour of the killing and told there was a threat on his life and he was sent home to arrive at his home at the time of the assassination, never to hear about this threat again. This was a phony threat. I think it became quite clear. They didn't trust him because when been a community relations officer that had been secunded into intelligence and at the last minute had to pull him off, he might have seen something, done something that was untrustworthy. He was pulled off. The other officer remained making notes of what he saw.

There were two black firemen, the

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only two black firemen [[Floyd Newsom](#) and [Norville Wallace](#)] in the fire station, they were removed. They were given orders the night before not to report for duty but to go to another fire station in each case where they were surplussed to requirements.

Why were they removed? Why were those two black firemen removed, the only two black firemen, and the night before?

You heard the Jerry Williams, Captain Williams, testified that he had always formed an elite black homicide group of detectives as a bodyguard for Dr. King.

[The last visit, he was not asked to form that bodyguard](#). This was the only time he was not asked to form that bodyguard, and he didn't know why he was not asked to form that bodyguard. And that troubled him.

You heard that the police were at one point around the Lorraine Motel and then they were removed, or they just disappeared. They disappeared within a half hour, forty-five minutes of the killing. Why did they disappear? Where did they go?

You saw evidence that the Invaders,

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a local community-organizing group that had been willing to work with Dr. King toward the end and were there for the purpose of helping him produce a peaceful march, at ten minutes to six, eleven minutes before the actual shooting, they left the motel. [They were ordered to leave the motel.](#) They were told [their bills were no longer going to be paid and they had to leave the hotel.](#) So they emptied out. They might have reacted violently and caused some sort of conflagration at the hotel, but they didn't. They just left.

You heard about the removal of the emergency tact forces. This is the emergency tact forces, [in this case it was Tact 10](#), which was usually a group of four or five police cars with officers from the sheriff's department, police officers. They were around the Lorraine Motel until the afternoon before the killing. The [afternoon of the 3rd they were ordered to be pulled back to the fire station on the periphery.](#) When Inspector Evans was asked who gave him the

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instructions to pull them back, he said it was a request from Dr. King's group. But when he was asked who, you may recall, he said, oh, yes, I think [it was Reverend Kyles that gave me that instruction.](#) But the tact forces were pulled back.

The defendant on the day of the killing ordered a witness whom you heard who was working at a waitress for him, [ordered Bobbie Balfour not to take any food upstairs to Grace Stephens, who was ill,](#) and who had been receiving food on a daily basis, but that day, because the second floor of the rooming house was being used as a staging ground, no one was allowed up there, and he told her not to go up there. So she didn't go. So she didn't go.

Then you heard [Olivia Catling](#), who had never been spoken to by anyone, Olivia Catling took the stand and [told about a man coming from an alley](#) that was connected to a building that was attached to the rooming house. She saw this man coming through that alley shortly after the killing, some minutes

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after the killing, and getting into a 1965 Green Chevrolet that was parked on Huling and then speeding away north on Mulberry Street right in front of the police, burning rubber as he went, with no interference whatsoever from them.

All of these things, all of these events, I submit to you profoundly are strong evidence of the existence of a conspiracy just at the local level, not even mentioning the fact that the defendant has also indicated that planning sessions took place in his grill prior to the assassination.

So I think it is important to see that total picture of evidence you have. There should be no doubt that all of these things are indicative overwhelmingly of conspiracy.

Now, are we conspiracy buffs because we find all of this evidence insurmountable? I think not. But you have heard it. The masses of Americans have not. And the media has never put it to them and I submit to you probably never will. That's why your

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presence is so important.

The crime scene, what about this crime scene? We submit that the crime scene, of course, was the back area of the rooming house. It was terribly overgrown with bushes. The bushes were thick and they were difficult to penetrate and that they provided an excellent sniper's lair. That's where the crime took place.

Any number of witnesses and evidence in the record indicates that a person or persons was seen in those bushes at the time of the shooting. These are different accounts that we put into the record, separate and apart [\[1\]](#), [\[2\]](#), [\[3\]](#), [\[4\]](#), [\[5\]](#), [\[6\]](#), [\[7\]](#).

There is other evidence, again, separate independent evidence, that a person was seen jumping from the wall, jumping over the wall and running up Mulberry Street. As a result of this, we've concluded some while ago and have tried to provide enough impetus for you to conclude that the shot came from these bushes and not from the bathroom window.

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The bathroom window and the rooming house bathroom has been officially the scene of this crime forever. The State had evidence long ago that that was not the case, that the dent in the window sill was not made by the rifle, even though they maintained that was the case. The bathroom was seen open.

The State's [main witness was drunk at the time](#). He was intoxicated. He couldn't identify anybody. [Captain Tommy Stephens \[Smith\] said he couldn't identify anyone](#), much less stand up. Yet it was the affidavit of Charles Stephens that brought James Earl Ray back to this country back from England. That was the basis of the proof that brought him back.

Do you know what confidence the State had in their own chief witness? They didn't even call him at the time of the guilty plea hearing. He didn't even testify at that point.

Now, **the murder weapon itself**, [Judge Joe Brown](#) heard testimony and evidence in

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this case for about four years. He paid particular attention to the weapon, and he has had a lifetime of experience and developed knowledge about weapons and about rifles in particular. [We qualified the judge as an expert](#). He came before you and he sat there.

Anyone who heard Judge Brown's testimony with respect to that weapon should have no – and weapons in general should have no doubt whatsoever that he is in fact an expert. The media will point to his lack of technical training, courses having been taken with respect to learning about rifles. The other areas for developing expertise happens to be experience and self knowledge and development, which is what Judge Brown has.

Judge Brown sat in that chair and gave you sample technical scientific reasons why that weapon in evidence is not the murder weapon very clearly. He said, first of all, [the scope was never sighted in](#). Because it was never sighted in, if you use that scope, to quote him, [you couldn't hit the broadside](#)

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[of a barn with that weapon](#), remember that expression, because it was firing to the

left and below the target, because it was never sighted in.

He also said the scope couldn't have been altered by having been dropped in a bundle. You can't alter a scope to that extent, its accuracy, by doing that.

He said also that [the death slug did not have the same metallurgical composition as existed in the lead of the other evidence bullets](#) that were found in that bundle the State has always said it was one of a number of bullets the defendant had and you should see them as a package, if you will. Judge Brown said, no, the death slug was different in metallurgical composition than the bullets that were there.

Beyond this, there is evidence that you've heard that this clearly couldn't have been the murder weapon because the defendant told a taxi driver, [James McCraw](#), to get rid of the murder weapon, and he did so. McCraw, being a close friend of Jowers, a confident

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of Jowers, [took the actual murder weapon and threw it off the Memphis-Arkansas Bridge](#). So it is laying at the bottom of the Mississippi River for over thirty-one years. The real murder weapon is at the bottom of that river.

Now, [Bill Hamblin](#), no reason to lie, he said McCraw would only tell him this when he got drunk and he told him this over fifteen years. This is not something McCraw made up one day. It is over a period of fifteen years. I remind you that he told this same story.

[Judge Arthur Haynes](#) testified that he was, of course, James Earl Ray's first lawyer along with his father, and he testified that in the course of their early on-the-scene investigation, [they talked to Guy Canipe](#), who owned the amusement shop in front of which was found the bundle which contained, amongst other things, the rifle.

He said Canipe told them very early on, before anyone else apparently had done any kind of tampering with him, told him very

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early on that [that bundle was dropped some minutes before the actual shooting](#).

Imagine that, that the bundle, the murder weapon, the rifle in evidence, was dropped minutes before the actual shooting.

Now we come to Raul, this shadowy figure who the defendant has mentioned and who James Earl Ray has talked about right from the beginning as someone who controlled him. You have a number of independent people, not even knowing each other, who have identified this man from a spread of photographs that they have seen. And they range from an English merchant seaman [[Sidney Carthew](#)], who we [had to depose by telephone at some length](#), who [ran into this same Raul at the same bar James did](#), up at the Neptune in Montreal.

They range from him to [the Grabows](#), [Royce Wilburn](#), to [the defendant himself who identified Raul from a spread of photographs](#) before Ambassador Young and Mr. King, and, of course, James Earl Ray, who also identified him.

If that is not enough, if that is

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not enough, we have the British film producer, [Jack Saltman](#), going to the door of Raul's house, showing a photograph and having his daughter admit that that is the photograph of her father, her words to the effect that [anyone can get that picture or that photograph of my father](#). It is from Immigration & Naturalization. She identified her own father as the person in that photograph.

Under subpoena and reluctantly [a Portuguese journalist took the stand](#). She had conducted an interview with a member of the family. The member of that family had told her that this was a horror, a nightmare for them and for the family, but the one comfort they had was that the government was helping them, that [the government had sent people to their home approximately three times or so, and that the government was monitoring their telephone calls and the government was providing them with guidance](#). The government was trying to give them comfort and advice.

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Can you imagine if anything like that happened to – if any charges were laid against any of us in those circumstances, do you think the government would come around and see us, help us, monitor our phones?

That act alone indicates the importance and the significance of this man, Raul. So it is essential that that be put clearly in the context.

Now, as I understand it, the defense had invited Raul to appear here. He is outside this jurisdiction, so a subpoena would be futile. But he was asked to appear here. In earlier proceedings there were attempts to depose him, and he resisted them. So he has not attempted to come forward at all and tell his side of this story or to defend himself.

As we move into the next area, **we're concerned now about a broader conspiracy**, a broader conspiracy. That is two-pronged, ladies and gentlemen. On the one hand, the broader conspiracy goes beyond a shooter in the bushes who gets away with killing Martin

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King. It goes from him to a Mr. Jowers, who is involved in facilitating, and it goes back to Mr. Liberto, whom you've heard was clearly a part of it, but it goes beyond Mr. Liberto in terms of the Mob side, because you've heard from witness [Nathan Whitlock](#) how [he used to push a fruit cart in New Orleans with Mr. Carlos Marcello](#) and that he then has this relationship and this awareness of Marcello and Marcello activities. Carlos Marcello has been the Mob kingpin, was the Mob leader in this part of the country, for a long, long time.

So any contract, any Mob contract, on Martin Luther King's life, would come from Marcello through Liberto into the local infrastructure that Marcello had here in Memphis.

Marcello himself was involved in gun running. Part of the evidence in terms of the military involvement is contained in a lengthy article that we put into evidence that appears in March of 1993 in the *Commercial Appeal* by Steve Tompkins [Tompkins], and that

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article indicated that there was a high-ranking general who had been charged and imprisoned for aiding and abetting the trading in stolen weapons. [["Army Feared](#)

[King, Secretly Watched Him](#),” by Stephen G. Tompkins, Sunday, March 21, 1993, *Memphis Commercial Appeal*] That deal meant what he was involved in was the theft of guns from arsenals, armories and camps, like Camp Shelby in Mississippi, the theft of weapons from those places that went to – were trucked to a Marcello property in New Orleans, and from the Marcello property in New Orleans were shipped around the coast into Houston, Texas, where they were taken off. And that is where Raul and his crowd came into the receipt of those weapons before they went into Latin and South America.

So that's one prong of the broader conspiracy, the Mob. But, you see, already there is a relationship between organized crime and the military in the receipt of those weapons and in the ongoing sale of them.

Then we move directly into the government of the United States, their agents themselves. We've learned that the 111th

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Military Intelligence Group based at Fort McPherson in Atlanta, Georgia, were here. They were in Memphis. They had Martin King under surveillance. That was open – quote, open surveillance, eye-to-eye surveillance. [They had him under surveillance](#).

[Eli Arkin](#) of the Memphis Police Department Intelligence Bureau, Intelligence Division, [said they were in his office](#). He has admitted they were in his office. They were here.

There was another section here that was involved in covert surveillance of Martin King. "Covert" means bugging, wiretapping, that type of activity. [That was done at the Rivermont when he was here on the 17th or 18th](#). You heard a witness say he was one of three people who were effectively a surveillance team. They had Martin King's suite bugged, every room of it bugged, including the balcony. If he wanted to speak privately and went out on the balcony, they would pick it up by relay from the roof.

That covert – that type of covert

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surveillance was carried out by another agency, usually the Army Security Agency.

So there we have those two agencies involved very clearly here.

Then there were photographers. Remember those photographers that [Captain Weeden](#) talked about. They were on the roof of the fire station. [He put them there.](#) Who were they? They were a psychological operations team, and they were there and they photographed everything throughout that day.

That means, ladies and gentlemen, that there is a film of everything that happened, photographs of everything that happened buried somewhere. We tried long and hard to unearth it unsuccessfully, but it is there and it is hidden, as it was hidden from this jury it is hidden from the American people. Maybe the media one day will let you know that it exists. But it is there. They took those photographs. They were what is known as a psychological operations team, and we know who the two members of that team were.

[In William Pepper's 2003 book, [An Act Of State. The Execution of Martin Luther King](#) he writes on page 129, "In his testimony, Professor Clay Carson read in the record portions of documents which I had provided to the King Papers Project, which he directs, at Stanford University. One of the documents was a report from Steve Tompkins after a meeting at the Hyatt Hotel in Chicago with one of the photographers (see Appendix B). Amongst other details was the photographer's confirmation that the assassin was caught on film and that it was not James Earl Ray" The contents of Appendix B span the [beginning of Professor Carson's testimony](#) through page [990](#)]

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So there is this very strong presence now, which is primarily surveillance, it is intelligence gathering, it is visual and it is audio and it is going on and Martin King and his group are the subject of it.

But then there is another group that is more sinister. They are not more sinister because of what they did, because they didn't really do anything, but we know they had a presence. And that was a special eight-man sniper unit that was here in Memphis. They were all part of [the 20th Special Forces Group](#). They were here and they were assigned and they were trained for an operation, for a mission, in Memphis.

You heard [testimony by a man who himself was a national security council operative](#) who was very involved in Iran-Contra activities, who had been a long-standing

operative, if you will, of the government of the United States [and whose best friend was a member of that sniper team](#). There was no reason in the world for his best friend other than in a moment of

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whatever, anguish or burden, desire to relieve himself, to talk about this, this mission that he was on which he was assigned to in Memphis which was aborted, but he was assigned to it.

With a Q and A approach you heard documents of working papers that were used to get information from other – from another source who lives south of the border and who fled the country in the 1970's out of fear who was also a part of that unit.

So they were there, and there are three separate sources that confirm the presence. But they did not – it was not necessary for them to do anything. The mission was aborted because the Mob contract was successful in killing Martin Luther King and framing James Earl Ray.

Remember, one of the things that Liberto also told the defendant, Loyd Jowers, was that there was a setup man, there was a patsy, lined up to take the blame. There was another area of comfort that the defendant could have.

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Now we move to **the cover-up aspect of this case**. This in many ways is the most sad in a representative democracy to have to have this kind of cover-up be successful for so long. It is a shame. It is a tragedy. I think it goes right to the essence of democracy and the right of the people to know.

The cover-up activities in this case, ladies and gentlemen, range from murder to press manipulation and distortion, with bribery in between. Murder, unfortunately in our view, and from the evidence that you have heard here, credible sources, is that a taxi driver [\[Paul Butler\]](#) who pulled into the Lorraine Motel maybe six minutes before the killing or so, shortly before the killing, a Yellow Cab taxi driver who pulled into that drive and who was standing at the rear of his car loading the trunk of the car with the baggage, the luggage, of someone that was leaving, unfortunately for him, immediately after the shooting [he saw the shooting and then turned to look at the](#)

[other side of the road and saw](#)

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[a man come down out of the bushes and run up the street and get into a waiting Memphis Police Department traffic car which sped away.](#)

When he reported this to his dispatcher, he thought the police had the assassin because he was in a police car going away. Well, this man, as you've heard, was questioned by the police a couple of times that week. He was to give a statement the next day.

He didn't give a statement, did he?

No, his body was found off the Memphis-Arkansas Bridge supposedly thrown out of a speeding car. Now, when we tried to find death certificates for this man, we couldn't, either in Arkansas or in Tennessee. There is no death record at all. We found his phone number with that of his wife listed in 1967, 1966 and 1967, Betty and Paul Butler. This is all in evidence. The Polk Directory pages are there for you to look at. In 1968 it is Betty, brackets, widow, WID, of Paul, Betty widow, 1968 and

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1969 she a widow. Paul Butler was her deceased husband. He was, for him, in the wrong place at the wrong time.

That is in some ways the worst of it. Because is there anything really worse than losing your life when you've been in the wrong place at the wrong time?

The next aspect of cover-up is the tampering, drastic alteration, of the crime scene. What happened there? You've heard what happened. [Seven o'clock in the morning Inspector Sam Evans called Maynard Stiles](#), who was a public works administrator, and asked him to get a work crew out there and to cut down those bushes. They cut the bushes down.

Now, normally what one does with a crime scene, at least for quite a period of time, is to rope it off and keep people out of it and investigate it as it is. You don't go and destroy the crime scene. You don't know what is there. You go and you deal with it

the way it was at the time of the crime.

No, it was cut right to the ground,

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cut right to the ground. And however long it took them to do it, they did a good job, because it was not possible for a sniper to be in that area once it was cut to the ground because he could obviously be very visible. So the image of a flat, barren area is what was relayed, and that reinforced the whole bathroom window.

There was no house-to-house investigation, ladies and gentlemen. Do you remember Judge Brown on the stand [saying that this was the most deficient investigation, criminal investigation, he had ever seen as a criminal court judge](#)? He is talking about all of these kinds of things. Imagine, no house-to-house investigation.

What that means is that no policeman going and knocking on the door of all of the local residents and asking them did they see anything, did they hear anything, because surely if they had, they would have knocked on [Olivia Catling's](#) door, wouldn't they? She just lived down the street on Mulberry. She would have told them [what she saw](#). But they

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didn't. They didn't do that, did they? No, they didn't do that, not at all. Why?

Why did they suppress two alibi statements, a statement from [Ray Hendricks \[Hendrix\]](#) and [William Reed](#), who left Jim's Grill, oh, thirty-five minutes past the hour of five, forty minutes past the hour of five, right around there, maybe even – well, right around that time. It would be difficult to pin exact times down.

They left Jim's Grill, saw James Earl Ray's Mustang parked in front of Jim's Grill, started to walk up the street and a couple of minutes later when they went up a couple of blocks and were about to cross Vance, one pulled the other back when the same white Mustang they thought came right around the corner driving away, as James Earl Ray had said he done.

He always said he left the scene of the crime around to that time to try to go have a

spare tire repaired. Here are two alibi witnesses with statements given to the FBI in their 302's kept from the defense,

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withheld from the guilty plea jury, suppressed.

What else was suppressed? [What was suppressed was the fact that they had a scientific report from the FBI that the dent in the window sill could not sufficiently be tied to the rifle.](#) They had that. They had that almost a year prior to the actual guilty plea hearing. And yet they went before the guilty plea jury and said that scientific evidence would establish that the murder weapon made that dent. Obstruction of justice, suppression? That and worse.

What about [the death slug that could not be matched](#)? You know, the media and the State have turned the burden in this case of matching the bullet to the rifle the other way around. They are saying because you can't exclude it, it may be the murder weapon. That's not the way it works. In any other case that's not the way it works.

[This is not a good rifle in evidence when you cannot match the death slug to it.](#) And it was a death slug capable of being

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matched. You have evidence that that bullet was capable of being matched if it could. There were enough striations, enough independent markings that they could match it if they could.

So the guilty plea hearing heard none of this. I talked to members of the guilty plea jury years later. They heard none of this. This was all kept quiet. They certainly would have had questions about Mr. Ray's plea if they had.

They certainly didn't know that [his lawyer had agreed in writing to pay \\$500 if he would plead guilty and not cause any problems](#) and that \$500 could be used to hire another lawyer who could help overturn the plea. They certainly were not told that.

They certainly were not told those kinds of pressures that descended on him at the last minute to cop this plea, which I'm afraid people do all the time in desperation,

particularly when they are in isolation the way he was.

What about [Captain Weeden](#)? My

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goodness. Captain of the fire station, [never interviewed by local police authorities](#). The man who ran that installation, who was there at the time, never interviewed by the authorities. Forgetting about knocking on people's doors. Here is official, he is a senior executive officer of the fire station. They didn't talk to him. They didn't interview him. They didn't ask him what was going on there that afternoon. Were they afraid that [he would have told them about the photographers on the roof?](#)

Because if he had, then they wouldn't have been unnoticed, would they? It wouldn't have been unnoticed that there were photographs of what went on, and they would have then had to request those photographs. So if you don't talk to Captain Weeden, you don't have to know about them. If you don't know about it, you don't ask for it.

You heard [Bill Schaap](#) on the stand for a long time talking about media distortion and the use of media for propaganda. He gave you the history of how it

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has developed particularly over the 20th century America but, of course, it is a long-standing activity throughout history in older nations than this.

But [Schaap took you painstakingly through that history](#) down to [the present time when he dealt with the way the media handled Martin Luther King](#), how they handled his opposition to the war in Vietnam, how he was attacked because of that opposition to the war.

Then he moved on. There were similar, comparable attacks on the King family since they decided they wanted the truth out in this case and they decided that James Earl Ray was entitled to a trial, similar media treatment happened to them that happened to Martin, similar loss of contributions and money for the work that happened to Martin back in those days. The same thing.

Bill Schaap led you through that. There were a couple of instances where he referred

to [the huge network of ownership and](#)

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[control of media entities all over the world by the Central Intelligence Agency. It is a matter of public record.](#) It has appeared in Congressional hearings, Senate hearings, which most people don't read, don't know anything about, and, of course, the media only covers in sparse fashion, because it is contrary to their interests to show that great numbers of newspapers, radio stations, television stations, may in fact be actually owned by the Central Intelligence Agency in this country as well as elsewhere.

He talked about the numbers of actual agents who work for media companies, who are placed in positions in network television company positions, in newspaper company positions, on newspaper editorial board positions.

If you see the history of how national security cases are covered and this is one, you will be amazed that some of the most liberal columnists, writers, respected journalists, Pulitzer Prize winners, who have all the liberal credentials, when it comes to

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this kind of case, they all of a sudden are totally with the government because national security cases are a different ball game.

Ambassador Young ran into one at one point in an airport, and he said to him, how can you do this, Tony, about this case, you have great credentials in every other way, what is it about this case? His response was, you'll be happy to know my wife agrees with you. But that was it. That was the end of the response.

The point is on these cases there is a special type of treatment that is given. It is important to understand that across the board. That explains a lot of what we're talking about. Examples: [Column 1, New York Times, November, the article is here, Alton, Illinois, bank robbery, Wendell Rose, Jr., the Times wrote this whole piece, fabricated, whole cloth, that the Ray brothers robbed the bank in Illinois and that's where James got his money and therefore there is no Raul.](#)

The problem was that the article said that the *Times* had conducted a special

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investigation that paralleled that of the House Select Committee and that of the FBI, and all three investigations indicated this was the case. Case closed, this is where Ray got his money.

The problem is they never talked to the chief of police in Alton, Illinois. They never talked to the president of the bank in Alton, Illinois. There was no investigation. And when those people were talked to by myself or by Jerry Ray, who went down there to turn himself in – you think I did this, I'm prepared to turn myself in – the guy said, [go away, you've never been a suspect](#). Isn't that amazing, out of whole cloth. But it appears, and that's the mindset that the people have.

You heard [Earl Caldwell](#) say he was sent to Memphis by his national editor, *New York Times* national editor, Claude Sitton at the time, and told to go to Memphis and his words were “[nail Dr. King](#).” Nail Dr. King. That is what he said he was told was his mission here in Memphis as a *New York Times*

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reporter. I can go on. But these are examples of what happens with the media.

Now, Bill Schaab told you the impact of that out of thirty-one years is very devastating, is very hard to hear this for thirty-one years and have somebody come along and say, no, you've been told the wrong thing and here are a whole set of facts that are uncontrovertible and this is why you've been old the wrong thing.

The reaction is still, oh, yes, that's interesting, but the next day we still believe, [because it is almost implanted neurologically](#). That's the problem that this kind of distortion, media propaganda abuse, just raises.

Mr. Jowers here, the defendant, was a victim of that. They gave him – ABC gave him a lie detector test and [they told him at the end of that lie detector test that he had failed](#), why was he doing this, was he looking for money, he had failed this lie detector test.

You heard from a cab driver [[James Adams](#)], who has

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nothing to gain by this, take the stand and say, yeah, he drove those *ABC* people to the airport, took them to the airport, and he heard their conversation. His ears perked up when he heard Jowers' name because he heard them, the guy in the front, [the examiner, said, I couldn't get him to waver](#), I couldn't get him to waver. They were commenting on how much he remembered in so much detail and why he remembered so much detail.

There is no question about him failing this test. They couldn't get the defendant to lie. And yet that program was broadcast, was put out to masses of people in this country to believe to this day that the defendant lied, that he lied.

Now, you heard – we're still on cover-up. I'm sorry. You heard about two efforts to bribe James Earl Ray. I don't know of any others, but you have heard of two in particular, one from a lawyer, [Jack Kershaw](#), who told you about [a meeting at the Nelson Book Publishing Company](#) and he was offered a sum of money if Ray would admit

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that he did it. He was offered this money by William Bradford Huey [Huie], who was a writer, if Ray would confess that he did it and did it alone and he would give him this money and give him a pardon and he would go on and have a nice life.

Mr. Kershaw went over to the prison, as you heard, asked Mr. Ray if you want to take up this wonderful offer. [Ray, of course, said, no](#), and sent him packing. Some while later a telephone – on a telephone conversation Huey [Huie] made the same offer to Jerry Ray. His problem then was that that conversation was recorded. [Jerry Ray testified and you have a transcript of that recording, he was offered now \\$220,000](#), they greatly increased the sum of money, \$220,000, also a pardon. And the best story, of course, that they wanted, that Huey [Huie] wanted, was the story why I killed Martin Luther King.

So they were offering him money, a pardon if he would tell that story. It didn't work. James, of course, was not

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interested in anything of the sort. James had always only wanted, from three days after his conviction, he had always wanted a trial. That is what he wanted.

Then there were a number of attempts to kill James Earl Ray. These attempts vary. One time he escaped from Brushy Mountain in 1977, he escaped from Brushy Mountain with six others. No sooner did his feet hit the ground and they were up in the woods there – if you know that area of Petros, Tennessee, it is pretty rural in some areas and rocky and hilly – he was up in the woods, and no sooner did he go get up in the woods but there was an FBI SWAT team out of the Knoxville office on the scene.

Who asked for them? It is a State escape, State prisoner. The State is handling it. No, here comes in the SWAT team. They have snipers with sniper rifles. What are they going to do with those sniper rifles?

Lewis Stokes was chairman of the Select Committee on Assassinations. He calls

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Ray Blanton, who is a governor of the State at the time. [Reverend Fauntroy was a part of to that conversation](#) and said he was the one who encouraged Stokes to call, but he was there. Stokes calls Blanton and says that you better get over to Brushy Mountain. If you don't, I'm going to lose my most famous witness and your most famous prisoner because the FBI is going to kill him. Blanton goes over in a helicopter and chases the FBI away.

They didn't want to go at first. He told them he would put them in the same sell [cell] James Earl Ray came out of if they didn't. He saved James Earl Ray's life. He was caught and brought back by local authorities, which is the way it should have been.

The second attempt was in April of 1978. You heard [April Ferguson, public defender counsel, tell you how that worked](#). She went out, interviewed a prisoner who had called their office when April and Mark Lane were representing James back at that time. He was offered a contract. He was asked to

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put out a contract on James Earl Ray, and he decided not to do it.

One, he thought he was being set up because the person who called him left a number and he had to call him back. When he called had him back, he was calling him back at an Executive Suites hotel that he knew, the prisoner knew, was being used by the local US Attorney's Office and the FBI where they interviewed informants and where they did the briefings. That's where the phone call came from.

He thought he was being set up. The phone call came to him from a fellow called Arthur Wayne Baldwin, who was a Mob figure in Memphis but who also was involved as a federal informant and was used by the government.

So he gave the statement of how this contract was put out by Baldwin on James Earl Ray's life, and Ms. Ferguson testified as to her affidavit.

Defendant's prior admissions, the next section of plaintiffs' case, you've

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heard a good deal of it, how the defendant has admitted how he was approached by Mr. Liberto and [how he was told that he would receive a package](#), which he did, and money and eventually a rifle to hold, and he told about planning sessions in his cafe, and he told about [taking a rifle from the shooter, taking the rifle from the shooter](#), one that was still smoking, he said, taking it from his back door.

He named the shooter as a Memphis Police Department lieutenant, Earl Clark, who is deceased, who was a sharpshooter who he said was a hunting companion of his, a friend of his, and a friend of Liberto's as well and who never had any contact with him again after this day.

Now, [Mrs. Clark](#), the first wife, who testified, gave her husband an alibi. It is only fair that you consider what Ms. Clark said. When I first interviewed here in 1992 – she referred to that interview. In fact, her son was there. He was not twenty-two. He was born later. He was about

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sixteen. Her daughter was born in 1970. It was the son who was present. She told essentially the same story at that point in time.

There are serious questions with that story, and they have to do with [whether or not in fact Lieutenant Clark had a radio at all at that point in time](#) and [whether or not in fact Dent Cleaners was open later than six p.m. on that day](#). Because by her accounts she got there sometime between six-thirty and six-forty to pick up his uniform. But, in any event, you have to consider all of that.

Lastly, in respect of the defendant's situation, we had placed a woman – aspects of a woman's testimony into the record [[LaVada Addison](#)] so that you can review it, and she was a waitress who had been a lover of the defendant during that previous year.

She very reluctantly in 1992 gave a statement that had really to be worked out of her. She didn't want to tell this story even then because she was afraid that her former

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lover and boss, Mr. Jowers, was the killer. He was the only one she saw, she said, out there, and she was afraid that he was the killer. Plaintiffs do not believe that to be the case at this point in time.

She described him running, face white as a sheet, looking like a wild man with all mud on his knees, as though he had been kneeling in that brush area. She has been to some extent discredited because there have been – people have descended upon her for various reasons. She was a – a statement of hers was taken repudiating a lot of things she said, but she subsequently said in another sworn statement that she didn't even read what the state officials told her to sign.

So in a case like this, this is a difficult area for you to assess for yourselves in terms of what you read and what you have heard here.

The last area of the plaintiffs' case has to do with damages. We've addressed that. Members of the family have addressed

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that in terms of the spirit in which the family has approached these proceedings from the beginning.

Yes, we want a verdict of liability, a verdict of a finding of conspiracy, but the family is not interested to benefit financially from these proceedings. There has to be damages in civil litigation of this sort. It is a wrongful death action. So [the request is that there be an award of one hundred dollars](#) to offset funeral expenses at the time. And that one hundred dollars the family has decided to contribute, along with other contributions, to a welfare fund of the sanitation workers in this city, because that is the reason that Dr. King came here in the first place.

Now, what I'd like to do is to briefly take you through a visual summary, it will be much quicker than my verbal summary, but to take you through a visual picture of the summary of what you have just heard in terms of the major aspects of the plaintiffs' case.

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THE COURT: Does anybody need a break?

A JUROR: Yes.

THE COURT: You do? All right. Just five minutes.

(Jury out.)

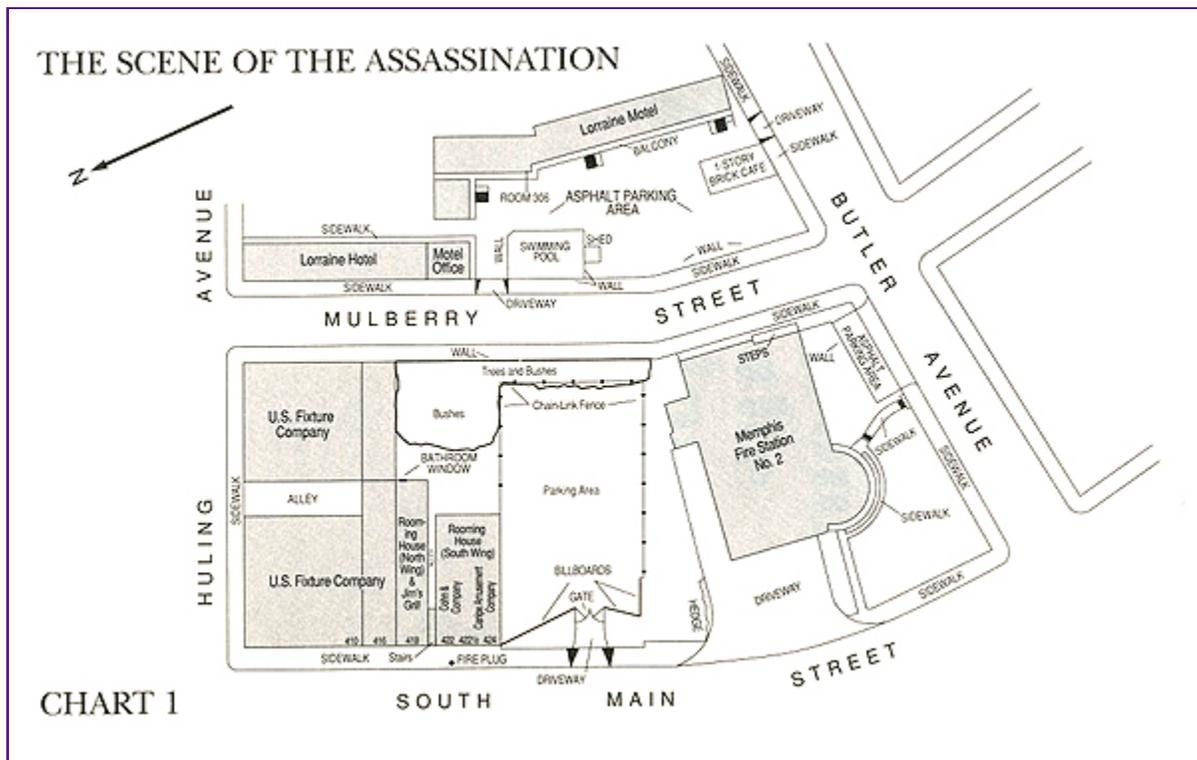
(Short recess.)

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

(Jury in.)

THE COURT: All right, Mr. Pepper. You may resume.

MR. PEPPER: Thank you, Your Honor. We have a depiction of the overall seen [scene] of the assassination at about five forty-three, the time we've pinpointed, on the afternoon of the assassination. Here in this depiction we have two people on the firehouse roof, we show two people in the brush area at this time, a number of witnesses down below the balcony right in there.



THE COURT: Mr. Pepper, excuse me. Can you see that?

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A JUROR: Yes.

MR. PEPPER: Am I in your way?

THE COURT: You may stand over here, Mr. Pepper.

MR. PEPPER: There is also a car, a Chevrolet car, parked here on Huling, and two Mustangs on South Main Street.

You will remember [Charles Hurley](#) testified that [he drove up behind this Mustang](#) when he was picking his wife up. It had Arkansas plates. This Mustang is believed to have been James Earl Ray's.

Now, when we move ahead, we're still at five forty-three, but it is between five forty-three and five forty-four, [Hendricks \[Hendrix\]](#) and [Reed](#), who have been in Jim's Grill here, have come out and have since walked up this street. About this time this first Mustang has pulled off. Everything else remains the same. You have the

photographers on the roof, you have the two figures in the brush, who we believe to be Earl Clark and [Loyd Jowers](#), and you have witnesses below the balcony over here.

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Now we're at five-fifty. The evidence reveals that this first Mustang is gone. The second Mustang still remains. Photographers still remain clicking away on the roof. The figures in the brush still remain. [The Invaders have started to leave the hotel.](#) They are coming down the stairs and they are leaving at five-fifty. They were noticed leaving. Billy Kyles, [Reverend Kyles, is right there knocking on Martin King's door](#) as the evidence indicates at ten minutes to six. The witnesses are still down below.

At five fifty-five, the Invaders are now off the premises, they've gone. Reverend Kyles has come away from the door and is on the balcony to the right of the door. The witnesses are still below. Photographers are still in their perch photographing. The Chevrolet is still parked where was.

And now a Memphis Police Department traffic car has pulled up to this intersection right here at Mulberry and Huling. In addition to that, about this time [a rifle and an evidence](#)

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[bundle has been dropped by this figure right here in Canipe's.](#)

Next. Still at five fifty-five, between five fifty-five and five fifty-six, the Yellow taxicab has pulled into the Lorraine driveway and [is loading a passenger](#). The man who has dropped the rifle has now approached this [second Mustang with the Arkansas plates here](#). The figures in the bushes are still there. The Chevrolet is there and the taxi driver himself is standing toward the rear of his car.

Next. About five fifty-six, in that area, Martin King appears on the balcony and begins to talk to a number of the people below who we've been calling as witnesses. The taxi driver is still there unloading a passenger's luggage, and the photographers are there. The rifle remains, but now the second Mustang moves off. The traffic car remains in position and the Chevrolet remains where was.

Okay. Six-oh-one p.m., April 4th, 1968, Martin Luther King has been felled by a single shot. Everything else remains the

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same. The taxi driver is facing the brush area. The photographers are still on the roof of the fire station. The rifle in evidence remains in Canipe's doorway. The Chevrolet remains on Huling. The Memphis traffic car remains at the intersection of Mulberry and Huling. The figures in the bushes at this point remain there.

Next. Instantly, between six-oh-one and six-oh-two, immediately after the shot, one of the two figures, and we maintain it is the defendant, is moving toward his building carrying the murder weapon. The other figure in the bush, in the bushes, is going down – appears to be at this point not going down but appears to be alone around the edge of the wall. The photographers are there. The taxi driver is still there looking at the brush area, and [journalist Earl Caldwell, having heard the shot, has come out of his room.](#)

It is difficult to do this with computers. You may recall Caldwell was in his shorts standing there looking at the

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bushes seeing this figure in the bushes. The traffic car remains there. [Kyles remains off to the right of the fallen Martin King instantly after the shot.](#) The witnesses are there, some of whom turn toward the bushes looking up in that direction.

Next. Also between six-oh-one and six-two, because that's what it takes, Mr. Jowers has entered his establishment. The shooter has gone down over the wall and has run toward that Memphis traffic vehicle, car vehicle, right there. This is all happening between six-oh-one and six-oh-two. That's the period of time in which this was carried out.

The taxi driver has seen the shooter jump from the wall and run to here and get into that traffic car. The photographers must have photographed it. There they are. The rifle remains. Mr. Jowers has entered his establishment at that point in time.

Okay. Around six-oh-five, under great pressure from his passenger, the taxi driver

actually drives away, left the

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Lorraine parking lot. The shooter, having gotten into that traffic car, is also gone, disappeared. That traffic car sped up Huling, west on Huling. It is gone.

Mr. Jowers is inside his establishment, the witnesses remain in place where they were. Mr. Caldwell has gone back into his room to put on his trousers.

Next. We're at about six-oh-eight. At this point in time barricades in the form of police cars have been established at either end of Mulberry, thus blocking any entrance to the street. We're at six-oh-seven. I'm a minute ahead of myself. We're at about six-oh-seven.

Everything else remains pretty much the same except Journalist Caldwell has come out of his room again and would eventually make his way up to the balcony. Dr. King is still down, witnesses are in place, photographers are in place, the rifle remains where it is, and Reverend Kyles is still on the balcony.

Also at six-oh-seven or thereabouts

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[Olivia Catling has arrived at the corner of Mulberry and Huling.](#) She has three children with her. Two are hers and one is a neighbor child. She has come to that corner just about this time, having heard the shot from inside her house. Everything else remains pretty much in place with the photographers, the witnesses and Journalist Caldwell coming out and the rifle still at Canipe's.

Okay. About six-oh-nine we have a man appearing in the alley. This is the first time he has appeared. He has apparently come from connected buildings to the rooming house and he is now seen in the alley. Everything else remains the same. The barricades are in place. Mrs. Catling is there.

Next. He moves between this time, within a minute, [very quickly to this car seen by Mrs. Catling](#) and the children.

Next. He gets in the car and rips off east on Huling, making a sharp turn going north on Mulberry right in front of this police barricade and proceeds unimpeded north

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on Mulberry away from the scene.

Now, at that point in time Mrs. Catling notices a fireman who is standing in front of the wall, and [he is talking to policemen, yelling at policemen, that the shot came from the clump of bushes up there](#). They apparently are not listening to him.

Those are the – that's the visual depiction of the critical events that we wanted to put forward.

Well, ladies and gentlemen, sometimes that is helpful to amplify the verbal narrative. Sometimes it confuses more than it helps. But I think we've tried to draw this and depict it as precisely as we can within the constraints of the actual evidence that has been presented to you.

Let me close by saying to you that long after people forget what has been said in this courtroom, all the words that you've heard from witnesses and lawyers, and long after they have forgotten about accounts that they have read about this case, they are going to remember what was done here. They

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are going to remember what action you took, what decision you came to.

You have got to understand the monumental importance of your decision. You are going to – they are going to forget everything I said, everything defense counsel has said, everything the witnesses have said. They are going to remember one thing, the ruling of this jury, the verdict of this jury because you have heard evidence that has never before been put on in a court of law.

Some of it would have been put on in Mr. Ray's trial, if he had ever been granted a trial. He wasn't. It wasn't heard. Judge Brown was on the verge of granting that trial, on the eve, in our view, so close to granting that trial, [and then he was removed by the Court of Appeals in this state from the case, summarily removed](#). Without any

argument, any oral argument, they made that decision. So Mr. Ray never had the trial.

He was in his dying months when he might have gotten that trial. The Court of Appeals finished that possibility.

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Only you have heard this. The people in the United States of America have not heard this. The masses of people in this country or the world have not heard this.

They've heard snippets, they've heard edited clips on various documentaries and programs, but no one has heard the detailed evidence that you have here.

That is why your decision at this point in time is the most significant decision that will have been taken in thirty-one years in terms of this case. Please don't underestimate the importance of it.

In our view, what has happened in this case, the injustice that has happened in this case, and it may be symptomatic of other cases, we don't know – we haven't gotten into that, we've just focused on this case – but what has happened here in our view is representative of the failure that symbolizes to me the failure of representative democracy in this country.

Isn't it amazing that one could say

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that over a simple murder case. But when you look at the wealth of evidence that has come forward and you understand how this case has been conducted and you understand how it has been covered up, and when you see how unresponsive elected officials and government has been and how complicit they have been, you can come to no other choice.

Governmental agencies caused Martin Luther King to be assassinated. They used other foot soldiers. They caused this whole thing to happen. And they then proceeded with the powerful means at their disposal to cover this case up.

This is a conspiracy that involved – and that's a nasty word. People insult people in this country who use the word "conspiracy." [Nowhere else in the world, as Bill Schaap told you, is it viewed that way.](#) In Italy and France conspiracy is taken for granted because they have lived with it so much longer. Remember that there were thirty-nine daggers going into Caesar.

You know, these things do not happen

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as a rule without the involvement of other people and in this case, this type of murder, without the involvement of seriously prominent individuals in government. So it is in my view a failure of democracy and this Republic that it has not been able to bring this forward.

What we're asking you to do at this point in time is send a message. We're asking you to send a message, not just right a wrong. That's important, that you right a wrong and that you allow justice to prevail once and for all. Let it prevail.

Let justice and truth prevail, elst the heavens's fall. No matter what, let it prevail. Let it come forward. We're asking you to let that happen.

But in addition to that, we're asking you to send a message, send a message to all of those in power, all of those who manipulate justice in this country that you cannot get away with this. Or if you can get away with it, you can only get away with it for so long.

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Ultimately truth-crushed earth will rise again, and it has risen in this courtroom, ladies and gentlemen. Send that message. You, you twelve, represent the American people. You are their representatives with respect to justice in this case. They cannot be here. The media will keep the truth from them forever. You represent the people of this land. You must speak for them.

In all of my years I've had confidence in one institution anywhere in the Anglo-American world, and it is a jury. It is twelve people independently hearing evidence and ruling. That's you. You have this duty to yourselves, this obligation to your fellow

citizens, and you have an opportunity to act in a most significant way that perhaps you can ever imagine, because your verdict of conspiracy in this case, your verdict of liability for the defendant and his other co-conspirators, means history is rewritten, means textbooks have to be rewritten, means the actual result of this

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case and the truth of this case now must come forward formally.

This message also will be sent to the Attorney General of the United States, whose team are investigating in a limited way, they say, this case. But you have heard much more, so that is why this message is so important. Please send it.

On behalf of the family of Martin Luther King, Jr., on behalf of the people of the United States, I ask you to find for the plaintiff and find that conspiracy existed and that those conspirators involved not only the defendant here but we're dealing in conspiracy with agents of the City of Memphis and the governments of the State of Tennessee and the United States of America.

We ask you to find that conspiracy existed and once and for all give this plaintiff family justice and let's cleanse this city and this nation of the ignorance that has pervaded this case for so long. Let the truth reign in this courtroom once and for all.

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Thank you very much.

THE COURT: Mr. Garrison.

MR. GARRISON: Good morning, ladies and gentlemen. I promise you one thing, I won't take that long. Let me say this first of all: I've been practicing law here starting forty years this past August, and I think this is the most important case to me that I've ever been associated with. I've tried cases in this courtroom and all over this courthouse, and I think this case is the most important case I've ever been associated with. I say that because it is important to the King family, it is important to the American way of life, important to quality and important to history now.

Over the past few years I've met with Ms. Coretta King and Mr. Dexter King and the

family, and they are a very lovable family. They have gone through more than any family should have to go through and simply because of the color of their skin, because Dr. King simply was seeking equality and equal rights. And if our Constitution means

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anything, it means that is for everybody.

Now, [Dr. Pepper has pursued this case for years](#). He is like a bulldog on your trousers. You just can't shake him loose, you can't shake him off. If it wasn't for him, we wouldn't be here today. He and I have many areas of agreement, but we have many areas of disagreement. I want to point those out you to now.

First of all, let me say this: I told you at the beginning that anything that Mr. Jowers had to do with this was very, very minute and small. I think the proof fairly shows that.

Here is a man who had a greasy-spoon restaurant, a beer joint, to put it bluntly, that was there in a place where he had been dealing with a Mr. Liberto, and perhaps those things weren't the way they should be, but he is not on trial for that. He simply said that I had handled money for Mr. Liberto previously and that here again he asked me to handle some money.

He said he was going to send a box

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to him. I didn't know what it was. He said that the money came in and the box came in and that he said someone would pick up the box and you be at the back door at six o'clock and something would be handed to you. He says I didn't know anything.

Now, [he met with Mr. Dexter King and Ambassador Young](#) freely and voluntarily at his own expense, his own time. He told them what limited information he had about this. He was very honest with them and very sincere in telling them what he knew about this case, which was very limited.

He told Dexter King, which Mr. King admitted here, that he said I didn't know

anything about this as far as it being Dr. King that would be the target of assassination, I had no knowledge of that.

He said, I apologize to you for anything that I may have done that would cause the death of your father, but I had no idea, no knowledge, it was just simply something I was doing and had been doing previously, it wasn't any different from the

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other things.

Now, ladies and gentlemen, it is ironic to note here that there is only one person that has placed any blame on Mr. Jowers as far as being there doing anything. That's [Ms. Spates](#). You've heard her testimony. You've heard an affidavit read to you that she gave to the prosecutors of the City of Memphis, their investigators.

She first tried to say that [Mr. Jowers was there and she saw him and all this thing about him being white](#) and so forth and so on, but she came back and in an exhibit here that you have a right to see said [I wasn't even there, I was at work that day](#), I didn't see anything, because I didn't see Mr. Jowers with a gun, I never saw anything, I was at work that day.

Which version do you believe? This is a sworn statement, a sworn statement under oath she gave to the prosecutors. It is saying I wasn't even there. So which version do you believe of Ms. Spates?

She first tried to say she had been

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offered some money by Mr. Jowers and even by me. Yet the first thing I asked her in her testimony is – I had never seen the lady but twice in my life – Ms. Spates, isn't it true [you have never been offered any money, we never even talked about any money](#)? She said, that's exactly right.

She goes on to say, I was never offered any money. So you have Ms. Spates, who is the only person that said anything about Mr. Jowers' involvement in this, and which version do you believe? Do you believe that she told the truth one time or the other

time? Both of them were under oath.

Now, as far as [Mr. McCraw](#), I knew Mr. McCraw, represented him for years. The thing about Mr. McCraw is that [as Mr. Hamblin said, you couldn't believe a thing he said](#). That's his best friend, he got on the stand and said you couldn't believe a word he said.

Mr. Jowers played a very, very insignificant and minor role in this if he played anything at all. He stated because of

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who he has come forth and said, that he has lost his wife, everything he has and his health. So he played a very insignificant, very small role, if anything in this thing.

It was much bigger than Mr. Jowers, who owned a little greasy-spoon restaurant there and happened to be at the location that he was.

Now, ladies and gentlemen, I guess the area of disagreement between Dr. Pepper and myself for the most part is this: It is Mr. James Earl Ray's part in this case.

Let's look at this. You know, you have Mr. Ray here, who was a convict who spent ninety-nine and nine-tenths of his life in prison, who would do anything for money.

He'd rob, take a gun, steal, do anything for money. He enjoyed his notoriety as the most famous prisoner this state has ever known. He enjoyed that. That was a big thing with him.

Here he was let out of prison in a bread truck. If you saw the poster here that's an exhibit, fifty dollars reward. Big reward for him, wasn't it, for a man. He

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came and talked Dr. King. Don't you think it is ironic he was in Atlanta, Chicago, Los Angeles, Memphis, Tennessee, when Dr. King was there, Selma, Alabama, little town of Selma when Dr. King was there?

Don't you think it is ironic that there was a map that they found when he was in

Atlanta where he circled Dr. King's home, his church, his place of business? I asked him on the deposition – I know the deposition was long and burdensome to you, but I want you to hear what he said. He has told a thousand and one stories. This was his last one. This is number one thousand and one. As far as I know, it is the last time he ever told his story and testified.

It is ironic that he had a map of Atlanta with these three markings. He had never been to Memphis, never been to Birmingham, never been to New Orleans, no maps. But a map of Atlanta was found in his car which admitted had the circle around Dr. King's home, his place of business and Dr. King's church.

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Now, the State of Tennessee says that James Earl Ray acted and acted alone. I think there is some validity to that. I don't agree with everything they say, but I think there is some validity to it.

Mr. Ray, when I asked him how did you know that Dr. King had been assassinated, he said, I heard it on the news. I had just gone through a whole series of questions where he said, I never listened to the news. I said, didn't you know they had riots in Memphis, didn't you know there was someone killed there? He said, I never listened to the news. Five minutes after Dr. King was killed, yeah, I heard it on the news. I think Mr. Ray's testimony speaks for itself.

He goes in and buys a gun he says from somebody named Raul that asked him to do this, but he gets a gun that Raul says – first of all, Raul didn't tell him to get a scope. He got that on his own. He didn't tell him to get a scope on a rifle. He goes in and says, I want another gun, this is not the right gun, Raul told me to do this, but

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he never showed the gun to Raul. Was there really a Raul? Maybe there was. Isn't it ironic that for months no one ever saw him with Mr. Ray, no one, no one.

Now, when you take all the testimony here from Mr. Ray and all the scenarios and the things that happened, it makes you wonder, did Mr. Ray do this? Dr. Francisco says, I was taken up to the window there where the shot was supposed to have come from and I saw the path of the bullet. In my opinion, it came from that window

sill. This is a medical examiner saying that.

Ladies and gentlemen, last year the Attorney General's Office here concluded a five-year investigation, five years, and this is a report of theirs. Don't decide this case without reading this report. It is an exhibit. You can read it. Don't decide the case without seeing this. It wouldn't be fair to anyone if you didn't. They concluded that there is no proof here that anyone acted in this case except Mr. Ray that was material.

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Now, you know, you wonder sometimes why people tell things, and you've got to think about, well, is that – what are the circumstances? Because in March of 1969, here again is an exhibit which you need to read before deciding this case, Mr. Ray was asked by 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? Answer, yes."

Now, ladies and gentlemen, I think under the circumstances, if you remember [former Congressman Fountroy \[Fauntroy\]](#) here said – I asked him, why did the committee conclude that Mr. Ray was the assassin? What was his answer? [He said because he kept changing his story.](#) Do you remember that? That's the testimony he gave here, a gentleman who was in charge of the congressional committee.

This went on for weeks and weeks and weeks. They spent money, untold sums of

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money to investigate this case. They concluded that Mr. Ray was the one who pulled the trigger, was the one who did the assassination.

Now, let me say this: After spending several years with this case and talking to many, many witnesses, listening to this trial and taking many depositions, you can't help but wonder about things. You've got to wonder from this standpoint: Would the restaurant owner of a greasy-spoon restaurant and a lone assassin, could they pull away officers from the scene of an assassination? Could they change rooms? Could they put someone up on top of the fire station? A convict and a greasy-spoon

restaurant owner, could they do that?

You know, when this trial started, there are two people mentioned in this guilty plea who are still living. I talked to them and issued subpoenas for them to be here who are prosecutors to explain you to ladies and gentlemen as to why there wasn't more done to investigate this case. Mr. Ray tried several

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times, seven, eight, nine times, to get a trial the Court of Appeals, the Supreme Court, never granted it. He was turned down that many times.

Why didn't they test the gun? I don't know. It doesn't make sense to me. You know, that would have ended this case if they had tested the gun. There is DNA – they can use means now to test these guns. They could find out if they wanted to. Why wasn't that done? I don't understand. I've never understood as to why the prosecutors and the Attorney General, if they really wanted to end this case and solve it, why didn't they test the gun. That would have told us whether or not Mr. Ray – that was the gun that did it with his fingerprints on it or was it another gun. It was never done. They fought it and fought it and fought it.

I talked to two prosecutors who agreed to be here to testify, who had subpoenas to be here. The day before yesterday, without you knowing, the Court of

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Appeals said, no, you can't bring them in. They turned us down again. That's the same thing we've had over and over and over.

Now, ladies and gentlemen, it is ironic in this case that when the extradition proceedings were started against Mr. Ray, that it was to try to extradite him for conspiracy to murder. That was the first thing the United States government tried to extradite Mr. Ray for, was conspiracy to murder.

You know, when you stop and rationalize this case and think, there has to be more to it than a greasy-spoon restaurant owner and an escaped convict. They could not have arranged these things. They could not have done those things.

[Mr. Arkin](#) testified here that one hour before the assassination, or a couple hours, there was a man that came in from Washington, sent in here from Washington saying [Mr. Redditt](#) has had a threat on his life and [you've got to go get him](#). Could a greasy-spoon operator and escaped convict

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arrange for that? You know that's not the case. And I do, too. Anyone who can think knows better than that.

Mr. Arkin also [said there were officers from the United States government in his office](#). Why were they here? What were they doing here? They were sent here by the United States government.

Now, ladies and gentlemen, we've had problems with race in Memphis, and I'm sorry to say that I must talk about it to some extent. It has been said by a person who was very knowledgeable that we have the most serious racial divisions in Memphis of any city in this nation, and that's bad, that's terrible. We've got to live together and learn to live together and to know that we are all brothers and sisters. It shouldn't be this way. It shouldn't be that we should have this type racism and the type problems we have.

In this case you have the opportunity to speak. You'll speak in your verdict in case that will either say one of

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two things: That we know that there was a conspiracy here, we know that they didn't intend for Dr. King to go to Washington to march, and we know that the United States government, the FBI and the Memphis Police Department and other government agencies along with Mr. Liberto and Mr. Earl Clark and Mr. James Earl Ray were involved in this case, and that's the type verdict that I would ask you to consider.

You told me at the beginning you weren't afraid to let the chips fall where they may. I gather from that that you are not afraid of the United States government, you are not afraid of the Memphis Police Department. If they are liable, you are going to say they are. Am I correct? Isn't that what we agreed to?

I think the testimony here that you've heard and the proof that you've heard indicates clearly there is more than just Mr. Jowers involved. He was a small-time greasy-spoon cafe operator who played a very small insignificant part in this case, if

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anything.

If you will study over the reports I've provided for you and the exhibits, think about all the testimony that has been given here and what really happened, ladies and gentlemen, your verdict would have to be that the United States government, the FBI, the Memphis Police Department and others were involved in this conspiracy to murder Dr. King.

It is a shameful, terrible thing that happened here in Memphis. I'm sorry and apologize to Mr. King that it did, but think about it. It is a very serious matter. You'll never have a more serious opportunity to sit on a jury than this where the issues are more serious than this.

Whatever you say will be recorded in history, and this will be it. We expect this case to end after this. It has been going on for years, but we think it is going to end with your decision in this case.

Please give it serious consideration and please think about a judgment against

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others besides Mr. Jowers. He played a very small part, you know he did, in this case.

Think about the other part that Mr. Ray played, Mr. Liberto played. You've got testimony here from a witness that is uncontradicted saying that Mr. Liberto told me he had Martin Luther King assassinated. Go over it. Think about it. Read over it.

There is only one thing to do, that's to say that we, the jury, find that the United States government, FBI, State of Tennessee, Mr. Liberto, Mr. James Earl Ray, they were all involved in a conspiracy to murder Dr. Martin Luther King. That's the only decision you can make.

Thank you.

MR. PEPPER: I didn't realize I was going to have to try Mr. James Earl Ray's guilt or innocence in this courtroom, but counsel has raised it, so I should address some of the issues.

Mr. Ray had a habit of marking maps. I have in my possession maps that he marked when he was in Texas, Montreal and

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Atlanta, and what he did was it helped him to locate what he did and where he was going. The Atlanta map is nowhere related to Dr. King's residence.

It is three oblong circles that covered general areas, one where he was living on Peachtree. He did this. He did this up in Montreal at the Neptune Bar, did this in Texas when he was going down to Mexico and Laredo. It was a habit that James had. The maps are part of his practice, if you will.

James never stalked Martin Luther King. James was moved from place to place on instructions. He was told to go somewhere and he would go. He was given to some money, told to come to New Orleans and he would be given money.

James Earl Ray was in Los Angeles and was told to go to New Orleans. When Martin Luther King came to Los Angeles, James Earl Ray left. He was there first and he left. He didn't stay in Los Angeles. That was the time he left for Atlanta when Martin

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came there in March.

He was in Atlanta when Martin King was there part of the time, but Dr. King was in and out of Atlanta a great deal of the time. So he would have to be there some of the time. He was not in Selma when Martin King was in Selma. That is a myth. He didn't stalk Dr. King. There was no reason to stalk him.

He wasn't in New York when he was in New York. He wasn't in Florida when he was in Florida. He wasn't in Chicago when Martin King was in Chicago. He worked in Wanetka, Illinois, for a period of time.

He wasn't in prison ninety-nine percent of his time. Before James Earl Ray went into the Army, he held down jobs. When he came out, he held down jobs. When he got fired, that's when he started to get in trouble. He went and hung out in bars occasionally and somebody would suggest a good idea about how to get some money. So James fell into it. He was, rightly as Mr. Garrison says, was a penny-ante crook.

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That's really what it came down to.

He knew nothing about firearms. The man who sold him the rifle, Donald Woods, said he never saw a person who knew less about firearms than James Earl Ray. Never saw a person who knew less about firearms.

He used to carry a pistol. When he would stick up a store, he would carry a pistol, and he had five bullets in the pistol. I asked him, James, why would you have five bullets in the pistol, why not six? He always kept the firing pin chamber empty.

He was embarrassed to tell me. Finally I got it out of him. One time literally he shot himself in the foot. It was an accident and the gun went off. He decided if he kept the firing pin chamber empty, that wouldn't happen. He only had five bullets. When he was arrested at Heathrow in London, that gun he was carrying had only five bullets.

He was somebody who was capable of being used for a crime like this. He was

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someone who was gullible in a lot of ways. He was someone who needed money. He was on the run when he was concerned and he was someone that could be used. And he was used, and being used, he was told only what he needed to know. Because that's the way those things operate. Once he came under the control of this fellow, he would be told where to go, what to do, only what he needed to know.

He bought the wrong gun. He bought a 243 Winchester. Raul said, no, he wanted a

30-06. He pointed it out to him in a brochure and he went back and got it. The very fact that he bought a gun and then went around and immediately exchanged it indicates that somebody is involved, somebody is controlling him or telling him to do something. So he did that.

Yes, he heard about the assassination on the radio, heard it on the car radio. He came back around to go to park the car on South Main Street the way Raul instructed him. At the time he came back

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around, the police were all over the place.

He is an escaped convict. He is not thinking of Martin Luther King or anything else. He is thinking of being an escaped convict and being stopped. So he takes off. That's exactly what he did. He took off.

And he did hear about this on the radio. The more he drove, the more he listened to the radio, the more he realized he was in serious trouble.

One of the problems James Earl Ray faced and lawyers for him faced was the fact that he was a classic con. If he believed someone was trying to help him, he wouldn't tell, he wouldn't name that person, wouldn't tell you who the person was. By my view, he mistakenly believed he was being helped, particularly when he was in Canada. But he would never tell us who was assisting him because he thought these were people who were legitimately trying to help him and he was not going to rat on them.

When he was captured after one prison escape and he was asked continually to

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explain how he got out, how he managed to get away, he refused to tell them. When I pushed him on it, how did it happen, he said, well, the guard was asleep, the guard fell asleep.

I said, why didn't you tell me that? He said, no, no, I might need him again another day. Even in that case he wouldn't tell. So Ray was that kind of character.

I looked at him from 1978 to 1988, only began to represent him in 1988. Ten years after I started on this case I consented to represent James Earl Ray when I became totally convinced after ten years of looking at the evidence that he had no knowing involvement.

He pled guilty because that was the thing to do. Mr. Garrison read to you the response to the judge. What he left out was the fact that Ray said, yes, legally guilty, legally guilty. He was legally because he was copping a plea, so he was legally guilty. He never confessed. The media has always said he confessed, the confessed killer. He never confessed.

He always insisted that he didn't do

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it, always wanted a trial. When he fired the Haynes, Foreman came in. December 18th Foreman came on this case, formally into Memphis for the first time for a hearing. Two p.m. that afternoon Foreman's local counsel was in meeting with the prosecutor.

Two p.m., December 18th, we have the minutes of the meeting, the local attorney was meeting with the prosecutor, Canale, to start plea-bargaining negotiations. Imagine that, without any knowledge of Ray at all.

On February 21 he was writing to his brother that I expect a trial to start perhaps in April. That late they had been stitching him up all that time beforehand.

Finally Foreman comes down on him and says that you've got to plead guilty, they are going to fry your ass, they convicted you in the paper, they are going to send your father back where he was a parole violator forty years ago, they are going to harass the rest of your family and, besides, Foreman said, I'm not in good health and I can't give you your best defense.

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That was the thing that James said always, he had to get rid of that lawyer and didn't think the judge would change him, so he said to him to plead, which he did on March 10th, and then I'll get a new trial. The motion was denied on March 13th, and he tried

ever since.

He filed motions. The judge died. Judge Battle died with his head on James Earl Ray's application for a new trial, died in his chambers with his head on those papers at the end of March. James was denied that trial.

When a sitting judge dies, normally such a case when a motion is pending, it is granted. There were two motions pending before that judge. One was granted. One was not. James Earl Ray remained in prison.

I mean, I didn't intend to belabor Mr. Ray's innocence, but I believe firmly he is innocent, he was an unknowing patsy in this case and he was used.

As far as Ms. Spates' testimony, I did refer to it earlier. The statement that

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you heard read under oath in her deposition were paragraphs specifically from an affidavit that she had given subsequently to her interview by the TBI and the Attorney General's Office here. And from what she told me, that was a horrifically-pressured interview that they gave her, was distorted, inaccurate, untruthful, and that's why she gave that other story. And she reluctantly put Mr. Jowers right in the middle of it.

Now, having said all of that, Mr. Garrison is quite right, you can read the Attorney General's report. Take a look at it. Remember one thing when you take a look at it. The man who headed that investigation sat there. He was one of the witnesses Mr. Garrison called that we were able to examine before the Court of Appeals said you are not going to talk to any of those people.

[Mr. Glankler](#) sat in that chair. I just gave him a sampling of names, gave him twenty-three names. Do you recall that? I asked him if he interviewed these people in

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his investigation, these witnesses with vital evidence that you've heard, twenty-three. Do you know how many he actually interviewed? I recall I think it was two.

That's the investigation the Attorney General's Office did. That just speaks for itself,

in my view. So I would look at the report in that kind of context.

As to the House Select Committee investigation, Representative Fountroy [Fautroy] is very uncomfortable with the results of that investigation, very unhappy, has been for a number of years. He has indicated that they didn't have enough time, they could have perhaps done better if they had more time.

At other times he said the staff he thinks misled them. [Fountroy \[Fautroy\] was never happy with the results of that investigation.](#) And I think he has made that quite clear.

Raul, the evidence on Raul speaks for itself. Mr. Jowers himself has identified Raul. Mr. Jowers identified Raul from the spread of photographs that I showed him when Dexter King and I met. He

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knows who Raul was. He identified him as the man who came into the restaurant who Liberto sent in.

Now, one thing Mr. Garrison and I do agree on – we agree on a lot of things, actually, but one thing in particular is that Mr. Jowers is a small part of this whole thing. He owned this cafe, and he did have a debt, an obligation, to Mr. Liberto, and he was prevailed upon to become involved in this assassination. He didn't go out looking for it. He was prevailed upon to be involved.

I'm not really certain about how much money he got for his involvement. I think he got a substantial amount of money. I think that is what the stove money was all about. But I'm not certain of that. We will never know that, I suppose.

Mr. Jowers has unburdened himself to the King family. He has – it is late in his life. And for whatever reason, he has come forward and he has, as Mr. Garrison has told you, voluntarily told elements of the story. We believe that that is what he has done.

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He has just told elements of the story protecting himself to the extent that he can because he is worried about being ultimately indicted. We think foolishly so because we don't think there is any interest in that, but that is his fear.

What, however, we don't believe is that Mr. Jowers was unknowingly involved. [We've put into evidence the Prime Time Live interview with Sam Donaldson](#), and in that interview and in the transcript of that it is very clear – he tells different nuances of the story, but it is very clear that he knew what was going on, he knew what was happening.

Both Ambassador Young and Dexter King have said the one thing they didn't believe about him is when he said he didn't know. You can understand why he would say that, because he is talking to the son of Martin Luther King, Jr., the son of the victim is sitting right in front of him. How does he – with eyes together how does he say, I knew, I was a part of this, I was a

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knowing part of it? So he said, I don't know. We just don't believe that.

And we believe the evidence of [Bill Hamblin](#), who said [McCraw told him what happened to that rifle](#), but he told him when he was drunk over a period of fifteen years each time. It might be very right that McCraw would lie when he was sober. But when he was drunk, Hamblin said, you may recall, he was straight, he told him the truth, and he told him the same detail again and again and again. If he had been sober and he would tell him one story and then another, then you would say there was some prevarication, maybe it was not true, but Hamblin said it was the same story again and again and again but only would discuss it when he was intoxicated.

On the basis of all of that, we believe that Mr. Hamblin is telling the truth, that that murder weapon is at the bottom of the Mississippi River where it was thrown by Mr. McCraw.

So that is basically it, ladies and gentlemen. I think that you have to keep in

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mind that no matter how small the part Mr. Jowers played in this whole sorry episode, he nonetheless played a part and is a conspirator. He is guilty, libel in this court. He is libel in this court of conspiracy because he was involved.

Irrespective of James Earl Ray, and I believe in respect of James' memory – he is not here to defend himself, but I had to give you information about him – but irrespective of that, even if you found that James was involved and up to his neck, that does not absolve Mr. Loyd Jowers, neither does it absolve the governments and the government agents who have been involved in this case.

So a verdict of an existence of conspiracy, as Mr. Garrison said, quite rightly, does mean that there is a conspiracy, and it involves all of the elements that you have seen here today, and the award of damages, nominal though it is, is to be – is also to be a part of your verdict.

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Thank you very much. Once again, please, we're asking you to send this message from this courtroom across the land. Though they will not know the details of what you have heard probably ever, unless researchers want to come in and read all of this, they will not be able at least to suppress the mighty Whirlitzer sound of your verdict.

That's the message that we ask you to send from this courtroom to the rest of this country and indeed the world who are concerned about the assassination of Martin Luther King and his loss to civilized mankind.

Thank you.

THE COURT: All right. Ladies and gentlemen, in this case the plaintiffs, Coretta Scott King, Martin Luther King, III, Bernice King, Dexter Scott King and Yolonda King have sued Loyd Jowers and other unknown conspirators alleging that the defendant Jowers was a participant in a conspiracy to do harm, and that as a result of that conspiracy that harm was done to Dr. Martin

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Luther King, that is, that he was killed in the process.

To that, the Defendant Loyd Jowers, has pleaded not guilty or said he is not guilty of the things alleged. In the alternative, Mr. Jowers has also alleged that if he was involved, it was a very minute or small part of the conspiracy and that in addition to

his conduct, that there was also additional participants, namely James Earl Ray, the Government of the United States of America, the Government of the State of Tennessee, City of Memphis, the Memphis Police Department, the Government of Shelby County, Tennessee, and that his was only a minor part, and he also alleges that there was participation on the part of Frank Liberto and Earl Clark.

Now, ladies and gentlemen, I'll give you my instructions, which you should consider when you are deliberating. You are to decide this case only from the evidence which was presented at this trial. The evidence consists of the sworn testimony of

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the witnesses who have testified, both in person and by deposition, the exhibits that were received and marked as evidence, any facts to which all the lawyers have agreed are stipulated and any other matters that I have instructed you to consider.

There are two kinds of evidence: Direct and circumstantial. Direct evidence is direct proof of a fact such as testimony of a witness about what the witness personally observed. Circumstantial evidence is indirect evidence that gives you clues about what happened.

Circumstantial evidence is proof of a factor [fact or] a group of facts that causes you to conclude that another fact exists. It is for you to decide whether a fact has been proved by circumstantial evidence.

If you base your decision upon circumstantial evidence, you must be convinced that the conclusion you reach is more probable than any other explanation.

For example, if a witness testifies that a witness saw it raining outside, that

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would be direct evidence that it was raining. If a witness testifies that the witness saw someone enter the room wearing a raincoat covered with drops of water carrying a wet umbrella, that would be circumstantial evidence from which you could conclude that it was raining.

You are to consider both direct and circumstantial evidence. The law permits you to

give equal weight to both, but it is for you to decide how much weight to give any evidence in making your decision.

You must consider all of the evidence in light of reason, experience and common sense. Although you must consider all of the evidence, you are not required to accept all of the evidence as true or accurate.

You should not decide an issue by the simple process of counting the number of witnesses who have testified on either side. You must consider all of the evidence in the case. You may decide that the testimony of a few witnesses on one side is more convincing

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than the testimony of more witnesses on the other side.

Certain testimony has been presented by deposition. A deposition is testimony taken under oath before the trial and preserved in writing or on videotape. You are to consider that testimony as if it had been given in court. You are the sole and exclusive judges of the credibility or believability of the witnesses who have testified in this case.

You must decide which witnesses you believe and how important you think their testimony is. You are not required to accept or reject everything a witness says. You are free to believe all, none or part of any testimony.

In deciding which testimony you believe, you should rely on your common sense and every-day experience. There is no fixed set of rules to use in deciding whether you believe a witness, but it may help you to think about the following questions:

- Was the witness able to see, hear or be aware of the

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things about which the witness testified?

- How well was the witness able to recall and describe these things?
- How long was the witness watching or listening?
- Was the witness distracted in any way?

- Did the witness have a good memory?
- How did the witness look and act while testifying?
- Was the witness making an honest effort to tell the truth or did the witness evade questions?
- Did the witness have any interest in the outcome of the case?
- Did the witness have any motive, bias or prejudice that would influence the witness' testimony?
- How reasonable was the witness' testimony when you considered all of the evidence in the case?
- Was the witness' testimony contradicted by what the witness has said or done at another time or the testimony of other witnesses or by other evidence?
- Has there been evidence regarding the witness' intelligence, respectability or reputation for truthfulness?
- Has the witness' testimony been influenced by any promise, threat or suggestion and did the

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witness admit that any part of the witness' testimony was not true?

There may be discrepancies or differences within a witness' testimony or between the testimony of different witnesses. This does not necessarily mean that a witness should be disbelieved.

Sometimes when two people observe an event, they will see or hear it differently. Sometimes a witness may have a lapse of memory. Witnesses may testify honestly but simply may be wrong about what they thought they saw or remembered.

You should consider whether a discrepancy relates to an important fact or only to an unimportant detail. Usually witnesses are permitted to testify as – usually witnesses are not permitted to testify as to opinions or to conclusions.

However, a witness who has scientific, technical or other specialized knowledge, skill, experience, training or education may be permitted to give testimony in the form of opinions. Those witnesses are often referred

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to as expert witnesses.

You may remember that [Judge Joe Brown](#) came in and was qualified as an expert in firearms. You should determine the weight that should be given to an expert opinion.

You should consider the education, qualification and experience of the witness and the credibility of the witness and the facts relied upon by the witness to support the opinion and the reasoning used by the witness to arrive at the opinion.

You should consider each expert opinion and give it the weight, if any, that you think it deserves. You are not required to accept the opinion of any expert.

The defendant in this case, Loyd Jowers, is accused of conspiracy. Conspiracy is an agreement to perform an illegal act. In order to establish an action for civil conspiracy, there must be a combination between two or more persons to accomplish by concert an unlawful purpose or to accomplish a purpose not in itself unlawful by unlawful means.

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In connection with concerted action, it is not essential that each conspirator had knowledge of all the details of the conspiracy, but there must be an overt act. When this act occurs, it is not necessary that the party is aware of the nature of the harm to be done or the person against whom the harm will be done. It is not a defense that someone else may have played a greater part than another.

Neither is it your responsibility to identify other co-conspirators if you find that they do exist. It is no defense that someone else might have played a role or possibly a greater role than Loyd Jowers.

Also remember the question is not whether Loyd Jowers conspired with James Earl Ray. The question is did Jowers conspire with anyone in a scheme that brought harm to Dr. Martin Luther King?

In this case suit has been brought for damages alleging that an illegal act occurred causing the death of Dr. Martin Luther King. In this action the plaintiff

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has the burden of establishing by a preponderance of evidence all of the facts necessary to prove the following issue: That is, that Loyd Jowers conspired with others who are not parties to this action to commit an act which resulted in the harm to Dr. Martin Luther King.

The term "preponderance of the evidence" means that amount of evidence that causes you to conclude that an allegation is probably true. To prove an allegation by a preponderance of evidence, a party must convince you that the allegation is more likely true than not true.

If the evidence on a particular issue is equally balanced, that issue has not been proved by a preponderance of the evidence and the party has the burden of proving that issue – the party that has the burden of proving that issue has failed.

You must consider all of the evidence on each issue. A stipulation is an agreement. If the parties have stipulated that certain matters of fact are true, they

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are bound by this – if they so stipulate, they are bound by this agreement, and in your consideration of the evidence, you are to treat these facts as proved.

The parties have stipulated that should you find that they are entitled to recover in this case, that the dollar amount should not exceed one hundred dollars.

Members of the jury, now that you have heard all of the evidence and the arguments of the lawyers, it is my duty to instruct you on the law that applies in this case. It is your duty to find the facts from all of the evidence in the case.

After you determine the facts, you must apply the law that has been given to you whether you agree with it or not. You must not be influenced by any personal likes or dislikes, prejudice or sympathy. You must decide the case solely on the evidence before you and according to the law that is given to you.

All of the instructions are equally important. The order in which these

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instructions are given has no significance. You must follow all of the instructions and not single out some and ignore the others.

In reaching your verdict, you may consider only the evidence that was admitted. Remember that any questions or objections, statements or arguments by the attorneys during the trial are not evidence. If the attorneys have stipulated or agreed to any fact, however, you will regard that fact as having been proved.

The testimony that you've been instructed to disregard is not evidence and must not be considered. If evidence has been received only for a limited purpose, you must follow the limited instructions you were given.

Although you must only consider the evidence in this case in reaching your verdict, you are not required to set aside your common knowledge. You are permitted to weigh the evidence in light of your common sense, observations and experiences.

The Court has given you various

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rules of law to help guide you to a just and lawful verdict. Whether some of these instructions will apply will depend upon what you decide are the facts.

The Court's instructions on any subject, including the instructions on damages, must not be taken by you to indicate the Court's opinion or the facts that you should find or the verdict you should return.

You have taken notes during the trial. Once you retire to the jury room, you may refer to your notes, but only to refresh your own memory of the witness' testimony.

You are free to discuss the testimony of the witnesses with your fellow jurors, but each of you must rely on your own individual memory as to what a witness did or did not say.

In discussing the testimony, you may not read your notes to fellow jurors or otherwise tell them what you have written. You should never use your notes to persuade or influence other jurors. Your notes are

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not evidence. Your notes should carry no more weight than the unrecorded recollection of another juror.

Your attitude and conduct at the beginning of your deliberations are very important. It is rarely productive for a juror to immediately announce a determination to hold firm for a certain verdict before any deliberations or discussions take place.

Taking that position might make it difficult for you to consider the opinions of other fellow jurors or change your mind even if you later decide that you might be wrong.

Please remember that you are not advocates for one party or another. You are the judges of the facts in this case. Each of you should deliberate and vote on each issue to be decided. Before you return your verdict, however, each of you must agree on the verdict to be reached so that each of you will be able to state truthfully that the verdict is yours.

The verdict you return to the Court must represent the considered judgment of

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each juror. In order to return a verdict, it is necessary that each juror agree that your verdict must be unanimous.

It is your duty to consult with one another and to reach an agreement if you can do so without violence to individual judgment.

Each of you must decide the case for yourself, but do so only after an impartial consideration of the evidence with your fellow jurors.

In the course of your deliberations, do not hesitate to reexamine your own views and to change your opinion if you are convinced that it is not correct. But do not surrender your honest conviction as to the weight or effect of the evidence solely because of the opinion of your fellow jurors or for the purpose of returning a verdict.

If a question arises during deliberations and you need further instructions, please print the question on a sheet of paper, knock on the door of the jury room and give the question to my court

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deputy. I'll read the question and I may call you back into the court to try to help you. Please understand that I may only answer questions about the law and I cannot answer questions about the evidence.

For your benefit, I have prepared a jury verdict sheet. Let me remind you that although certainly the life of Dr. Martin Luther King would certainly be more than a hundred dollars, you are not called upon to assess a real value in this case. The parties are only seeking nominal damages.

So that if you find at all for the plaintiffs, again I'll remind you that you cannot award any more than what they are asking for.

Now, in the Circuit Court, it is a court of unlimited jurisdiction, and there is no limit to the amount that can be recovered, millions, whatever, but you can in any case only award the amount that is being asked or less. You can never give more than the party has asked for. So remember that there is a one hundred dollar limit on the request in

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this case.

The jury verdict reads as follows:

Did Loyd Jowers participate in a conspiracy to do harm to Dr. Martin Luther King?
And there is a space for you to answer yes or no.

I have an additional question:

Do you also find – assuming that your answer to the first one is yes, and I'm not suggesting an answer to that one, but should – if you find that the first one is no, then that's the end of your deliberations. But if your answer to the first question is yes, then the question is asked, do you also find that others, including governmental agencies, were parties to this conspiracy as alleged by the defendant? Again, there are places for you to answer yes or no.

And a third question is put to you:

What is the total amount of damages to be awarded to the plaintiffs Coretta Scott King, Martin Luther King, III, Bernice King, Dexter Scott King and Yolonda King? There is a blank here where if you would find for them,

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again I'll remind you that the total amount should not exceed four hundred dollars.

Anything further?

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

THE COURT: All right, ladies and gentlemen. You will now retire and select one of you to be the presiding juror for your deliberations.

As soon as all of you have agreed upon a verdict, you will sign the verdict form and return with it to this courtroom.

You may deliberate only when all of you are present in the jury room. And you may not resume your deliberations after any break until all of you have returned to the jury room, that is to say, you can never discuss the case in splintered groups but only when you are – when all of you are together and deliberating.

The other thing that I must do at this time, regretfully, is to take the alternates. The alternates will not be allowed to deliberate with you. We normally

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excuse them at this time. But I am going to – I'm requesting that you remain here but do not speak to the – do not discuss the case during the deliberations, but I want you to remain until the final verdict has been returned. There is still the possibility that you – we hope that it doesn't happen, but there is always the possibility you might have to enter into the deliberation. So we ask you to please stay but do not discuss the case with anyone. Do you understand?

All right. Anything further?

MR. GARRISON: Can we approach the bench just a moment?

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

THE COURT: All right. Would the alternates come up here.

(The two alternate jurors approached the bench for a conference outside the presence of the court reporter.)

THE COURT: All right. Ladies and gentlemen, during the course of the trial there were certain exhibits that were

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presented. These exhibits will be available to you if you find that they would help you in your deliberations, all but the deposition testimony. We will not allow the depositions to go back, but any of the other exhibits you may have.

All right. You may now retire.

(Jury out.)

(The jury began its deliberations at 12:32 p.m.)

THE COURT: All right. We have absolutely no idea what the jury is going to do or how long it is going to take them to do. I don't know whether or not they are going to want to take a break before they get into their serious deliberations. I'm going to ask you all to stay close. If you must go someplace, let the deputy or someone know where we can reach you.

(The Court stood in recess until 3:02 p.m.)

THE COURT: I understand the jury has reached a verdict. I'm going to bring them out. They've indicated that they

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want a picture of themselves. So I'm authorizing this gentleman to take one picture. He is going to make sure there are no additional copies. I'll have copies made of them and send them to the jurors.

(Jury in.)

THE COURT: All right, ladies and gentlemen. I understand you reached a verdict. Is that correct?

THE JURY: Yes (In unison).

THE COURT: May I have that verdict.

(Verdict form passed to the Court.)

THE COURT: I have authorized this gentleman here to take one picture of you which I'm going to have developed and make copies and send to you as I promised.

Okay. All right, ladies and gentlemen. Let me ask you, do all of you agree with this verdict?

THE JURY: Yes (In unison).

THE COURT: In answer to the question did Loyd Jowers participate in a

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conspiracy to do harm to Dr. Martin Luther King, your answer is yes. Do you also find that others, including governmental agencies, were parties to this conspiracy as alleged by the defendant? Your answer to that one is also yes. And the total amount of damages you find for the plaintiffs entitled to is one hundred dollars. Is that your verdict?

THE JURY: Yes (In unison).

THE COURT: All right. I want to thank you ladies and gentlemen for your participation. It lasted a lot longer than we had originally predicted. In spite of that, you hung in there and you took your notes and you were alert all during the trial. And we appreciate it. We want you to note that our courts cannot function if we don't have jurors who accept their responsibility such as you have.

I hope it has been a pleasant experience for you and that when you go back home you'll tend tell your friends and neighbors when they get that letter saying they've been summoned for jury duty, don't

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try to think of up those little old lies, just come on down and it is not so bad after all.

I know how much you regret the fact that you won't be able to come back for the next ten years. I don't know, I may or may not recognize you if I see you on the street some day, but if you would see me and recognize me, I sure would appreciate you coming up and reminding me of your service here.

To remind you of your service, we have some certificates that we have prepared for you. They look real good in a frame.

Not only will they remind you of your service here, but they will remind you also of that wonderful judge who presided over this. We do thank you very much on behalf of everyone who has participated in this trial.

You were directed not to discuss the case when you were first sworn. Now that your verdict has been reached, I'm going to relieve you of that oath, meaning that you may or may not discuss it. It is up to you.

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No one can force you to. And if you discuss it, it will only be because you decide that you wanted to.

I guess that's about all except that I want to come around there and personally shake your hand. You are what I would call Trojans.

Having said that, as soon as I get around there and get a chance to shake your hands, you'll be dismissed.

(Judge Swaengen left the bench to shake the jurors hands.)

THE COURT: Those of you who would like to retain your notes, you may do so if you

want to.

I guess that's about it. So consider yourselves dismissed and we thank you again.

Ladies and gentlemen, Court is adjourned.

(The proceedings were concluded at 3:10 p.m. on December 8th, 1999.)

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COURT REPORTERS' CERTIFICATE

STATE OF TENNESSEE:

COUNTY OF SHELBY:

We, BRIAN F. DOMINSKI, MARGIE DAUSTER, SARA ROGAN, KRISTEN PETERSON and SHERYL WEATHERFORD, Reporters and Notaries Public, Shelby County, Tennessee, CERTIFY:

1. The foregoing proceedings were taken before us at the time and place stated in the foregoing styled cause with the appearances as noted;
2. Being Court Reporters, we then reported the proceedings in Stenotype to the best of our skill and ability, and the foregoing pages contain a full, true and correct transcript of our said Stenotype notes then and there taken;
3. We am not in the employ of and are not related to any of the parties or their counsel, and we have no interest in the matter involved.

WITNESS OUR SIGNATURES, this, the

____ day of _____, 2000.

BRIAN F. DOMINSKI
Certificate of Merit
Holder; Registered Professional Reporter,
Notary Public for the State of Tennessee at Large ***

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MARGIE ROUTHIAUX
Registered Professional Reporter,
Notary Public for the State of Tennessee at Large ***

SARA ROGAN
Registered Professional Reporter,
Notary Public for the State of Tennessee at Large ***

KRISTIN PETERSON
Court Reporter,
Notary Public for the State of Tennessee at Large ***

SHERYL G. WEATHERFORD
Registered Professional Reporter,
Notary Public for the State of Tennessee at Large ***

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