

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

Volume 8

29 November 1999

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IN THE CIRCUIT COURT OF SHELBY COUNTY,

TENNESSEE FOR THE THIRTIETH JUDICIAL

DISTRICT AT MEMPHIS

CORETTA SCOTT KING, MARTIN

LUTHER KING, III, BERNICE KING,

DEXTER SCOTT KING and YOLANDA KING,

Plaintiffs,

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

LOYD JOWERS and OTHER UNKNOWN

CO-CONSPIRATORS,

Defendants.

TRANSCRIPT OF PROCEEDINGS

November 29, 1999

Volume VIII

Before the Honorable James E. Swearingen,

Division 4, Judge presiding.

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P R O C E E D I N G S

(Jury in at 10:15 a.m.)

THE COURT: Good morning, ladies and gentlemen.

THE JURY: Good morning.

THE COURT: It seems that everyone is all present and accounted for.

Mr. Jowers, the defendant, is still having some health problems, but we're going to proceed in his absence. And as soon as he's able, he'll return. He's still concerned about the action against him so don't take this as – don't interpret it as he's indicating he's not interested. He is, but his health is keeping him.

All right. Mr. Pepper, are you ready to proceed?

MR. PEPPER: Yes, Your Honor.

THE COURT: All right, you may.

MR. PEPPER: Your Honor, plaintiffs call as their first witness today Mr. William Hamblin.

WILLIAM B. HAMBLIN,

having been first duly sworn, was examined

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and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good morning, Mr. Hamblin.

A. Good morning.

Q. Thank you very much for coming here this morning. I know you haven't been well.

A. No, a little under the weather.

Q. I appreciate your making the effort to come by and be with us. Would you please state your full name and address for the record?

A. William B. Hamblin, 322 South Camilla, Apartment 302.

Q. In Memphis?

A. Right.

Q. How long have you lived in Memphis, Mr. Hamblin?

A. Oh, probably about – I came here in '63.

Q. Been here a good number of years?

A. Yes, sir.

Q. And what is your present occupation?

A. I'm a part-time security guard.

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Q. You're a part-time security guard?

A. Yes.

Q. In the city?

A. Yes.

Q. And prior to being a part-time security guard and taking on that position, were you – what else did you do previous to that?

A. Well, I drove a cab for many years, and I worked as a barber for approximately ten years – something like that.

Q. You were a barber for approximately ten years and you drove a cab –

A. Right, off and on.

Q. – off and on for a number of years?

A. Right.

Q. And which company did you drive the cab for?

A. I drove for Veterans and Yellow.

Q. Both of those cab companies.

A. Right.

Q. Now, in the course of your cab driving activity and your work there, did you come to know a cab driver named James McCraw?

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A. Yeah, I knew him well.

Q. And did you in fact share digs or share rooms with McCraw?

A. Well, I rented him an apartment one time. I had an apartment house, and I rented him an apartment. And I lived in the same apartment building with him a couple other times.

Q. How long would you say you knew Mr. McCraw – over what period of time?

A. Oh, probably about 25 years.

Q. So you knew him over 25 years.

A. Yes, sir.

Q. Did you know him after the date in question in this case, after the assassination Dr. Martin Luther King?

A. Yes, sir, I met him after the date.

Q. You met him afterward?

A. Yes.

Q. And you knew him for all of those years after the assassination?

A. Yeah, it was after the assassination. I drove a short time before the assassination, but I wasn't driving at

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the time the assassination happened.

Q. Right. But you knew Mr. McCraw during that period?

A. Right.

Q. Did you not only know him but were you actually living with him or close to him in the same building?

A. Well, we shared the same apartment building more than three times, and he lived with me a couple of times when he would get down on his luck.

Q. When he was down on his luck?

A. Yeah. He would lay around on my couch some.

Q. All right. So it's fair to say that you were quite a close friend of Mr. McCraw's?

A. Right, right.

Q. Now, did Mr. McCraw at various times in the course of this friendship discuss the assassination of Martin Luther King with you?

A. Yeah, he did.

Q. One time or two times or –

A. Oh, several times.

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Q. Several times.

A. Yeah, several times.

Q. And was he in any particular frame of mind or condition when this subject would come up?

A. He would usually be drinking when he started. I mean, you know, he would start talking about it.

Q. It was when he had been drinking?

A. Right.

Q. Did he ever volunteer any information when he had not been drinking?

A. No, he wouldn't talk about it then.

Q. Then he wouldn't talk about it?

A. No, he didn't want to hear about it then.

Q. And when he had been drinking over these many times when he spoke with you, did he tell you a particular story?

A. Yeah. He first come out with a – he showed me a story that the *National Inquirer* or one of those tabloids did on him, and they did a pretty good write-up.

Q. And was the story that he told you

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each of these occasions the same? Was it consistent?

A. It was – the story he told was consistent all those years. He didn't vary off of it.

Q. Over how many years would he have told you this story consistently?

A. Oh, I probably heard it at least 50 times at least.

Q. For how many years?

A. Oh, now you're trying to pin me down on dates, and I'm not good at dates.

Q. Not dates, but just roughly.

A. Oh, I would say probably 15 – something like that.

Q. Over 15 years. And what was the story that he told you consistently over 15 years?

A. Well, after I got – after I read the article and found out that he knew a little something about it, I got interested in it myself. And he would talk about Raul having a drink with him and he –

Q. Did he mention – let me interrupt

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you and try to focus you. Did he mention the defendant in this case, Mr. Jowers?

A. Oh, yes.

Q. Did he know Mr. Jowers well?

A. Yeah. He worked for Jowers at the time I would say. They were both working at the Southland Cab Company.

Q. They both worked with the same company?

A. Right.

Q. Did he tell you of his personal knowledge of any involvement of Mr. Jowers in the assassination of Doctor King?

A. Yeah, he said that Jowers gave him the rifle, and he took it and threw it off the Harahan bridge.

Q. He said that the defendant gave him the rifle?

A. Right.

Q. And by the rifle, do you mean the murder weapon? Is that –

A. Right, right. That's the story that he told.

Q. And he told you this same story over

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the years?

A. Same story over and over. He didn't vary off of it. And in the last he came up and I think they changed it to a bullet or whatever, but I don't remember if he changed his story or not. But he...

Q. But he consistently told you he gave him the murder weapon?

A. Right.

Q. Did he say that the defendant made any admission against his own interest? Did he say he made any admission when he gave him the rifle? Did he say anything to

him?

A. He said Jowers told him to get it and get it out of here now. He said that he grabbed his beer and snatched it out. He had the rifle rolled up in an oil cloth, and he leapt out the door and did away with it.

Q. And Jowers told him to get rid of it?

A. Right. That's the story that he told.

Q. Do you recall when he said that conversation took place?

A. No, I didn't. To try to pin me down

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on the date, I couldn't.

Q. Right. But would it have been your understanding sometime near to the assassination itself?

A. Well, see, I came in on the picture probably about five years after the assassination.

Q. Yes. No, I'm not talking about your conversation with McCraw. I'm talking about McCraw's conversation with Jowers. Would that have been around close to the time of the assassination?

A. Yeah, that's – the way I understand, right after it happened. Right after it happened.

Q. Now, was Mr. McCraw himself fearful of being charged or indicted?

A. That's the reason they all changed their stories. Every time they – McCraw really wanted to come out with it, but he was involved in it. And he couldn't really tell the truth. That's the reason all of them changed their stories all this time. Their conscious was getting hurt, and they were in

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fear of being indicted.

Q. Mr. Hamblin, did you tell anyone, in particular a landlord of yours, that McCraw knew something about this assassination?

A. Yes, I did.

Q. And was this a landlord in the premises where both you and McCraw were living?

A. We were both living at the same time, right.

Q. And what did you tell to your landlord?

A. He came by to collect the rent –

Q. Yes.

A. – and I had introduced him to McCraw.

Q. Yes.

A. And I told him he was involved in it in some way and he told us to move.

Q. He told you to move?

A. Right. In fact, he sent the police up there and harassed us. They locked McCraw up for having a knife, and we finally wound up being evicted in about a week.

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Q. So you were evicted by your landlord because you told him this story?

A. Right.

Q. Mr. Hamblin, who was your landlord?

A. It was Mr. Purdy.

Q. Mr. Purdy.

A. Right.

Q. And what did Mr. Purdy do for a living?

A. Mr. Purdy was an FBI agent.

Q. So your landlord was an FBI agent?

A. Yeah. I didn't know at the time that he owned the house. I rented from someone else, but he happened to be the owner. And he just bumped in to collect the rent.

Q. But you didn't know that he was the owner before this?

A. No.

Q. And do you know where Mr. Purdy was assigned as an FBI agent?

A. Probably Memphis office, Memphis region.

Q. The Memphis office?

A. Right.

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Q. And he told you to leave?

A. He told us both to move.

Q. Both to move. And did you move?

A. Yeah, about a week later we got kicked out.

Q. Now, I want to take you back, Mr. Hamblin, to 1968. What were you doing in 1968 for a living?

A. I was a barber back in '68.

Q. And where did you work as a barber?

A. Cherokee Barber Shop, 2792 Campbell.

Q. Right. And who was the proprietor, who was the owner of that barber shop?

A. Vernon Jones.

Q. Mr. Vernon Jones.

A. Right.

Q. How long did you work there as a barber?

A. Oh, I worked for Mr. Jones probably for about five years all totalled at two different places.

Q. Is Mr. Jones alive today?

A. No, Mr. Jones passed on some time ago.

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Q. And were you working as a barber in that barber shop April 4th, 1968?

A. Yes, I was.

Q. And were you working there immediately following the assassination?

A. Right. I was working there when they broke the news about – oh, I'd say about 6:00 – 5:30, 6:00 – something like that.

Q. Now, did you hear Mr. Jones have a conversation with one of his long-term customers?

A. Right.

Q. Within – how soon after the assassination did this –

A. I would say, oh, probably a week or ten days.

Q. Within a week or ten days after the assassination?

A. Yes, sir.

Q. And what did Mr. Jones ask this long-standing customer?

A. He asked him who did it or who do you think did it.

Q. Who do you think did it.

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A. Right.

Q. Meaning who killed Martin Luther King?

A. Right.

Q. And what did this long standing customer say to him?

A. He told him that the CIA had it done.

Q. That the CIA had it done?

A. Right. That's the answer he gave him.

Q. How long had this customer been a customer of Mr. Jones in the Cherokee Barber Shop?

A. Oh, ever since I worked for him.

Q. How many years roughly would you say?

A. Oh, I'd say probably – well, I know of five anyway.

Q. At least five years?

A. Yeah, at least five – five or six at the time that I worked for him he had been coming in.

Q. People often develop close relationships with barbers and bartenders?

A. Yeah, they'll tell a barber something

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they won't even tell their own psychiatrist.

Q. Was that the kind of relationship Mr. –

A. Yeah, that's the kind of relationship.

Q. – Jones had with this customer?

A. Right.

Q. Who told him the CIA had it done?

A. I mean I didn't hear the conversation myself. I asked him what he said when he left after he had told him.

Q. You asked your boss –

A. Mr. Jones what he said.

Q. Right.

A. And he told me.

Q. And that's what he told you.

A. Right.

Q. Would you tell the Court and the jury who was this long-standing customer?

A. It was Mr. Purdy, the FBI agent.

Q. The same Mr. Purdy?

A. The same Mr. Purdy.

MR. PEPPER: Mr. Hamblin, thank you very much. No further questions.

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MR. GARRISON: Mr. Hamblin, wait a minute. I may have a question if you don't mind.

THE WITNESS: Oh, okay.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Hamblin, Mr. McCraw was quite a heavy drinker, wasn't he?

A. Right.

Q. Alcoholic beverages pretty regular?

A. Right. In fact, he was an alcoholic.

Q. All right, sir. And I believe you said that you would have trouble believing him, didn't you?

A. Yeah. I had some trouble believing him at times, right.

Q. You knew Mr. Jowers, did you not?

A. Right. I worked for Mr. Jowers.

Q. And you never heard him say anything about any of this, did you?

A. Not really, no, huh-uh.

Q. You said Mr. McCraw would change his story from time to time when he told it?

A. Well, they was – what I mean was

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changing the story, they would accuse another dead policeman.

Q. When you say they, who are they?

A. Well, they first – they've named every policeman in the graveyard. Every time they get scared, they'll name another policeman as being the murder man.

Q. Are you talking about Mr. McCraw?

A. Well, both of them.

Q. Both of them who?

A. Mr. McCraw and Jowers.

Q. I thought you said you never have talked to Mr. Jowers about this, never had anything to –

A. Well, he's made several statements.

Q. Who has? Whose made several statements?

A. Well, I talked to him – I talked to him on the cell phone about six months ago, me and Millner.

Q. Okay.

A. And he told me that he didn't do it, but somebody by the name of maybe Earl Clark or something like that did it, and he did it

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or whatever.

Q. So that's been six months ago?

A. That's here recently.

Q. Did he tell you he didn't have anything to do with it?

A. That's what he said.

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

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Mr. Hamblin, just so that we're clear, did Mr. McCraw ever change the story he told you?

A. Never changed his story. He stuck with the basic same fact – I took the gun and threw it off of the Harahan bridge.

Q. So as far as he is concerned – as far as you are concerned, the weapon –

A. As far as I'm concerned, that's what happened. I mean, you know, I believed him because he stuck to the same story.

Q. So far as you're concerned, the murder weapon is at the bottom of the

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Mississippi River?

A. That's where I would – if I was going to go look for the gun today, I would go look and look at the middle river bridge because you can drive right to it. You can walk 20 feet and drop it and be back in your car in five seconds and be gone.

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

(Witness excused.)

THE COURT: Call your next witness.

MR. PEPPER: Plaintiffs call Mr. J.J. Isabel.

JAMES JOSEPH ISABEL,

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good morning, Mr. Isabel. If you have trouble hearing me, please just stop me and I'll speak louder. Thank you very much for joining us this morning.

A. Yes, sir.

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Q. For the record, would you please state your full name and address?

A. My name is James Joseph Isabel, 2344 Jackson Avenue, Memphis, Tennessee. Zip 38108-3236.

Q. Thank you, Mr. Isabel. I know you haven't been well, and we do appreciate you coming here. You were deposed in this case on October 14th, and you were kind enough to answer a range of questions at that time. And I'm going to put those questions to you this morning.

A. Okay, sir.

Q. What do you do now for a living, Mr. Isabel?

A. Well, I'm retired. I'm seventy-four years old, but I am an independent courier. I pick up food like for Memphis Hardwood Flooring five days a week, and I pick up pagers, take them to get repaired and take them back to the customer. That's all I do.

Q. And what did you do previously, Mr. Isabel?

A. Starting which year?

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Q. Let's just go through the range of jobs and work that you've done, if you can. Just very quickly try to summarize for us.

A. Well, in '43 I was a sailor in the Navy in a Pacific killing force, and let's see, then I

got out of the Navy. I went back to CBHS and got my high school diploma. I didn't have it before I went in the service, and then I've driven trucks.

I've driven chartered buses. I worked for Firestone at one time for six months, and I worked for Vet cab, Hams – Mike down at Yellow Cab and then Airport Limousine. Hams owned Airport Limousine. I met Jowers at Yellow Cab, and Airport Limousine, they owned – Hams might have owned Airport Limousine, and they owned something else too. Oh, it went from – I think we went from Yellow Cab –

Q. But basically you've done a lot of driving?

A. Yes, yes.

Q. You drove chartered buses?

A. Right.

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Q. You drove taxi cabs, limousine service?

A. Yes.

Q. That constituted the main part of your life, didn't it?

A. A lot of it.

Q. And when did you meet Mr. Jowers as you said?

A. I met Mr. Jowers at the Yellow Cab. That was probably in about seventy – around '77 I would think.

Q. So you met him when you were involved with Yellow Cab at the same time?

A. I was working at Yellow Cab with Airport Limousine and Hams might have hired Loyd to come down there and run I think the whole operation or the biggest part of it.

Q. That's around 1977?

A. Yes.

Q. Did you come to know Mr. Jowers pretty well?

A. Yes, sir.

Q. How often would you see him?

A. Oh, daily.

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Q. You saw him every day?

A. Five days out of seven.

Q. So five out of the seven days in that period from 1977, you saw him?

A. Right, and sometimes over the weekends if we had a holiday or something. We would run the buses from the airport to Millington.

Q. You saw him then as well?

A. Yes, sir.

Q. So you became quite friendly with him?

A. Yes.

Q. Did you go on any chartered bus runs with Mr. Jowers?

A. Yes.

Q. How many did you take with him, do you recall? If you don't, it's all right, but roughly?

A. Out of town probably four or five, and in Memphis, a lot of them – a lot of school trips and trips.

Q. I know it's a long time ago and you've had some medical problems even since

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the deposition.

A. Yes, sir.

Q. So I'm going to try to move you through your testimony. Did you go on a trip with Mr. Jowers over one St. Patrick's Day, a chartered bus trip with him?

A. Yes. Loyd and I took two bus loads of bowlers to Cleveland, Ohio, and that was St. Patrick's Day. The reason I remember it, we were drinking green beer.

Q. Do you remember what year that was?

A. Pardon?

Q. Do you remember the year? Which St. Patrick's Day?

A. That had to be '79 – '78 or '79, but I'm saying '79.

Q. Around 1979?

A. It was winter because Lake Erie was frozen over.

Q. Right. March 17th, 1979?

A. That's what I'm thinking.

Q. And that trip was to you said Cleveland?

A. Yes.

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Q. In the course of that trip to Cleveland, did you share a room with Mr. Jowers?

A. Yes, sir.

Q. In a local hotel?

A. Yes, sir.

Q. And did you eat with Mr. Jowers?

A. Oh, yes.

Q. Share –

A. Did I eat with him?

Q. Did you eat?

A. Yes.

Q. Did you go to dinner with him? Did you drink with him?

A. Yes.

Q. Were you together with him most of the time?

A. Except when he was driving one bus and I was driving the other one, yes, sir. We would go to the same destination, and then we'd usually meet and go and get something to eat after we took care of the people.

Q. In the course of one evening on that trip to Cleveland, did you have a discussion

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with Mr. Jowers about the assassination of Martin Luther King?

A. Yeah, after we had gone and got the bowlers, we went out and ate down on the pier, a restaurant down there, and then we went back to the hotel. And I took a shower. I don't think Jowers took one then.

I took a shower, and I came out. And he was sitting on the bed, and I sat down with my back against the bathroom on the floor. And for some reason, I just said – I said, Loyd, did you drop the hammer on Martin Luther King. And he just kind of hesitated for a moment or two, and he said you think you know I did. I know what I did, but I'll never admit it or tell it in a court of law. And I said, oh, and I didn't mention it to him again after that.

Q. Did you expect that reply?

A. Maybe, yeah.

Q. And when you asked him did you drop the hammer on Martin Luther King, what were you asking him?

A. If he fired the shot that killed him.

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Q. And his response again?

A. Pardon?

Q. And what was his response again to that question?

A. Oh, he said you think you know who did it, but I know who did it, but I'll never admit it or tell it in a court of law.

Q. Did you ever raise the subject with him again?

A. Huh-uh, no.

MR. PEPPER: No further questions.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Isabel, you knew Mr. Jowers quite well. The two of you were on trips together, weren't you?

A. Yes, sir.

Q. And this is the only time that subject ever came up was just the one time; am I correct, sir?

A. The best I remember.

Q. He never admitted to you or anyone in your presence he had anything to do with it

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or knew anything about it other than this one time; am I correct, sir?

A. Yes, sir.

Q. All right. And on this time, both of you were drinking, weren't you?

A. Uh, yes.

Q. You had been drinking a little beer; am I correct, sir?

A. Well, the best way I can describe it, I can get high on two beers and I had about six. And Loyd is a pretty heavy toper. He can handle it, and I would say he would drink close to 20 beers or more.

Q. All right. Your question to him was did you drop the hammer on Dr. Martin Luther King, and that's your question?

A. Yes.

Q. He simply said you think you know who did it, but I know who did it and I'll never admit it. Is that basically what he said?

A. Yes, sir.

Q. But he never said he had anything to do with it, did he?

A. No.

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Q. That's the only words he ever used –

A. Yes.

Q. – that he knew who did it? Is that right, sir?

A. Yes, sir.

MR. GARRISON: Okay. That's all. Thank you.

MR. PEPPER: Nothing.

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

THE WITNESS: Thank you.

MR. PEPPER: Thank you.

(Witness excused.)

THE COURT: Next witness.

MR. PEPPER: Your Honor, plaintiffs call Mr. Jerry Ray to the stand.

JERRY WILLIAM RAY,

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good morning, Mr. Ray.

A. Good morning.

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Q. Thank you for coming some distance to be with us today.

A. Yeah, I'm glad to come down.

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

A. My name is Jerry William Ray, brother of the late James Earl Ray, and I live in Smart, Tennessee, 107 Short Street.

Q. Mr. Ray, you are the brother of James Earl Ray?

A. Yes, sir.

Q. Would you just describe for the Court and the jury the circumstances in which you were raised and lived as children?

A. We came up real poor during the depression days. We lived out on the farm most of the time, and that's when my brothers – they had a WPA and he just barely got by until after the depression. And then my daddy got a job on the railroad, and then we were just average people then. But back during the depression, everybody had it bad – anybody who can remember back then.

Q. How many children were there in your

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family?

A. There was nine all together.

Q. And where were you and James in that constellation?

A. James was the first born, and then they had a sister Marjorie and John, then I was the fourth born. We had seven years age difference.

Q. Seven years –

A. Yes.

Q. – difference between the two of you?

A. Yes.

Q. And what grade did James go to in school?

A. I'm not positive what grade. I think he went to about a year of high school I think, but I'm not positive of the grade he went to.

Q. What did he do after that?

A. He went to – he moved to Alton, Illinois. See, we lived in a little town outside of Quincy, Illinois named Ewing, Missouri, and Alton, Illinois is about 100 miles from Ewing, Missouri. And my uncle

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lived in there and my grandmother lived there, and they got him a job working at the Tambery Room. He was fifteen or sixteen.

Q. And he held that job for how long?

A. He held that job – I forget how long it was until he went into the Army.

Q. And he had worked up until the time he went into the Army?

A. Yeah, he worked every day up until the time he went in the Army.

Q. What do you remember him doing after he got out of the Army?

A. I don't remember all that much because he didn't – he came there a couple times to visit my mother and my dad. We lived in Quincy, Illinois. That's where I was born, and that's where most of our relatives are from. He come once in a while, but I didn't see him that much.

Q. Mr. Ray, as you were growing up with James, did you notice any signs – obvious signs of racism or hatred of black people?

A. No. It would be strange to have any hatred because Ewing, Missouri was just a few

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hundred people, and I didn't never see one black person in the town. It's just a little bitty town, and Quincy, Illinois, where I grew up, they had 42,000 people – 2,000 blacks and 40,000 whites so I never even went to school with one. See, and James didn't either so you can't hate somebody unless you something – you know, do something to you.

Q. As he got older though and as you associated with him, did you see any hostility toward black people?

A. No, he never did have no hostility toward any race – not only blacks, but Hispanics or anybody. What he tried to do is live and let live.

Q. Now, he began to get in trouble at various points in his life?

A. Yeah, after he got out of the Army.

Q. After he got out of the Army. What was the reason for that? Do you understand how –

A. No, nobody could understand that because before he went to the Army, he was a hard worker. And he went in the Army and

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after he came out of the Army, he just lived the life of crime after that.

Q. How did he get involved with various types of petty crimes and small time criminals?

A. Unlike a lot of the media think, he's easily – if he makes friends with somebody, he's easily led around too, see. And I know he committed – he robbed a post office outside of Quincy, Illinois. This is back in the fifties, and this Walter Rife was his name. He's a ringleader. After he got him to rob this post office – I mean he's as guilty as Walter Rife was for doing it, but then he went on a cash spree. They stole all his money and he got arrested in Kansas City, Missouri. Then they sent him to the Leavenworth Federal Prison.

Q. But where did he meet people like Walter Rife?

A. He met him in Quincy, Illinois.

Quincy – it was a real kind of a corrupt town back in the fifties. They had a write-up in the magazines about them.

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Everything was open, see – gambling, prostitution, everything. And I knew Walter Rife and I knew his brother, Lonnie Rife, and like I say, it's a small town. Only got 42,000 people in the town.

Q. Did James tend to hang out in bars?

A. Yeah, on Fifth Street in Quincy, Illinois. That's where most of the main ones was at, and then on Third Street, it was a house of prostitution – the whole Third Street. So when you go up to the tavern, most of the people you run into was pimps, ex-convicts or something like that.

Q. Well, eventually he was sentenced and he went away?

A. Yeah, he was sentenced to Leavenworth, and I think he got out in 1958 I think – '58 or '59, and he was sentenced in there – I think he did a little bit over two years in Leavenworth Federal Prison. Then he got out, and then he met up with a guy named Owens. Owens, he was an ex-convict and they did several things. They robbed a Kroger store, and then he got sent to Jefferson City

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for that.

Q. Do you know where he met Mr. Owens?

A. No, I don't because I wasn't in St. Louis at that time. I don't know him.

Q. So he was sent to Jefferson City Penitentiary?

A. Yeah, for 20 – I think it was for 20 years.

Q. Now, did you visit him when he was in the penitentiary?

A. I only visited him a couple times. I didn't visit him much because I was working up in – we wrote all the time. I mean every week we exchanged letters, but when I would get down in that area, I would visit him. But I didn't get to visit him that much.

Q. Well, he eventually escaped from Jefferson City Penitentiary, didn't he?

A. Yes.

Q. He escaped in April of 1967?

A. Yes.

Q. Did you see him after he escaped from prison?

A. Yeah. Well, I – see, I didn't know

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he was going to escape, but my other brother John had visited him the day before he escaped. And James told him he was going to escape and for him to come down and pick him up and which John did. And John brought him straight to Chicago, and we rented a room at the Fairview.

I didn't know all this. They rented the room, then they called me up. John called me up, and I came in and we all stayed at the Fairview that night. That's on South Michigan Avenue in Chicago. So that was how they escaped. Then after that, John went back to St. Louis. We used to give James \$100 because he didn't have no money. He escaped.

So John went back to St. Louis and James – and I went back to work the next day. Then James got a paper and he found an ad in there at Klinglens (spelled phonetically) Restaurant in Winnetka, and Winnetka is only a few miles from where I'm at. And he went to work there, and we used to meet every week or so at a bar there in

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North Brook, Illinois.

Q. Well, where were you working at the time?

A. I was working at the Sportsman's Country Club in North Brook, Illinois. That's about five or seven miles from where he was working at.

Q. And you would then see him from time to time?

A. Yeah, every week or every other week.

Q. Did John have any more contact with him?

A. No. Once John left us, you know, the Fairview Hotel in Chicago, he never had no contact with James until he got back to Memphis. You know, when he was brought back from England.

Q. You mean he had no contact with him from the time he escaped to the time he was captured?

A. Yeah, the day after James escaped, John left and went back to St. Louis and I went out to work. And John didn't ever have no contact with him after that.

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Q. So were you the only family member who had contact with James?

A. Yeah, the only one. He called me every once in a while.

Q. During his fugitivity?

A. Yes, sir.

Q. How long did he stay at this job in Winnetka?

A. Let's see, he stayed there close to three months.

Q. What did he do after this job?

A. Well, he saved up a few dollars that he could save up, and he bought an old car. I think it was a '57 Dodge because he was talking when he escaped, when John was there too, when he got out, he had to get out of the country, see, and he had to leave because he had all this time to back up. And not only the 20 years then for escape and everything. So he told John – John heard that too, and he told me, he said I'm going to try – I'm going to save up some money and go to Canada and try to figure out a way to get out of the country. And so that's what

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he did. He saved up. He worked there about three months and he bought an old junker, old Dodge. Then I met him the night before he took off and then he took off and went to Canada.

Q. Do you recall the date that you met him before he left for Canada?

A. No, I don't recall. It was about a day before that he took off for Canada.

Q. Which month was it?

A. That was in July.

Q. Was it –

A. July of '67.

Q. Was it toward the end of July?

A. It was either the middle or late part of July, and the only reason I know, my birthday is the 16th, so it was a little bit after that.

Q. Sometime after that?

A. Yeah.

Q. And he left and went to Canada?

A. And went to Canada.

Q. Did you have any contact with him when he was in Canada?

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A. No.

Q. When was the next time you saw or heard from your brother James?

A. Well, the next time I heard from him and I can't, you know, quote the days because I don't keep diaries or nothing, but I guess it was about six, seven weeks afterwards.

And I think it was in September, probably late September. He had this pay phone, where I didn't have no phone in my room.

I worked at the country club where you get room and board, and we had this pay phone in the hallway. And he had the number. That's how you get a hold of me.

Well, he called one day or one evening and told me to come to Chicago because he knew my day off. He arrived where so I would have the day off. He said don't bring your car in because I'm going to give you my car, and so then – so then I took a train.

They had the Northwestern that runs in down in the loop and he met me down there. And we spent the night together, had breakfast together, and he was talking to

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me. And he was all happy and, hell, he was – he had plenty of money on him. So he said I'm going to go down to Birmingham and buy a late model car. He said you can have this. He said I'm working now, and he mentioned Raul.

I can't exactly remember how the Raul came in. I worked for a guy named Raul or something like that, but then he said – he had a big box of stuff. He said take this to Union Station – that's a railroad station downtown Chicago – and mail this down to me at Birmingham and mail it to Eric S. Galt. He said from now on I'll be known as Eric S. Galt. And so that's what I did, and he gave me the car. Then I took him to the station, and later on I mailed that stuff down to him as Eric S. Galt.

Q. So he came back from Canada. He had a job so he told you.

A. He told me he had a job working down there.

Q. He was working for somebody he met in Canada?

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A. Yeah, and he mentioned his name – Raul.

Q. Somebody called Raul?

A. Yeah.

Q. Did he tell you what the job was?

A. No. I knew it was something illegal. I figured it was dope or car theft or something. You know, I didn't know what it was, and I didn't actually care that much, but I knew it was something illegal because he was trying – he said he was working this, you know, this guy he called Raul to get enough money so he could get out of the country, you know, get out of Canada and the United States totally.

Q. So he was doing – taking on this job, whatever it was, so that he could get out of the country?

A. Yeah, get out of the country.

Q. That was the reason he went to Canada in the first place?

A. Yeah, and I didn't actually – I kind of wish I had of now because, you know, I'd know more to testify to, but I didn't know

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more about it. But right then I wasn't even inquisitive because I knew he was doing something illegal and then met some guy over there and this guy is paying him to run dope or whatever he's doing. And I don't even think half the time he knew what he was doing because they just had him drop a car off in Mexico and drop one off in New Orleans.

Q. So after he saw you, you talked with him in Illinois and he went to Birmingham, did you have any contact with him over the course of the next year?

A. Well, up until the time King got killed, from the time we left Chicago when I seen him last, he called me three times.

Q. And what did he say on those?

A. It wasn't nothing. It wasn't nothing but just I'm working or asking how the family is

and this and that. And every call would be under three minutes because I hear him put the change in and the operator would never come on. It would be less than three minutes each call. So probably – I probably talked to him about six, seven minutes since the

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last time I met him when he left Chicago until King got killed.

Q. That's the only contact you had with him?

A. The only contact I ever had with him after that.

Q. Have you ever known your brother James over all the years you knew him when he was free or when he was inside even –

A. Yeah.

Q. – did you ever know him to engage in violence?

A. Never. He never had. He never had – the most violent thing he ever did was rob a store, you know, the Kroger store.

That's the most violent ever, but there never was no violence used in that, you know. And in fact, before that he was always, you know, like a burglar. You know, like breaking in and stealing money, but then when he got with that – I mentioned his name before – Owens. Owens did robbery, see, so then he went in on the robbery.

Q. In the course of this time when he

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was on the run after he returned to the United States and those three phone calls that you had with him, did he ever mention Dr. Martin Luther King?

A. No. The King name never came up when we was in the hotel when we met together and stayed all night or in no phone calls. The King name was never mentioned, and the last thing James was thinking about was, you know, Jackson or

King or Kennedy or any of them people because he was trying to stay out of prison.

Q. So there was no mention of them?

A. No.

Q. Was there any mention of any activity that he was being asked to do related to Dr. King?

A. No, never nothing.

Q. Now, eventually he went to England, was extradited and was imprisoned in the United States?

A. Yes, sir.

Q. Did you have more contact with him after that?

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A. Oh, yeah, I was coming down here to Memphis back in '68 when they brought him back about every week, and I'd drive down and we'd visit. And what they had – like Mark Lane said, he was treated worse than prisoners of war, you know, the guys they tried in Nuremberg. He had a TV set on 24 hours a day and the lights. They xeroxed all of his mail, and they had him on TV all the time, you know, hooked up. And so when we would visit, he would have to write me notes and flash them because otherwise they would know everything that he knew.

Q. Did he give you the impression that he was determined to go to trial?

A. He was determined. He was determined. That's the only thing he wanted was a trial because he said he'd have to go to trial. He said only way I can, you know, convince the people that I'm not guilty and try to show the people where I'm at was take a trial. That was the first trouble he had with his first attorney Haynes because William Bradford Huie told Haynes that James

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Earl Ray can't take the stand because if he takes the witness stand, I don't have no book. So that's when he replaced him.

Q. Well, there was a contractual relationship between a book writer and his first lawyer?

A. Yeah, Arthur Haynes went over to England, the first attorney James had, and he brought a contract over for him to sign that he would represent him if he signed that contract where he'd get all the royalties off the books, you know. And so then William Bradford Huie was the one that paid him the money.

In fact, before he fired Haynes on November 1st of 1968, I flew down to Harpersville, Alabama and talked to Huie. Huie paid my way down there because he wanted another contact besides the attorney so he was showing me these contracts, and he's talking about changing them around where James would get the money because his idea was he'd pay your money. He'll even brag that everybody has got their – you know,

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paid.

And so I told him – he told me, he said the only thing is now you go back and tell James he's not going to take the witness stand because if he does, I don't have no book. So I went back and told James you ought to fire Haynes because Huie is running the case.

Q. Well, the writer told you that James shouldn't take the witness stand when he went to trial?

A. Yeah, that was later on in a – later on in a phone conversation with the – later on in a conversation with Mark Lane –

Q. Well, we'll come to that conversation.

A. Yeah.

Q. And in the event, James did not have a trial?

A. No, he never had no trial.

Q. How did that come about when he was so determined to have one?

A. Well, what he done when Arthur Haynes told him he couldn't take the witness stand

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and James said that's the only way I can, you know – because he couldn't give these lawyers like Haynes – every time you give him some information, a phone number or something, he'd give it to Huie. And he said how can I get a trial when they know everything I'm going to testify to.

And so when he got rid of Arthur Haynes, then he got Percy Foreman, and Percy Foreman came in and said this is going to be the easiest case I ever had in my life.

There's no evidence at all against him, and he did that up until about a month before the guilty plea.

Then he started crying saying they're going to execute him, they're going to do this, do this. And so James asked him to resign from the case because he was determined to go to trial anyway, and Foreman wouldn't resign. And Judge Battle said if he fired Foreman, he had to go to trial with a public defender.

Q. So the result was that he didn't go to trial?

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A. No, he didn't go.

Q. He pled guilty?

A. Yeah, Percy Foreman pled him guilty.

Q. I'm going show to you a letter, Jerry, that was written to James Earl Ray by Percy Foreman.

(Document passed to witness.)

Q. Take your time, please, and read it.

A. Yeah, I know all about this.

Q. What is the date of –

A. This is May the 9th –

Q. What is the date of that letter?

A. March the 9th, 1969.

Q. March what?

A. 9th.

Q. March 9th, 1969?

A. Yeah.

Q. And when was the guilty plea hearing?

A. Right around that time.

Q. If I may inform them, it was March 10th. As a matter of fact, it was March 10th –

A. Yeah.

Q. – the following day.

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A. Yeah.

Q. And what is the purpose of that letter from Foreman, his attorney, to James? What does he tell him there?

A. Well, James told me – you know, I went down there when Foreman tried to get him to plead guilty. And he said he's still, you know, was fighting against it. He said what I'll do, I'll have Percy Foreman to give you \$500 before I'll plead guilty. Then you can go down and get another attorney to reopen the case in which I used the money,

the \$500, I flew down to New Orleans. This is even in a book because the guy I went down to see about an attorney, he didn't trust me. He didn't know what I was coming down there for so he notified the police and the FBI. And we met in the park and the police was all out in the park.

Q. Let's focus on this. This is a letter from his counsel on the eve of trial, and this letter offers you – offers him \$500.

A. Yeah, if –

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Q. Under what conditions was he offered \$500 by –

A. Yeah, if he don't do no – if he pleads guilty and don't embarrass him in the court. That was the agreement.

Q. And that \$500 –

A. And he went along with the guilty plea. He put in a guilty plea.

Q. We understand that \$500 was to be taken to hire a new lawyer to try to set it aside?

A. Yes.

Q. Was there in fact an application to set aside that guilty plea shortly thereafter?

A. As soon as James got to Nashville, he wrote a letter to Judge Preston Battle and asked him to take the letter for motion for a new trial and that Percy Foreman has been relieved. And when Battle died a few days – I don't know, 20 days or whatever it was after the guilty plea, he had three letters from James asking for a trial.

MR. PEPPER: Your Honor,

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plaintiffs move admission of this letter.

(Whereupon, the above-mentioned document was marked as Exhibit 19.)

Q. (BY MR. PEPPER) So he pled guilty and was sentenced to 99 years. Did there come a time when you had further contact with William Bradford Huie?

A. Yes, back in – I think October I believe it was of 1977 when James Earl Ray escaped from Brushy Mountain Prison. His attorney then was Jack Kershaw, and I knew – I had known Mark Lane, an attorney.

And *Playboy* came out with a dirty story about my brother so I recommended to James that he get Mark Lane to represent him. So Mark Lane took over the case. Just before he escaped, the trial was supposed to start. That was in October.

Q. Let me try to move you through to the point at hand. Did you have a conversation with William Bradford Huie around that time, October of 1977?

A. Yes, sir. The day after the escape trial, I called William Bradford Huie.

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Q. And James had been in prison then for approximately eight years?

A. Yeah.

Q. And in the course of that conversation, did Bradford Huie make an offer to you –

A. He made –

Q. – to take to James?

A. Yeah, he made an offer, and we got it on tape. He made an offer that we taped for \$220,000 if I get him in to see James.

Q. Well, he wasn't paying \$220,000 for a visit.

A. No, no.

Q. What was the offer?

A. \$220,000 if he would tell him about killing King and he had to give him, you know,

a story about that he killed King and that – he said that's the only way a book will sell if you write a book that he killed King.

Q. What would James do with \$220,000 if he was in prison?

A. Well, he said that – he explained

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that – he started off with that Blanton was the governor, and he said we get James out through Blanton and you and James both can live good in another country.

Q. So he was going to arrange a pardon?

A. Yes, through Governor Ray Blanton.

Q. Did you record that telephone conversation?

A. Yeah, it was all taped. Me and Mark Lane taped it.

Q. And was there a transcription of that recording?

A. Yes.

Q. Let me show you this transcription.

(Document passed to witness.)

Q. Would you tell the Court and the jury what is the heading of that transcription, the date, time and place?

A. It's October 29, 1977, a.m. – 9:45 a.m. Jerry William – Jerry Ray or William Ray, Bradford Huie, Oak Ridge, Tennessee, rural Scottish Inn.

Q. Would you just look through that transcription and see if you recognize it as

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the transcription that was made of the tape recording of that conversation?

A. Yeah, that's it.

MR. PEPPER: Plaintiffs move the transcription into evidence.

(Whereupon, the above-mentioned document was marked as Exhibit 20.)

Q. (BY MR. PEPPER) What happened to the tape of that conversation?

A. Mark Lane made the tape and he turned the copy over to the House assassination Committee that was investigating the King assassination of Kennedy at the time, and he kept the other one.

Q. So the [House Select Committee on Assassinations](#) had a copy of that tape recording?

A. Yes, had a copy of it.

Q. That same committee decided that there was no Raul?

A. Yeah.

Q. Is that right?

A. That's right.

Q. And that in fact James got his money

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that he said Raul gave him from robbing a particular bank in Alton, Illinois?

A. That's right.

Q. Did James rob that bank in Alton, Illinois to the best of your knowledge?

A. No. I don't know who robbed that bank. It's still unsolved. I know [they had claimed that me and James robbed the Bank of Alton.](#)

Q. They not only claimed that, there was a front page, column one article in the *New York Times* on the 17th of November 1978. I'd like to show you that article.

(Document passed to witness.)

A. Yeah.

Q. Now, that article claims, does it not, that the *Times* investigation, the FBI investigation and the congressional investigation all –

A. Yeah.

Q. – concluded that you and your brother robbed that bank?

A. Yeah, robbed that bank.

Q. Did you take any steps yourself as a

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result of those charges?

A. Well, what happened was I was in St. Louis and James was testifying in Washington in front of the assassination committee, and they said we're going to prove you and your brothers robbed the Bank of Alton and used the money to finance the King killing. So a friendly reporter there named James Alber (spelled phonetically) – Mark Lane had called him the same day they accused us when he got a recess from the assassination committee and asked him to take me over there and waive the statute of limitations.

And so Alton, Illinois is only about 20 miles from St. Louis, Missouri. So we drove over there and we went in the police station. First, we went in the bank and they had a different president then. And so then we went down to the police station and I turned myself in and waived the statute of limitation so they could prosecute me. And they said are you here to confess to the crime. I said I can't confess to a crime

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that I didn't commit, but I said Congress accused me of committing a crime so I'm here to stand trial. He said you never was a suspect.

Q. The police officials in Alton, Illinois said you never were a suspect?

A. Never was a suspect.

Q. Did they ever explain to you how this type of article got written?

A. No, no. They was mystified that, you know, they even accused me of doing anything, and so I don't know if it was FBI making stuff up or where it's coming at. But it became – and like I say, I knew I couldn't have been a suspect because I worked from '65 to '68 in the North Brook – Sportsman's Country Club in North Brook. Never was late, worked six nights a week, never was late or never missed a day.

Q. Did they tell you that they had been interviewed by the *New York Times*?

A. No, they didn't say anything.

Q. There was no reporter from the *New York Times* that interviewed them?

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A. Not that I know of.

Q. Did they tell you they had been interviewed by a House Select Committee investigator?

A. No.

Q. Did they tell you they had been interviewed by the FBI?

A. No. As far as that, no, nobody had ever talked to them about it as far as I know because they didn't say anything about it to me.

Q. Yet somehow this appears column one, *New York Times*, byline Windell Walls, Junior.

A. Yeah.

Q. 17th of November.

A. See, I don't know if this has anything to do with it, but in 1981, F. Lee Bailey had a TV show called Lie Detector on and they threw me out there. We did two lie detector tests, and I got tapes of the test put away. And one, if I was involved in the King assassination and the one was was I involved in any bank robberies. And we did two shows and both showed I was innocent. I

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wasn't involved in no bank robberies or no Assassinations.

Q. Mr. Ray, let me show you an FBI air-tel dated on July 19th which supplements one of 7-26-68, and it has to do with an FBI review of all fingerprints related to bank robberies at the time in question.

(Document passed to witness.)

Q. What is the conclusion of the bureau's analysis of all of the fingerprints of suspects at that time with respect to James Earl Ray? This is a comparison of your brother's fingerprints.

A. According to this, they took fingerprints and it wasn't his. They couldn't pick up his fingerprints.

Q. What's the last two or three words?

A. The last – no identification effected.

Q. And that was in '68?

A. That was in – let's see, where is it? 8-1-68 I think. Yeah, or 8-2-68.

Q. About a year after –

A. The bank was robbed.

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Q. – the bank was robbed and some nine years before the allegations again

surfaced?

A. Yeah.

Q. Did you testify before the [Select Committee on Assassinations](#)?

A. Yes, I testified.

Q. Did they raise this issue with you?

A. Yeah, they raised the bank robbery. I couldn't believe it when they raised the bank robbery. I told them, I said, what, are you pulling a joke here? I said I've been over to the bank and the police station and turned myself in. Oh, we're not playing no joke he said and so – but then they basically got off that bank. And at first, he started on the banks and the races and all this other stuff. Every time they had a different reason the reason he killed King.

Q. Do you know what the House Select Committee on Assassinations concluded with respect to whether or not your brother was a racist when racism was a motive in this crime?

A. Yeah, even they admit that wasn't

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true, that he wasn't a racist. They went through his background, our whole family backgrounds, and they couldn't find nothing in our backgrounds.

Q. Moving on, Mr. Ray, did it ever occur to you in the course of your brother's imprisonment, either to him or to you, to contact the family of the victim in this case?

A. I thought about the King family a lot over the years, and in a way I wanted to, but James – I talked to James about it. He said don't bother them people. He said they've had, you know – they've lost that. He said they're liable to look at you and think you're the brother of the murderer. He didn't know how they felt, see, and it wasn't until he was dying then a lady reporter from the *New York Times* called me up. And I don't remember her name.

And she asked me if I would talk to the King family if I had a chance, and I said sure I'd talk to them. And I told her the same thing. I said if me and James ever

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talked to them, he goes we'd be out of order, you know, trying to talk to them. And then this reporter told Dexter or Coretta King what I said and that's how we got talking together.

Q. And that's how the communication started?

A. Yeah, that's how the communication started.

Q. Were you surprised when they took a position in support of a trial for your brother?

A. I was because I knew it was going to hurt them bad because the government media, they're going to really come down on them like they come down on the Ray family. So it surprised me because I knew for all these years they've been getting good press, and all at once, the press is going to turn against them.

MR. PEPPER: Thank you, Mr. Ray.

THE WITNESS: Thank you.

MR. PEPPER: No further questions.

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THE COURT: Let's see if Mr. Garrison has any questions for you.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Ray, you and I have talked previously a few times.

A. Yes, sir.

Q. And you understand we're here trying to get the truth.

A. Yeah, that's what we're after, the truth.

Q. Let the chips fall where they may. You understand that, don't you?

A. Yes.

Q. Let me ask you something. Going back to the time that your brother escaped from prison, how long had he been serving then? How long had he been in the prison there?

A. He had already been in seven years and he had a 20-year sentence.

Q. And had he made some effort to escape before this time?

A. Yes, he had tried to escape before. Two or three times – I forget exactly.

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Q. Did he ever state to you that he had any contact or any influence with a warden of that prison?

A. No, he never did. In fact, like I said, I only visited him a couple times in seven years at the prison. And John, I don't know, my other brother, he visited him maybe four or five times. But when I went down there them two times, it was just a friendly visit.

Q. And when he escaped, you said I believe that you met him the next day?

A. Yes, sir.

Q. And where was that that you met him?

A. Well, John brought him up. John picked him up when he escaped and he brought him to the Fairview Hotel. That's on South Michigan Avenue in Chicago.

Q. And his plan at that time was to get a job and then try to get into Canada?

A. Yeah, he – the next day – we all three stayed together that night, and the next day John drove back to St. Louis and I went back to North Brook. But before we did,

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we each give him \$100.

Q. Okay. Mr. Ray, let me ask you something. You – after the assassination, you talked to your brother I know several times or at some time to confer with him?

A. Yes, sir.

Q. Did you ever ask him who he thought did the assassination?

A. Not completely. He knew some way that they know who done it and that it's being covered by the FBI, but he didn't know who done it or why it was done. And everybody got their own speculations and that's why even until the day he died, he fought to get these files released that's locked up and won't be released for another 30 years. And Clinton said they could be released, but they still won't release them.

Q. Why are those files sealed for 30 years? Have you been told?

A. Like James said before he died, they didn't seal them files to protect me.

Q. Who sealed the files?

A. The assassination committee, they had

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them sealed and then I guess with Congress.

Q. Let me ask you, as you know, I've spent two days taking your brother's testimony in prison. Did you ever see him with this person called Raul?

A. No, no, I never – I only heard him mention his name one time. That's when he came back from Canada.

Q. Did you – did he tell you that Raul was financing him and helping him?

A. Yeah, he said he was working for Raul.

Q. What kind of work was he doing for Raul?

A. I don't know. I knew it was something illegal. I assumed gun or drugs or something because he's telling me about taking them cars to different cities, you know, and dropping them off so I figured it was narcotics.

Q. Do you know – did you have any discussion with your brother before he entered a guilty plea? Did you have any conference with him about that?

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A. Yeah, I came down to visit him. See, everything we said was taped so you have to watch what you say and they got the lights and everything because I didn't want to see him plead guilty. I knew what struggle he was on, but he told me too the last time I seen him he still hadn't made up his mind.

He was still fighting to go to court, and he told me that Foreman told him if he didn't plead guilty, they was going to put my dad in prison which my dad had jumped parole back in the twenties and was going to charge me as being an accessory to the murder.

Q. Let me ask you, did you know he was going to escape before he did?

A. No, I didn't know that. John did. I didn't.

Q. You had no knowledge?

A. No. I was working up in North Brook. I was working there like I say six nights a week.

Q. Did he ever mention to you as to how he came up with these aliases that he had, where he got those names from? He had

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several aliases.

A. No, I never did – I knew a couple of them – a Harvey Lomar he used. I grew up with a guy named Harvey Lomar, a friend of mine in Quincy, Illinois, but the other one like the Eric S. Galt and the Ramone Sneyd, I didn't know how he got them.

Q. Mr. Pepper asked you about the congressional committee. You testified in that, didn't you?

A. Yes.

Q. All right. And the conclusion was that your brother was the one that did the assassination, wasn't it?

A. I think their conclusion – if I remember right, they claimed that he heard of a \$50,000 bounty while he was in the Missouri prison and he went out and killed King but didn't pick up the bounty and took off. That was actually kind of a sad joke. Here you're going to go out and commit a crime and all this money spent traveling all over the world and don't pick up the bounty. Yeah, there's supposed to have been two guys, Sutherland

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and Kauffmann, in St. Louis supposed to have been racists that put up the \$50,000 bounty, but they was both dead.

Q. Mr. Ray, had you ever heard anything about a bounty from someone in Missouri on Dr. King's life?

A. No. The only thing I heard is what the assassination committee – when they came out, that's the first I heard of it.

Q. Did your brother ever mention to you that he was ever in a place called Jim's Grill at any time?

A. No, I don't – see, the only thing I can remember, he was telling me about where he was at at the time that King got killed. He was at a service station trying to get a tire fixed, but he never did hardly mention Jim's Grill to me. I'm not saying he wasn't in there because I don't know.

Q. Let me ask you this. Did he tell you that the day this happened that he had gone up to this rooming house and had registered as a guest, paid some money? Did he ever tell you that or did he tell you what he was

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doing there?

A. Oh, yeah, he told me that I think it was at the DeSoto Motel he had bought this gun – was in Birmingham I think it was. And then he – then Raul said it was the wrong one and he had to take it back and get another one, and he told him to meet him at that motel in DeSoto. Then he picked the gun up or Raul picked the gun up that night and later on told him to rent a room on this place on Main Street.

Q. Did he tell you that he had gone into the rooming house and had taken any of his clothing or personal items?

A. No, I didn't ask him what he brought in there. I never did – the only thing I knew, he went in there and they had – later on that night had Raul and another guy in there. And he said that Raul used his car a lot, that Mustang, so Raul told him he wanted to use the car later that time and he wanted to talk to this guy, you know, by himself anyway. So James told him, he said I'll go get the tire fixed. He had a flat

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tire coming in, and that's when he went up to get the tire fixed.

Q. He spent some time in Atlanta, did he not, before the assassination?

A. Yeah. He lived in Atlanta. I can't remember the name of the place he lived at, but some apartment places in Atlanta.

Q. Okay. Mr. Ray, let me ask you this. You're aware of the fact that after the assassination, a map was found that your brother owned that had a home, business and another location where Dr. King stayed that was supposed to be part of his property. You're aware of that, aren't you?

A. Yeah, I've read that.

Q. Have you ever seen the map?

A. No. The only thing I know is what I read. I read something that something was circled – a church or –

Q. A church and his office I believe was circled.

A. Yeah.

Q. Did you ever see the Mustang that was supposed to be driven by your brother – the

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white Mustang?

A. No. I've never seen it in my life to this day because I never did see James after he left Chicago. Then when they took the Mustang, I think they sold it to somebody here in Memphis – a car lot.

Q. After the assassination on April 4th, 1968, when did you hear from your brother again? Did you talk to him any more after that, the 4th?

A. No. After – I can't remember for sure. I think it was about two months before the assassination. Then the next time I talked to him is when they brought him back from England to Memphis.

Q. So you had not talked to him from the assassination up until he was brought back?

A. Until he was brought back. And within a week after he was brought back, I drove down and visited him.

Q. Did you know where he was during that time?

A. Oh, no, no. See, the FBI would keep me in their office all day long after they

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had discovered they was looking for James Earl Ray. And the FBI, they would take me downtown. I was working at night and in there all day because the FBI told me if he ever gets in touch with you, will you let us know, and I said you'll know before I know.

Q. Well, did he ever mention anything about the fact that this Raul had indicated to him that they wanted to assassinate Dr. King? Was anything ever said about that?

A. No, no, no. Huh-uh, no. He never had got involved in anything like that – no murder or nothing like that. The only thing he was trying to do was just make enough money to get out of the country, and he said that guy's paying him good.

Q. Mr. Raul was paying him?

A. Yeah. He only mentioned Raul's name once by name, and right after that he said he's paying him good. And I believe he was talking about the same person.

Q. Let me ask you this. Mr. Ray was never seen anywhere with this Raul that you know of, was he?

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A. Well, I don't think Mr. Pepper brought or Attorney Pepper brought this up, but James sent me down twice – once right after the guilty plea. That's what that \$500 was for, to go down to New Orleans, because he'd meet Raul in the Bunny Lounge. That's on Canal Street.

Q. What was the name of that?

A. The Bunny Lounge – Bunny lounge. And it's on Canal Street. And James told me exactly where it was at, and I went in there and had two barmaids – and I mentioned Raul, you know, like on a friendly term.

Otherwise, you get suspicion and they want to know what's going on. And the barmaid hadn't heard of Raul. Then I asked another one about Randy – Randy Rosenson because one time after Raul used a car, when James got it back, it had a card stuck down in the side. And on it, it had Randy Rosenson's name on there and a phone number. And so then James sent me down again in about '72 and trying to run this guy down. So then that's when a barmaid said, well, that's

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probably Randolph Rosenson.

So I go back, and James then – she says something about he lives in Miami. And so then I go back in and James had me fly down to Miami and go to check up on Randolph Rosenson. [They subpoenaed him in front of the assassination committee](#), but I don't know what the outcome was. But anyway, his card was found in James' Mustang after Raul used it one time.

Q. When your brother testified before the assassination committee, were you there present?

A. No, I was in St. Louis. I watched it on live TV.

Q. Were you surprised that he entered a guilty plea?

A. Yeah, I was. I was. I was. Most people – I've talked to a lot of people that in a way don't believe he's guilty, but why would he plead guilty to something like this if he didn't do it and –

Q. Did you ever ask him that very question?

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A. Yeah, well, he kicked himself after he got out of that place they had him in, see, and he said that's the worse mistake I ever made in my life because it's hard to overturn. But like Mark Lane and them talked about that.

That was worse where he was at than the Nazis they put on trial in World War II after Nuremberg because they had the lights on, the heat on, they had a policeman in there with him 24 hours a day and he'd breathe everything he done. And he couldn't get no visitors. If he did, he had to write notes to them unless you wanted the state to know what he was talking about. Then on top of that, Foreman said they were going to put me in prison and put my dad in prison if he didn't plead guilty.

Q. Did you ever know that your brother owned a rifle of any type? Did you ever know of any type rifle he owned?

A. No, huh-uh. He wasn't a good shot anyway, see, if he shot anything. I think they classify you when he went in the Army

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and he was a poor shot.

Q. Mr. Ray, was your brother in Los Angeles some of this time after he escaped from the Missouri prison?

A. Yeah, he spent time – I didn't know about it at the time. I found out later he was out in L.A. a lot.

Q. But you learned he was in Los Angeles some of the time?

A. Yeah.

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

THE COURT: All right.

MR. PEPPER: Nothing further, Your Honor.

THE COURT: All right. Mr. Ray, you may stand down. You can remain in the courtroom or you're free to leave.

THE WITNESS: Okay. Thank you.

(Witness excused.)

THE COURT: At this point we're going to take break.

(Jury out.)

(Break taken at 11:40 a.m.)

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THE COURT: Let's bring the jury out, please, sir.

(Jury in at 12:07 p.m.)

THE COURT: Call your next witness.

MS. AKINS: Good morning, Your Honor. We have two statements – FBI reports, 302's. Both are taken or one taken April 25th, 1968.

Mr. Ray Alvis Hendrix, Room 14, Fox Hotel, 106 Vine Street, Memphis Tennessee, advised that he is employed by the Corps of Engineers, U.S. Government on the Dredge Oakerson. Mr. Hendrix stated he worked about six months in nice weather and is off the other six months of the year.

Mr. Hendrix stated that on the evening of April the 4th, 1968, he and Bill Reed, who resides in Room 4 of this hotel, ate their dinner at Jim's Grill located at 418 South Main Street, Memphis, Tennessee.

He stated they left the grill at approximately 5:30 p.m. and slowly walked to the Fox Hotel. He said they walked on the

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east side of South Main Street.

Mr. Hendrix commented that when they left Jim's Grill he forgot his jacket and had to return for the jacket. He said he learned later that while he was getting his jacket, Bill Reed looked at a white Mustang that was parked almost in front of Jim's Grill. He said he did not notice this Mustang or any other cars parked in front of Jim's grill.

He stated, however, that when he and Bill Reed approached the intersection of Vance and South Main Street, Bill Reed pulled him back to the curb because the car was turning the corner. He said this car was a white Mustang and that after the car turned the corner Bill Reed commented to him that this was the Mustang that was parked in front of Jim's Grill which he looked at while he, Hendrix, was retrieving his jacket.

Mr. Hendrix stated he did not see who was in the car but believes there was only one person. He said he could not describe him and would not be able to identify the driver of this car.

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Mr. Hendrix stated that as they were returning to their rooms or possibly or just entering their rooms, they heard sirens in the immediate area and going south on South Main Street. He said he later learned that the sirens were from police cars that were going to the scene of the murder of Martin Luther King. He said as near as he can recall, he heard the siren about 6:00 p.m. or just a few minutes after 6:00 p.m. on April the 4th, 1968.

Mr. Hendrix stated that the Mustang had turned the corner and proceeded east on Vance Street, did not turn the corner very fast or made the tires squeal. He said he did not watch which way the Mustang turned or how far it traveled on Vance Street.

Mr. Hendrix also stated he could not furnish any information as to the cars parked or traveling in the immediate area of Jim's Grill at the time that he and Bill Reed left. He also stated he could not furnish any information concerning individuals in the immediate area of Jim's Grill at the time he

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left to return to his room.

THE COURT: What's Mr. Hendrix's first name?

MS. AKINS: Ray Alvis Hendrix.

THE COURT: Thank you.

MS. AKINS: Your Honor, the second statement, also FBI report number 302, was taken April the 15th, 1968, by Mr. William Zinny Reed. These are pages 66 and 67.

Room 6, Clark Hotel, 106 Vance Street, Memphis, advised he is employed as a salesman for a photography firm and is currently working in the Memphis area. Mr. Reed stated that on April the 4th, 1968, he and Ray Hendrix stopped at Jim's Grill, 418 South Main Street for something to eat. He said he was in Jim's Grill for some time and feels that he arrived there at approximately 4:30 p.m. and believes that he left between 5:15 p.m. and 5:30 p.m.

He said when he left, he picked up his hat and he and Ray Hendrix paid their check and left Jim's Grill. He said that

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they left the entrance of Jim's Grill and proceeded north on South Main Street for 10 feet when Ray Hendrix remembered he left his jacket in Jim's Grill. Mr. Reed stated he waited in front of Jim's Grill while Hendrix went back for his jacket.

He commented that while waiting, he looked and saw a white Mustang was parked near the entrance of Jim's Grill. Mr. Reed stated he does not have a car and is in the market for a car and was considering buying a Mustang and therefore he looked this car over. He said he believed the car was an off white color, that it was not dirty but was not exactly clean either.

He said he believes this car had not been recently washed. He said he does not recall the color of the interior but believes that it was a dark color. He said he does not recall seeing anything inside the car other than five cartons lying on the back seat. He described these cartons as being the size of a tin package cigarette carton. He said these cartons were red and

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white in color, but does not remember any lettering on the cartons nor does he remember whether the white or the red was dominant.

He said when he saw these cartons he felt that the owner of this car was probably a traveling salesman – that the owner of this car was probably a traveling salesman.

Mr. Reed stated he does not know whether or not any stickers were in the window of this car and he did not look at the license. He said he does not recall if the Mustang had whitewall tires and if it had wheel covers.

Mr. Reed stated that after Hendrix obtained his jacket from Jim's Grill, they proceeded north on South Main and walked on the east side of South Main Street. He said when they arrived at the intersection of Vance and South Main, he was about ready to walk off the curb when for some unknown reason he looked around to see if there were any cars coming. He said as he looked back, he saw a white Mustang about ready to turn the corner and go east on Vance from South

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Main Street.

He said he does not know if this is the same car he saw parked in front of Jim's Grill but added it seemed to be the same car. He said he did not see who was in the car but believes it was a white male with a white shirt, but does not recall if this individual had a tie or hat on. He said he had the impression this person was not young but was not old. He said he would have no way of estimating the age of this person.

Mr. Reed said the Mustang proceeded east down Vance Street. He has no idea where the car went after it turned the corner.

Mr. Reed stated that he went to his room and that he had been in his room for quite some time, possibly as much as 15 minutes when he heard numerous sirens in the immediate area going down toward Jim's Grill. He said he learned later that Martin Luther King had been shot and that the sirens he heard were from officers going to that immediate area.

Mr. Reed advised he could not

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furnish any additional information concerning any cars parked on the street or any people in that immediate area.

Your Honor, we move that these statements be marked as plaintiffs' exhibits.

THE COURT: You want to do them as collective or marked separately?

MS. AKINS: They can be collective, Your Honor.

THE COURT: Please mark them as Collective 21.

(Whereupon, the above-mentioned documents were marked as Collective Exhibit 21.)

THE COURT: Also, ladies and gentlemen, the new face that you see with Mr. Pepper and his group is Mr. Dick Gregory. All right. Call your next witness.

MR. PEPPER: Thank you, Your Honor. Your Honor, plaintiffs call Lieutenant Willie B. Richmond.

WILLIE B. RICHMOND,

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

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DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Richmond.

A. Good afternoon.

Q. Thank you for joining us here this afternoon. Would you state your full name and address for the record, please?

A. Willie B. Richmond.

Q. And your address?

A. 1411 Favell Drive, Memphis, Tennessee.

Q. What is your present occupation, Mr. Richmond?

A. I'm retired.

Q. And where were you employed previously?

A. Memphis Police Department.

Q. And when did you first join the Memphis Police Department?

A. February the 1st – February the 2nd, 1965.

Q. Nineteen sixty –

A. Five.

Q. Five. And when did you officially

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retire?

A. April 26, 1997.

Q. So you're a long-standing police officer?

A. Thirty-two years.

Q. And what was your final rank?

A. Captain.

Q. You reached captain. Now, on the occasion of the sanitation workers' strike in February and March and April of 1968, during those turbulent times, what was your assignment in the police department?

A. I was assigned to the Internal Affairs Bureau at that time during the sanitation strike.

Q. Would you be kind enough just to pull that mike a little closer to you?

A. (Witness complies.)

Q. You were assigned to internal affairs?

A. That's correct.

Q. And what did that assignment entail? What did it mean to be assigned to internal affairs?

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A. Observe workers to see if any trouble was going to come up.

Q. Did there come a time when you were assigned to a surveillance post in the fire station number two on South Main Street?

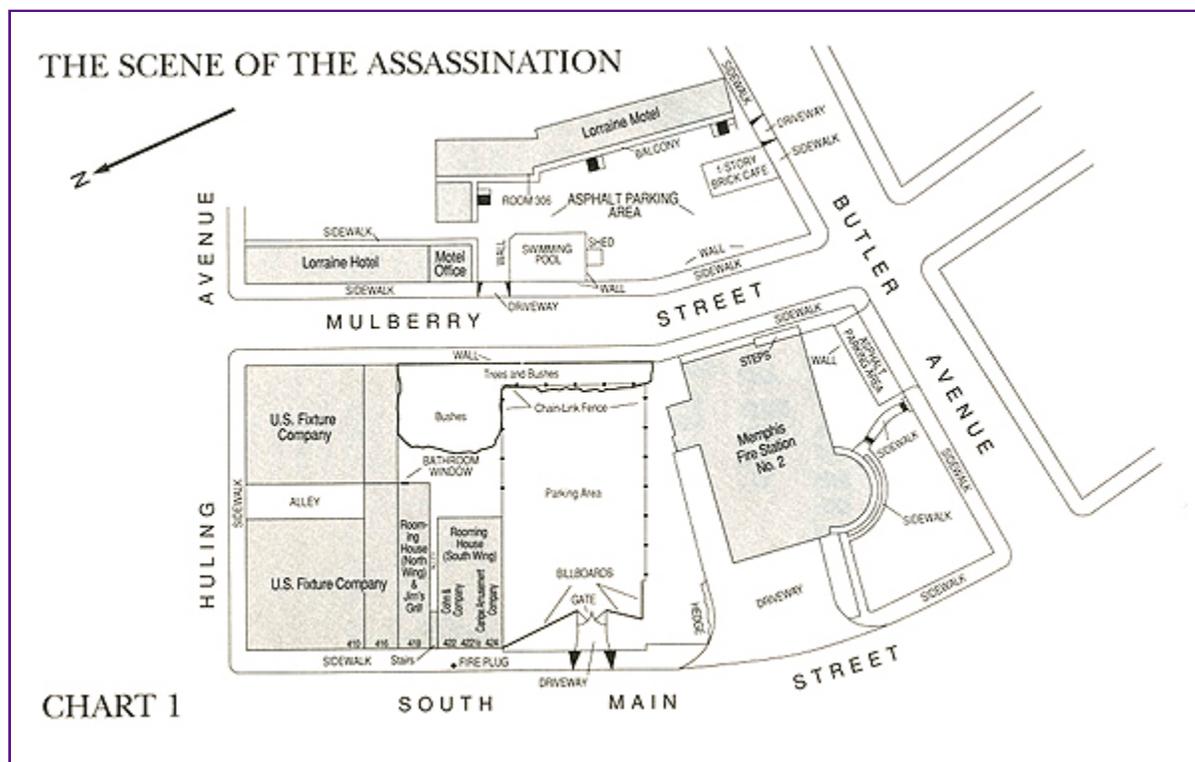
A. If that was the one that was at Calhoun and Main, it was.

MR. PEPPER: All right. Why don't we just pull that out so we refresh Captain Richmond's memory.

(Map exhibit set up.)

MR. PEPPER: Permission to enter, Your Honor?

THE COURT: Yes, sir.



Q. (BY MR. PEPPER) Mr. Richmond, [this is the fire station we're talking about here](#) (indicating) which is on South Main on the corner of Butler and South Main. Do you recognize it?

A. Yeah, that's it. Butler and South Main.

Q. All right. And where were you on surveillance duty when you were assigned here?

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A. I was in the back where the sleeping quarters is next to Mulberry Street. There's a sleeping quarters back there.

Q. Back here in the rear of the fire station?

A. Right.

Q. And where were you looking in particular during your surveillance duty?

A. I was looking at the parking lot area to the Lorraine Motel.

Q. But from here across to the Lorraine Motel?

A. Right.

Q. Do you recall when you started, when you took up that position first?

A. That particular day, I had gone out that morning – but I came back – to take a blood test because I was getting married that coming Sunday.

Q. All right.

A. And I went back down there later on that evening about maybe 2:30, 3:00.

Q. You came back around 2:30, 3:00?

A. Correct.

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Q. And you then resumed your surveillance?

A. Correct.

Q. Were you alone or did you have a partner with you?

A. I had a partner.

Q. And who was that?

A. Detective Redditt.

Q. So the two of you shared that duty?

A. That is correct.

Q. Did there come a time that afternoon when you were left alone on duty?

A. When I had finished my blood test, I went back to the office, internal affair's office, and I was told to go down to the station to relieve Redditt because he had been threatened.

Q. So you were told at that point to go down to the station and relieve him. He was going to be relieved of responsibility, taken off?

A. Correct.

Q. And you were going to continue the surveillance by yourself?

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A. That is correct.

Q. To whom did you report when you were carrying out this surveillance activity?

A. I called the office and usually I talked to – it was then Captain Gerald Ray or Inspector Time (phonetic), and I can't remember which one I talked to now.

Q. But you would speak with one of those two officers?

A. One of the two. Most of the time it was Ray.

Q. Captain Richmond, let me pass this report to you.

(Document passed to witness.)

Q. Do you recognize this document?

A. Well, it looks like the statement I gave on April the 9th, 1968 to Lieutenant J.D. Hamby.

Q. Right. This is a statement you gave to Lieutenant J.D. Hamby on April 9th, 1968?

A. That is correct.

Q. Now, this retraces your activity on this surveillance duty from April 3rd through the assassination; is that correct?

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A. That is correct.

Q. If you'll turn over to page 2, we're still on April 3rd. Is there anything of particular notice or moment that's taken place on April the 3rd that you can see?

A. No, sir, not in particular.

Q. You see a reference to the Invaders about midway down that page? Reference to the Invaders occupying rooms 315 and 316?

A. I see it.

Q. Were the Invaders of particular interest to you at that time?

A. No, sir.

Q. You were just commenting that they were there?

A. That's it.

Q. Now, when Dr. King arrived in the city for that last visit, were you at the airport?

A. I was.

Q. Did you have a conversation with anyone connected with either his group or with the local clergy having to do with security or protection for him on that last

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visit?

A. I didn't, but my partner did.

Q. Your partner did. Were you present when that conversation was taking place?

A. I was there.

Q. And with whom was the conversation?

A. I believe he spoke with Reverend Kyles.

Q. Reverend Samuel Kyles?

A. Right.

Q. And what was the gist of the conversation with respect to security protection for Dr. King?

A. At that time we was told that Dr. King hadn't wanted any police protection.

Q. You were told that Dr. King didn't want any protection.

A. Police protection.

Q. Any police protection. And this was told to you in this conversation by Reverend Kyles?

A. I think it was Reverend Kyles. I'm not sure, but I believe it was Reverend Kyles. He was the one that said it I

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believe.

Q. He was the one who said it you believe?

A. Uh-huh.

Q. Were you familiar with what position Reverend Kyles held in Dr. King's organization?

A. No, I was not.

Q. And you didn't know he held no position in Dr. King's organization?

A. I did not.

Q. If you'll move on to page 3 of your statement, Captain Richmond, about two-thirds of the way down the page, do you notice your note? And I'll read it. "At 2:05 p.m. Reverend Samuel Kyles arrived and went to room 307 and departed at 2:23 p.m." You see that note?

A. Yes.

Q. Do you know who was in room 307 at that time?

A. Well, at that time, no, I did not.

Q. Let's move on to page 4, please.

A. (Witness complies.)

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Q. The first full paragraph. Would you read the first full paragraph starting at "at approximately 5:50 p.m." to us, please?

A. Okay. It says, "Approximately 5:50 p.m., John Smith, Milton Max, Charles Cabbage and one female colored and approximately six or seven more of the Invaders opened the door of their rooms, and I could see them gathering their belongings. They then brought them down the stairs and placed them in the trunk of a light blue Mustang, license number BL 3750, and they left the motel. They was going west on Butler to Main."

Q. If I could just interrupt you there. So at 5:50 p.m., your eye witness recording sees the Invaders just bustling out of – hustling out of that motel, leaving the hotel?

A. They left.

Q. And that's within 11 minutes of the shooting?

A. Approximately.

Q. Would you continue reading the next paragraph, please?

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

Q. Right. So you're telling us there from your eye witness report that Reverend Kyles knocked on Martin Luther King's door at about ten minutes to six or shortly after ten minutes to six, said a few words to Dr. King after he opened the door. Then when the door was closed, Dr. King went back into his room and Reverend Kyles remained on the – you call it the porch, but on the balcony?

A. The balcony.

Q. Now, a little further down in the next paragraph, you record Martin Luther King coming out onto the balcony. Do you see that reference there? And if you could read from the words "at this time the Reverend Martin

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Luther King returned. " Do you see that?

A. I see it.

Q. Would you read that note, please? Middle of the next paragraph.

A. Okay. "At this time Reverend Martin Luther King returned from his room to the gallery and walked up to the handrail. The Reverend Kyles was standing off to his right. This was approximately 6 p.m. At this time I heard a loud sound as if it was a shot and saw Doctor Martin Luther King fall back on the handrail and put his hand up to his head.

At 6:01 p.m., April 4th, 1968, I reported this to the inspection bureau. I returned to remain there and keep surveillance. Also, here now and at the time I heard the shot, the men of the tact squad which consists of the sheriff deputy and the Memphis police department was in the fire house number four. I immediately hollered to them I believe that King has been shot.

At this time the men of the tact squad scramble out of the fire house

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immediately going in all different directions. Some went to the hotel. Some went down the street. Later, the fire department ambulance arrived approximately five minutes later and departed to the hospital with Reverend King."

Q. That's fine, you can stop there. These were your recollections at the time contemporaneously as you observed what was going on at the Lorraine; is that right?

A. Correct.

Q. Nowhere in these notes do you record Reverend Kyles going into Reverend King's room 45 minutes, an hour before the shooting, do you?

A. No, I don't.

Q. And if he had done so, is it fair to say that you would have recorded this entry?

A. I recorded pretty much everything that went on. I don't have my notebook now, but we carried little small notebooks.

Q. Right.

A. And I wrote everything down as I saw it.

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Q. As you saw it?

A. As I saw it.

Q. That was your duty.

A. Correct.

MR. PEPPER: Thank you very much, Captain Richmond. Plaintiffs move admission of Captain Richmond's report into evidence, Your Honor.

THE COURT: All right, 22.

(Whereupon, the above-mentioned document was marked as Exhibit 22.)

MR. PEPPER: Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Captain Richmond, let me ask you a couple of questions. I notice on this same report that you were just reading from you were asked a question, did you see anything suspicious, anyone acting boldly, and your answer was that you did not see anyone acting with suspicion or anyone that created any concern to you; am I correct, sir?

A. That is correct. I didn't.

Q. Sir?

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A. I did not.

Q. You also were asked for your impression of where the shot came from, and you said it sounded to you like it came from the northwest side of the fire station toward the street side?

A. That's exactly where it sounded like it came from to me.

Q. It sounded like the north/northwest from the police station? That's what you said in this report I believe.

A. Yes, uh-huh.

Q. And that's where you thought it came from at first, isn't it?

A. I have no idea where it came from. That's what it sounded like to me.

MR. GARRISON: That's all I have.

MR. PEPPER: Nothing further, Your Honor.

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

THE WITNESS: Thank you.

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(Witness excused.)

THE COURT: Do you have a short witness?

MR. PEPPER: I'm afraid not.

THE COURT: All right. Then we'll take our lunch break and we'll resume at 2:00.

(Jury out.)

(Lunch recess taken at 12:35 p.m.)

THE COURT: Bring the jury in, please.

(Jury in at 2:15 p.m.)

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

MR. PEPPER: Thank you, Your Honor. Your Honor, plaintiffs call as their next witness Mr. Douglas Valentine.

DOUGLAS VALENTINE,

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Valentine. Thank you for making this journey, being with us

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this afternoon. Would you please state for the record your full name and address?

A. My name is [Douglas Valentine](#), and I live in Longmeadow, Massachusetts.

Q. Thank you. And what do you do for a living, Mr. Valentine?

A. I'm a writer – a twice published writer.

Q. And what is your specialty of writing and research?

A. The intelligence operations of the United States Government.

Q. Would you tell us some of the books that you have written?

A. I've had two books published. The first was titled *The Hotel Tacloban*. It was about my father's experiences as a prisoner of war in World War II. That book was published in 1984, '85 and '86. My second book was called [The Phoenix Program](#), and that was published in 1990 and 1992.

Q. Would you summarize for us what the scope and the concern of *The Phoenix Program* was?

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A. The Phoenix Program was created by the CIA in Vietnam in 1967 as part of a recognition that the war could not be won militarily and that a second other war had to be waged against what was called the Vietcong infrastructure which was a jargon for the shadow government of the Vietcong.

Q. Now, in the course of your research and work with respect to the Phoenix

Program and that book, did you come upon information that has a bearing or is relevant to this case?

A. Yes, I did. I interviewed hundreds of people who participated in the Phoenix Program, including military intelligence personnel officers and enlisted men who were assigned to the Phoenix Program in Vietnam.

Some of these military intelligence personnel upon returning to the United States were assigned to military intelligence groups in the Continental United States and began to conduct surveillance and Phoenix type operations against anti-war demonstrators and people in the Civil Rights Movement.

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Q. What was the range of activities that these groups were involved in?

A. The military intelligence groups actually had lists of prominent members of the anti-war movement and the Civil Rights Movement. Particularly they focused on Vietnam veterans against the war, but they had an entire range of targeted individuals that they surveilled, including such well-known people as Abbie Hoffman and Jerry Rubin. But they also acted as agent provocateurs in demonstrations that would insight riots at demonstrations in order that the police could be called in and arrest individuals.

Q. And break up demonstrations?

A. Break up demonstrations that the military intelligence personnel had started, some of the problems that they had started themselves.

Q. Now, the military intelligence structure covered the entire Continental United States, did it not?

A. That's right. There were seven

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military intelligence groups in the Continental United States spread pretty much evenly across the country.

Q. And the one that was connected with this region in the southeast was the 111th military intelligence group?

A. That's correct.

Q. Was there any particular information that you happened to come upon with respect to the 111?

A. Yes, and I included [a passage in my book in *The Phoenix Program* about that](#). One of the intelligence – military intelligence individuals who had been in the Phoenix Program in Vietnam came back to the United States afterwards and worked in a military intelligence group – another one, not the 111. But there was common knowledge within all of the military intelligence groups about each other's activities.

And this individual heard a rumor at the time that the 111th military intelligence group had been conducting 24-hour a day surveillance of Martin Luther King and that

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they had actually been in Memphis on April 4th, 1968 and had taken photographs of the assassination of Martin Luther King.

Q. So the scuttlebutt or the rumor was that there had been 111th military intelligence group officers in Memphis at the time of the assassination in a vantage point with cameras running?

A. That's right.

Q. And that they actually captured the assassination on film?

A. That's correct.

Q. Have any of those photographs ever surfaced to the best of your knowledge?

A. Not to my knowledge.

Q. Did you speak with more than one source with respect to their existence?

A. No, I did not. I spoke with one source.

Q. With one source. Now, could you give us an overview of another intelligence group, the 902nd military intelligence group and what you learned about that organization?

A. I thought I knew a lot. I thought I

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knew almost everything about the various military intelligence groups, but I didn't learn about the 902nd until 1996 in the course of researching the book that I'm writing now which is a book about federal drug law enforcement. And I did an individual – an interview with an individual named Phillip Manuel who in 1975 was a staff investigator for the Senate Subcommittee on Permanent Investigations.

And in the course of interviewing Mr. Manuel, I asked him about his background, and he said he had been in the 902nd military intelligence group. So in the course of my interview with him, this was interesting to me so we temporarily digressed from the subject that I was interviewing him about and he explained – I asked him about the 902nd, and he refused to discuss the subject. He said it was a very secret organization and he had promised not to talk about it.

So I subsequently filed a Freedom of Information Act request for information about the 902nd. And I filed that Freedom of

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Information Act request in October of 1996, and I received a unit history from the United States Army on the 902nd. And that's – having read that unit history is basically the extent of my knowledge of the 902nd.

Q. Right. That was published by the Department of Defense?

A. By the United States Army, and it was published in 1994 as a 50-year anniversary unit history. The 902nd was created in 1944, and this history was written in 1994 as a 50-year commemorative exercise.

Q. Do you know where the 902nd military intelligence group was based in 1968?

A. I believe it was based in Washington D.C.

Q. Do you know that Mr. Phillip Manuel was here in Memphis on April 4th, 1968?

A. I know that, yes.

Q. Do you know what his role was here in Memphis on April 4, 1968?

A. What I know about his role here, I gathered from having read [Orders to Kill Him](#) (sic).

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Q. What did you gather was his role?

A. That he had arrived in Memphis I believe on April 3rd, and on April 4th at 3:00 – between 3:00 and 4:00 p.m., he met with a lieutenant from the Memphis Police Department. And I believe that man's name was Arkin. And based on what Mr. Manuel told Lieutenant Arkin, Lieutenant Arkin went to the fire station where a Memphis Police Department officer named Redditt was stationed and was observing the Lorraine Hotel, and Lieutenant Arkin asked that Mr. Redditt leave his post and return to police headquarters.

Q. Have you subsequently tried to locate Mr. Phillip Manuel?

A. Yes, I have.

Q. Have you had any success in finding him?

A. No, I have not.

Q. Any trace of him whatsoever?

A. None whatsoever.

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

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CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Valentine, you said at some – the 111th was photographing the assassination? Is that information you obtained?

A. That's what I was told, yes.

Q. Did anyone ever tell you who the assassin was? Did they determine that?

A. Nobody ever told me who the assassin was.

MR. GARRISON: Thank you.

MR. PEPPER: Just one further, Your Honor.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Mr. Valentine, did you ever ascertain what was the actual vantage point from which those photographs were taken in your own investigative work?

A. No, but what I was – I'm sorry.

Q. From your own personal investigative work, your own knowledge, did you ever ascertain that?

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A. No, I did not.

MR. PEPPER: Thank you very much. Nothing further.

(Witness excused.)

MR. PEPPER: Plaintiffs call next Mr. Carthel Weeden.

CARTHEL WEEDEN,

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Weeden.

A. Good afternoon.

Q. Thank you for joining us here today.

A. Okay.

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

A. Carthel Weeden, 6732 Tunger Ridge Drive, Olive Branch, Mississippi.

THE COURT: Could you please spell Carthel?

A. C A R T H E L.

THE COURT: Thank you, sir.

A. Need me to spell Weeden?

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W E E D E N.

Q. (BY MR. PEPPER) Mr. Weeden, what do you currently do for a living?

A. I got a little construction company.

Q. Are you basically retired?

A. Well, I am from one job.

Q. What is the job that you're retired from, Mr. Weeden?

A. Memphis Fire Department.

Q. And when did you join the Memphis Fire Department?

A. 1951.

Q. When did you retire?

A. July 7, 1982.

Q. That's a long career.

A. Yes, sir.

Q. What was your position from beginning to end in the Memphis Fire Department?

A. I started as a private. I finished as a district chief.

Q. So you went all the way –

A. I went all the way through the ranks.

Q. All the way up.

A. Yes, sir.

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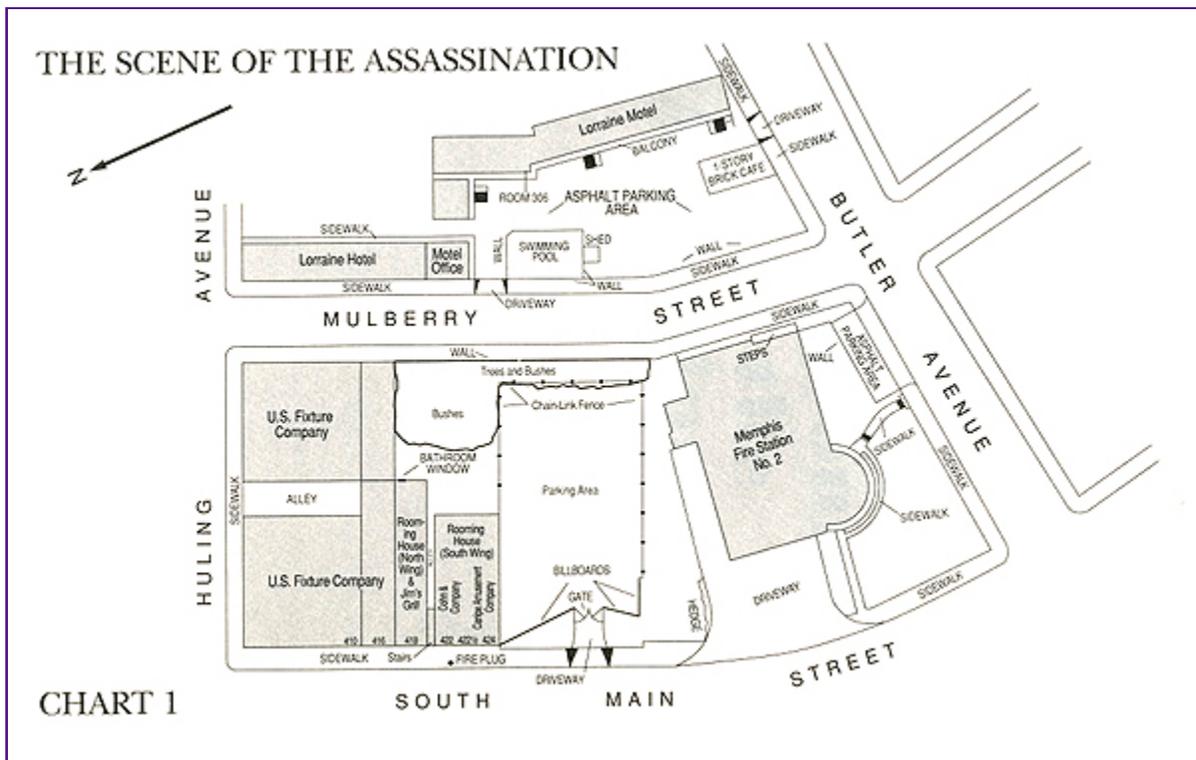
Q. And in 1968, where were you stationed?

A. Fire station number two.

Q. Fire station number two.

A. Main and Butler.

MR. PEPPER: We're going to put up the graphic just so we fix this location.



([Map exhibit set up.](#))

THE WITNESS: I guess I'll have to put on these to be able to see that far.

MR. PEPPER: Your Honor, may I approach?

THE COURT: You may.

Q. (BY MR. PEPPER) Mr. Weeden, this is the downtown Mulberry Street/South Main Street area. Can you see this all right?

A. Yeah, I can see.

Q. And there's the corner of Butler – Mulberry, Butler and then South Main Street (indicating).

A. Yes, sir.

Q. And here of course is the Lorraine Motel.

A. Yes, sir.

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Q. East of – and over in here is Memphis Fire Station number two.

A. Yes, sir.

Q. Is that the fire station where you were stationed in 1968?

A. Yes, sir.

Q. And what was your position when you were at that station?

A. Captain.

Q. So you were captain?

A. Yeah, of the station.

Q. Of the station.

A. Yeah.

Q. That means you were the senior –

A. I was senior captain, yeah.

Q. Senior captain and administrative officer of the station?

A. Right.

Q. Right. Now, these were very turbulent times in 1968, in early 1968, were they not?

A. Yes, sir.

Q. Did you have all kinds of police units and other individuals around the fire

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station?

A. They were in and out, yes.

Q. On April 4th, 1968, the day of the assassination, were you on duty?

A. Yes, sir.

Q. And on April 4, 1968, were you approached by two Army officers?

A. That's what they indicated, they were two Army officers.

Q. And what did they ask you to do?

A. They wanted a look-out vantage for the Lorraine Hotel.

Q. They wanted a vantage point of the Lorraine Hotel, these Army officers. And did you put them somewhere?

A. I put them on the roof of the number two fire station.

Q. You put these Army officers on the roof of the number two fire station on the 4th of April, 1968?

A. In the morningtime.

Q. They came in the morningtime?

A. Right.

Q. Did you see them leave?

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A. No, sir.

Q. Did you go up there on the roof with them?

A. I did.

Q. And were they carrying anything?

A. They had some briefcases or some items with them, yes.

Q. Did you come to learn what was in those briefcases?

A. No, sir.

Q. Did they tell you what was in the briefcases?

A. They said they wanted a vantage point for doing some photo – photograph –

Q. Photographic work.

A. Right, right.

Q. So you came to believe that they had camera equipment in those briefcases, did you not?

A. Well, that's what they had indicated to me. I placed them on the roof and then left.

Q. Approaching again, can you tell us roughly or exactly on that roof which vantage

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point were they occupying?

A. They was near that – I guess it would be the northeast corner there.

Q. The northeast corner of the roof?

A. Yeah. That's where they was placed. There's a hose tie right there by that.

Q. Right.

A. Yeah, and of course as you approach up on the roof, you can walk to the edge and look right down on the street.

Q. So it's a clear vantage point, isn't it?

A. It's a clear vantage point. There's a parapet, a wall that was there, but it's very small. It's about that high

(indicating).

Q. Would anything impede their visual view –

A. No, sir.

Q. – their lens view of the Lorraine or the brush area here?

A. It could all be seen from that vantage point. It could have been whatever they wanted to do. It would nothing be in

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it – keep it from being a vantage point to do what they had indicated to me they wanted to watch.

Q. Right. So there would have been nothing blocking their –

A. No, shouldn't have been at all. But if I remember correctly, it was a hedge, you know, there on I guess it would be north of the fire station in that parking lot area there. Hedge had been grown up there. Well, they wasn't very big trees.

Q. But they were above that?

A. Yeah, they were above the fence row there.

Q. Did you stay with them for any period of time?

A. No, sir.

Q. You just left them?

A. I placed them at a vantage point that they seemed to like and left them.

Q. You left them to do their task, whatever it was?

A. Right.

Q. Did they at the time show you any

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military identification?

A. Well, I'm sure they did or I wouldn't have carried them up there but I – you know, we had a lot of people coming in and out at that time, you know.

Q. Sure.

A. We was trying to do our best to do what they wanted to be done.

Q. I'm sure you would. Mr. Weeden, has any law enforcement officers ever asked you about that day and what you did?

A. No, sir.

Q. Nobody has ever spoken to you?

A. No, sir.

Q. Does that seem strange to you? You were the captain of that fire station in such a critical position.

A. You want me to answer that or just –

Q. You can answer.

A. Yeah. I don't know what to say except I was there.

Q. And you've never been spoken to about this?

A. No, sir.

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Q. Did any member of the [House Select Committee on Assassinations](#), any investigator for the House Select Committee ever speak to you about this incident?

A. Not at all.

Q. Any researchers or book writers ever speak to you about this incident?

A. No, sir.

Q. My, my. Thank you very much, Mr. Weeden.

MR. PEPPER: Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Weeden, you had been stationed at the fire station sometime on April 4, 1968 I guess; is that correct?

A. Do what, sir? I didn't hear you.

Q. You had been stationed at the fire station sometime on April the 4th of 1968; is that correct?

A. At that time I had been there approximately a couple years.

Q. All right, sir. Had you ever been in a place called Jim's Grill? Had you ever

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been in that establishment?

A. Not except for maybe an inspection. We did make, you know, inspections back then. I think we had had a card on it. I'm sure I had been in it, but not for any other purpose.

Q. Had you ever heard the name of Mr. Jowers mentioned at any time –

A. No, sir.

Q. – before this occurred?

A. No, sir.

Q. And now, let me ask you something. You were at the fire station on the day of the assassination; am I correct, sir?

A. Yes, sir.

Q. In fact, you were over on the balcony for just a very short time, weren't you?

A. You're talking about that I carried the guys on the roof?

Q. No, sir. When Dr. King was shot, you were on the balcony there where he was shot for just a few moments?

A. I went across to help the ambulance back up to pick him up.

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Q. In fact, I believe you told me that you helped put his body onto the stretcher?

A. We did. We loaded him on the stretcher.

Q. Let me ask you this. When you first arrived up on the balcony where he had been shot, was anyone there?

A. Well, there was people around but...

Q. Was anyone trying to do anything for him?

A. Not as I remember.

Q. Now, did you see the wound where he was shot?

A. Yes, sir.

Q. All right. You examined it pretty closely?

A. No, sir, I just...

Q. But you did see the wound where he had been shot?

A. I did see the wound.

Q. Could you tell, Mr. Weeden, if it appeared that that wound went up or down in his area where he was shot?

A. In my opinion, it went up.

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Q. And that's from what you could see there?

A. Right.

Q. Did you stay there until –

A. Until the ambulance – we loaded him up and they carried him away.

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

MR. PEPPER: Nothing further, Your Honor.

THE COURT: All right. You may stand down, sir.

(Witness excused.)

THE COURT: Call your next witness.

MR. PEPPER: Plaintiffs call Reverend Walter Fauntroy.

WALTER E. FAUNTROY,

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Reverend Fauntroy, thank you for joining us this afternoon.

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A. Thank you.

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

A. My name is [Walter E. Fauntroy](#). I live at 4105 17th Street in Washington D.C.

Q. Reverend Fauntroy, would you tell the Court and the jury of your association with Martin Luther King, Junior?

A. Well, for the past 40 years I've been the pastor of my home church in Washington D.C. Ten of those years was spent as director of the Washington Bureau of the [Southern Christian Leadership Conference](#) where I had responsibility for relating to the agencies of the federal government that had relevance for our struggle in the decade of the sixties – the White House, the Congress, the Department of Justice in large measure, and the Interstate Commerce Commission in the sixties.

The decade of the seventies and eighties were spent as a member of the Congress of the United States where, again, some background of my work with Dr. King in

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organizing the march on Washington in '63 and the Voting Rights Act March of 1965 and the Meredith Freedom March from Memphis to Mississippi to Jackson in '66 had prepared me for 20 years of working the Congress where my first goal was to achieve home rule from the District of Columbia which we were able to achieve in the year 1974. And thereafter, I went to work on a second goal which I had in going to the Congress and that was to have the House of Representatives investigate the assassination of Martin Luther King, Junior.

Q. And that became a serious undertaking of yours, the formation of this investigation?

A. It certainly did. I had gone through what we now know to be the infamous counter intelligence operation that the FBI ran on Dr. King called [Telepro](#) [COINTELPRO]. And I had never been satisfied that the explanation given for the assassination of Dr. King, namely, that one man by himself was able to get out of jail and follow Dr. King as he did along the routes which we later traced, shoot him and

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leave Memphis and make his way to Canada and there get the passports of three

persons who looked like him in route to Southern Rhodesia to join the militia. It never made sense to me.

And one of my colleagues on the banking committee, Henry B. Gonzales of Texas, had the same view with respect to the assassination of President Kennedy that it didn't make sense. And we teamed up to introduce a resolution that called upon the U.S. House of Representatives establishing a select committee to investigate those Assassinations. And I became chair of the committee investigating Dr. King's assassination.

Q. So you as a congressman became the chairman of the subcommittee that dealt with the King assassination?

A. That's true.

Q. And you chaired that subcommittee throughout the entirety of the investigation?

A. Without question.

Q. And when did that investigation

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actually begin?

A. As a matter of fact, it didn't get really under way until six months after the Congress had authorized it. That because the staff director of our choice, a prosecutor by the name [Richard Sprague](#), whom we had selected because of the excellent work he had done in Pennsylvania in prosecuting and bringing about the conviction of Mr. Fitzsimmons [Fitzsimmons] who was the president of the Teamsters who had been accused and then convicted of having his predecessor killed.

Mr. Sprague was a very thorough prosecutor and not long after we hired him and he went to work, there developed a very serious controversy about his conduct of the initial days of the investigation that delayed us about six months.

Q. What was the nature of the conduct of Dick Sprague that caused controversy?

A. As I recall, it was a disagreement between him and the chairman of the Full Committee, Mr. Gonzales, that was resolved by Mr. Gonzales resigning as the chair and

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Mr. Sprague being dismissed as the chief of staff.

As I recall, the controversy had to do with his intent to make available to the committee all records, not only the FBI, but the CIA and military intelligence which became quite controversial for some people, not for me.

Q. So Dick Sprague wanted to have all of these files available to the committee – military intelligence, CIA, FBI records. He wanted them available for your investigation and that was met with controversy?

A. It was met with controversy. It never surfaced as the heart of the controversy. There seemed to be some personality problems that, quite frankly, I'm not competent to deal with with respect to Mr. Gonzales. But Mr. Gonzales resigned.

Mr. Sprague was fired and Mr. Blakey was hired and we finally got to work about in August of that year.

Q. At the time Mr. Sprague was making his request for these unexpurgated materials,

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was there a media campaign that went on against him?

A. Quite frankly I can't remember, but I found him to be a very thorough and affable person and one who I had looked forward to giving us the kind of staff direction that I thought was necessary.

Q. So we're six months down the road and now you're investigation starts.

A. Yes. I mentioned that because when we were forced to bring the investigation to an end – and the Congress works on two-year cycles – we admittedly concluded our investigation without having thoroughly investigated all of the evidence that was apparent.

Q. Why did you conclude the investigation without looking at all of the evidence?

A. Because there were not the votes in the House of Representatives to extend into the next Congress, an appropriation to allow us to continue. I think had we had the six months, we may well have gotten to the bottom

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of everything.

Q. You think you would have done a better job if you had more time?

A. Oh, without a question, yes. As a matter of fact, I came away from the investigation with the view that we had not explored a number of leads that were apparent to us. In the first instance, we had not been able to identify any credible witness who placed James Earl Ray at the scene. We had not been able to establish that the gun which was fired at Dr. King was fired from the window above, and quite frankly, we had evidence in my judgment which was credible from three persons whose views were that the gunshot came from the bushes below. Nor had we been able to trace the bullet that entered Dr. King's body to the gun which had Mr. Ray's fingerprints on it.

And of course it was almost amusing when we examined Mr. Ray – and I sat through hours of cross-examination of him – that Mr. Ray was really competent to be able to carry out the operation of breaking out of

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jail and traveling around the country and getting a hold of roughly \$10,000 to sustain himself during that period and of course get – there was three passports all by himself without some help. I was disturbed also because while he could not hit a target a hundred feet away with an M-1 rifle, the marksman or the person who shot Dr. King obviously was able to do that from about 200 feet away so that these were questions on our minds.

There was a fellow by the name of John Paul Speaker who had been suggested as the person who may have informed Mr. Ray of a \$50,000 offer that had been made to his brother-in-law, a young man by the name of Russell Byers, by two men,

Kauffmann and – John Kauffmann and John Sutherland.

The result of – we never had a chance to trace that thoroughly, although the committee concluded that there may have been a low level conspiracy since we had not been able to determine that and we were never able to get Mr. Speaker to speak.

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And we turned all of that information over to the FBI with a request to the Justice Department with a request that they follow up on those and other deeds that had many of us with reservations about closing the investigation.

Q. Were you uncomfortable with the conclusions of the investigation?

A. I was uncomfortable with the conclusion that it appeared that James Earl Ray acted alone, had killed Dr. Martin Luther King, Junior. I was uncomfortable for several reasons. One was that we were never – I was never satisfied with the conclusion on whether there was a Raul or not a Raul. It appeared, as I recall, that of the \$10,000 that – and that's about \$40,000 now in 1998 (sic) terms. The \$10,000 – about \$7,000 or more of it was untraceable, and Mr. Ray's testimony had been that Mr. Raul had given him that money in return for his gun running as a part of an underworld operation and so that troubled me.

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And of course I was troubled with Mr. Speaker who was at the time or had been convicted of having killed a person with malice aforethought and for pay and had spent only about two or three years in jail.

Q. Wasn't there a consideration by the committee that Mr. Ray may have gotten the money from a robbery of a bank in Alton, Illinois?

A. As a matter of fact, the staff gave us three possible scenarios. One was that Ray had received it from Raul, but we had only evidence – only evidence you had of the existence of a Raul was Ray's testimony and we had no credible evidence at that time that such a person existed.

The second was that he might have robbed banks during the course of that period,

and we were satisfied that that was not an option because the FBI had itself thoroughly researched that and concluded that there were no known robberies that Ray could have been associated with.

The third option was that a bank which he and his brothers robbed in Alton,

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Illinois had been the source of about \$27,000, about nine of which would have gone to James Earl Ray, but again, we had only hearsay. There was no conviction or no judgment that they had in fact robbed the bank and had been punished therefore.

Q. In fact, isn't it true that the police chief of Alton, Illinois and the president of the bank said that the Ray brothers were never suspects?

A. That is what I heard, and again, not having the opportunity to investigate and corroborate a number of statements, we just didn't have time to finish up.

Q. Since the conclusion of the House Select Committee's investigation, have you developed more information of your own knowledge and have you had further thoughts?

A. I have not developed information on my own, but I have been impressed with a number of persons that I consider to be providing us with scientific and reliable and objective and verifiable data that would be worthy of investigation. I was appalled

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quite frankly at reading a book by [Mr. Garrow on the FBI and Martin Luther, Junior](#), which detailed in far more graphic terms than we had come to know in the committee. The extent of J. Edgar Hoover's hatred for Dr. King and the determined effort that he and the FBI made to, quote, remove him from the scene.

As I recall, we had concluded as a committee – well, this is not a conclusion that I think was written, but our staff director shared with me – Mr. Blakey shared with me the fact that he felt we could develop a case for negligent homicide against the FBI in terms of the climate created by the FBI that made it almost inevitable that someone would attempt to take his life.

There was a book by a Curt Gentry written about 1981 which really upset me. It described – it was called J. Edgar Hoover and His Secrets – the Man and His Secrets. [[J. Edgar Hoover: The Man and the Secrets](#)] And it dealt with a connection that he established between J. Edgar Hoover, Carlos Marcellas [Marcello] of the Mafia and two Texas business

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people, Kirk – Clint Merchaser [Murchison] and E.L. Hunt, which brought to mind particularly the testimony of a gentleman by the name of McFerran [[John McFerren](#)] who had said that he had overheard a gentleman by the name of Laberto [Frank Liberto] shouting over the phone that afternoon. You know, [kill him, kill him on the balcony](#). And I was really upset about that during the investigation and had been assured that really it was just Mr. Laberto's [Liberto's] word against Mr. McFerran's [McFerren's] word.

Q. You're saying your committee's staff assured you that as chairman of that subcommittee that it was only Mr. Laberto's [Liberto's] word against Mr. McFerran's [McFerren's] word and that there was nothing else?

A. There was nothing to corroborate on either side.

Q. What they told you –

A. That's what – that's what we concluded, and it troubled me as with many aspects of this case because we had difficulty finding corroborating evidence of what seemed on the surface to be the fact. I

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mean anyone who talked with James Earl Ray knew that he wasn't a rocket scientist and knew that this level of sophistication could not have been made available unless he had had the kind of sophistication that I know the Mafia has and that our intelligence agencies have from time to time.

Q. So the intervening years after the committee concluded its work, issued its report in 1979, you've maintained an interest in the case and have continued to read on

your own and digest research that's been done; is that right?

A. Yes, against the background of having gone through it with him.

Q. Yes.

A. And I was with him many times when it was apparent that we were dealing with very sophisticated forces.

Q. And what was the nature of those sophisticated forces in terms of their impact on the movement as you saw it?

A. Well, let me just say this because it is a point of interest. When I assembled my

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staff and learned about bugging and about surveillance as it's practiced by the FBI, I took an interest in my own church and my own phone at home and asked them if they would not find somebody who could check my phones out.

And I recall in the sixties one of my members who worked as a maid offering me a television set. Well, in the sixties, you know, I didn't have a television set at the church so I said I'd like to have one, and she gave me a television set. That was a lovely set. It was a black-and-white set. It stayed in my office throughout the sixties and even while I was in Congress.

And when the people went through my office, they found a bug on it that enabled persons to drive around the block of the church and pick up anything that was going on in the church. Well, that was sort of amusing, but it sort of signaled me what we joked about a lot in the sixties, namely that, you know, Uncle Bubba is listening – I mean J. Edgar Hoover is listening. So that

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was amusing, and I learned also that there was a bug in my phone at home that wore out about three years. A fellow told me it talks about 500 hours, and I do recall that every time the phone would get a little funny, I would call and the same fella would show up to repair it so those kinds of laughable things were sort of in my mind.

Q. Formed a pattern?

A. Yes.

Q. Right. Well, Reverend Fauntroy, if you were uncomfortable at the time of the conclusion of the investigation after all the time that's elapsed and all that you've thought and considered since then, how do you feel now about the results of that investigation?

A. Well, of course two things have really perked my interest, and that was an [article done here in Memphis in the Commercial Appeal by Stephen Tompkins](#) which ["Army Feared King, Secretly Watched Him" article by Stephen G. Tompkins in the Sunday, March 21, 1993 *Memphis Commercial Appeal*] brought a lot of things into focus that I think would bear thorough investigation indeed had we known them at the time or had

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any inkling that those things were in fact even talked about, we would have followed those leads. The fact that I had never heard of this 902 group, military intelligence group here before reading that article.

I had sensed that military intelligence may have had some surveillance role on African American leaders over the years, but what Mr. Tompkins laid out in terms of the perception by some people in the country that blacks were ripe for subversion by the Kaiser, by the communists and that leadership had been under surveillance like that, it really perked my interest anew in whether or not we knew all that happened before and on April the 4th, 1964 (sic).

Q. [The Tompkins article](#) is in evidence in this case already.

A. Oh, good.

Q. Did your committee ever receive any information, any evidence at all to consider with respect to the involvement of military intelligence and these activities?

A. To my recollection, not at all.

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Q. Did your committee ever receive any information at all, any records at all, documents with respect to the involvement of the Central Intelligence Agency in this instance?

A. Absolutely not to my recollection.

Q. Did your committee ever receive unexpurgated files, surveillance and other files of information from the Federal Bureau of Investigation with respect to this event?

A. We received so many files from the FBI, I just – you'd have to be more specific.

Q. I'm talking about unexpurgated field reports with respect to surveillance activities and –

A. No, no. No indications that government was paying any more special attention to Dr. King or our movement or to my church study.

Q. On your new black and white television set. Reverend Fauntroy, I mean this is exactly what [prosecutor Dick Sprague](#) wanted to accomplish for the committee,

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wasn't it, the opening up of these types of files?

A. Quite frankly, you know, I've never talked to Mr. Sprague since that time, but I do know that one of the things that got him in trouble was that he wanted to open that whole area up. And there was lot of publicity about that.

Q. You were chairman of the subcommittee, Blakey was council Total Committee. Why was that area not opened up to the best of your knowledge at this point in time?

A. Quite frankly, I cannot remember. I cannot – I want to – after reading the [Tompkins article](#), I wanted to kick myself.

Q. This Court and jury have heard evidence that there were photographers surveilling the Lorraine Motel and that immediate area at the time of the killing, heard evidence that there was photographic surveillance in place, military officers.

Did you ever hear anything of that sort?

A. Not at all, and had I heard it,

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believe me, we would have been on that case.

MR. PEPPER: Reverend Fauntroy, thank you very much. Nothing further.

THE COURT: Cross-exam.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Let me ask you, Reverend Fauntroy, a question or two. Do you know what specifically led the committee to the conclusion that James Earl Ray was the assassin and acted alone? Was there anything specific you recall now that led to this conclusion?

A. I think the thing that was persuasive for most members was the number of contradictions in Mr. Ray's description of what happened on that day and before with respect to Raul and with respect to what he did. I do recall as well that there were persons who testified that they did not see Mr. Ray at the gas station, for example, when the word had been that he had been at the gas station and others had seen him. The witnesses who were identified turned out not

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to be credible or denied that they were there and had what appeared to be credible stories as to where they were at the time so that the propensity in the record of Mr. Ray to contradict himself tended to weigh on the side of the option that – there were options that were given us about Raul and about where the money came from.

Q. You mentioned about the hatred of the FBI for Dr. King. What do you recall about that statement from them?

A. Well, I do remember something that very much disturbed me, and I was director of the Washington bureau so I got most of the information. There were cartoons done after Dr. King's speech on April the 7th, 1967 – [April the 4th, 1967](#), a year to the day before he was killed. There were editorials. There were cartoons suggesting that Dr. King was a danger to the American way, that he was an ally of the communists, that something needed to be done about him.

It was on the basis of those kinds of articles that were crafted in the FBI in

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their offices and then fed out to a network of stations and newspapers that really made discussion of a December the 23rd, 1963 [1967] memo that had been circulated among FBI personnel calling them to a meeting to discuss what they were going to do to remove Martin Luther King from the national scene. And it was on the basis of that information that Mr. Blakey confided with me that a case for negligent homicide could be developed on the basis of the evidence we had on what the FBI did to create a climate and to persuade the public that Martin Luther King was a danger to the American way.

Q. You remember specifically anything in your statements by J. Edgar Hoover that he made about Dr. King and his work?

A. I certainly do. I remember statements that resulted. He said that Dr. King was the most notorious liar in the country, and that prompted Dr. King, Andy Young, myself and Ralph Abernathy to have a meeting with Mr. Hoover in Washington at his office. And he never answered the question

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why he said it. As a matter of fact, he spent most of the time explaining to us how efficient the FBI was and how thorough they were and how many black people they had hired, but he never answered that question and we went away amused. We thought maybe he thought that we might really go off on him in the room there, but, no, he never answered those questions.

Q. Despite of all that, Reverend Fauntroy, who did the United States government assign to investigate the assassination?

A. Well, it is the responsibility of the federal government of the FBI to do that and they did. And we took into account all that they did. One of the things that we – for example, we never – I never knew about James Russell Byers from the FBI investigation. As a matter of fact, one of my staffers came down to Memphis, see, and found it in the records that this man had said that he had been offered \$50,000 and that he had been in the habit of taking stolen goods over to a

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hotel here and that two gentlemen, James Kauffmann – John Kauffmann and John Sutherland, had something called fix-a-cold cough medicine that turned out to be drugs that they were making. But we found a great many – we didn't know about John – Mr. Speaker, John Paul Speaker, who was allegedly a cell mate of James Earl Ray and believed to have suggested to him there was \$50,000 out there for anybody who would assassinate Martin Luther King, Junior.

Q. Did the committee ever find any indication that there was a person called Raul that was in James Earl Ray's life?

A. They never – we were never able to establish the existence of a Raul or corroboration from anybody that a Raul existed. Jerry and John, James Earl Ray's brothers, suggested that they knew that their brother was in touch with somebody that he called Raul, but it was all hearsay coming from the brother.

There was some indications – and I can't remember the details of it. It sort of

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reminds me of the Jowers case, but there was a hotel manager in California who recalled James Earl Ray getting a call on the 27th or 30th of March telling him to go to Birmingham and that they had – they had seen this man before with him, but we never tied that down.

MR. GARRISON: Thank you, sir.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Reverend Fauntroy, did you ever see a photograph – did your staff ever show you a photograph of a man whom James Earl Ray identified as Raul in November of 1978?

A. No, they did not, although I have seen a photo since then.

Q. Why wouldn't they have shown you that photograph?

A. You know, I just don't know. It may well have been that our staff was not aware of what Mr. Tompkins stated some years later. It may – I know that our staff knew nothing about the Loyd Jowers connection.

Q. Now, I'm just dealing with this Raul issue.

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A. Yeah.

Q. What I'm getting to with the point of hindsight and the advantage of hindsight is the question of how that committee formed with millions of taxpayers' dollars – and I'm taking you really as a prisoner of the staff of that committee in a sense because you were chairman. You didn't conduct the investigation yourself. How the committee staff could not locate a figure whom James Earl Ray himself identified only one time from a photograph that he saw in '78 which the person 21 years later has been identified by four other people independently as Raul, why the staff couldn't do that job or why it has to be done privately?

A. I wish I could answer that question. And on hindsight as I said after I've seen the work of so many scholars who have been working in these areas, I wish I had known and I wonder what our staff knew.

Q. The other area that interests me is your recollection of the reaction in the country to Martin Luther King's [speech at](#)

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[Riverside on April 4, 1967](#) when he formally holds no holds bar opposed the war in Vietnam. Do you recall what the reaction was across the land?

A. It was at that point that these editorials, these cartoons began to appear around the country and because, again, my responsibility was for the national office there in Washington, I got to get regular versions of the same editorial – this man is dangerous and regular caricatures of a man whom I considered the singularly most important man with a most important message for this, the most violent century in the history of mankind. It was we've got to learn to live together as brothers, and so it hurt me.

And the effect of it was their organization found many of its supporters refusing thereafter to contribute to our effort, and I do remember one call that I'll never forget from Dr. King at a time when he was very discouraged about what had happened because he had taken a position that

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conscious [conscience] told him was right. And it was on an evening when I was just finishing up a sermon for the next day and quoted to him an English Methodist preacher who said on some issues, cowards ask the question is it safe to take a position[?], and expediency asks the question is it politics[?], and vanity asks the question is it popular[?], but conscious [conscience] always asks the question is it right[?].

And I said to Martin there are some things you have to do not because they're popular or politics but because they are right, and I think that sort of helped him through that period and we survived it.

Q. Was there a similar reaction of fear with the announcement of the march on Washington, the one that was planned in April – not April but in the spring of '68, the poor people's campaign?

A. Yes, but I tell you, I was shocked by the killing. I was shocked because we had lived for about a decade to that time with threats to Dr. King on his life. In fact, in New York City, he had been stabbed by a

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demented woman, but it had become sort of routine just to dismiss those kinds of threats. It just never occurred to me that the prospect of our doing not a one-day march on Washington, but as Dr. King promised, a demonstration that would last until this nation ended a war in Vietnam and got serious about the war on poverty. So that there was talk about the risks, but really that was not the question.

The question for us was whether or not there might be provocateurs who would deliberately start things, and quite frankly, the reason we came back to Memphis was precisely because we feared that if we did not settle it here and make it very clear that we were not going to brook any violence as a part of our demonstration in Washington, that we might not be able to carry it out because Dr. King was determined that we're not going to have a demonstration that degenerates into violence.

Q. Lastly, Reverend Fauntroy, did there come a time in 1977 when you became aware of

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a threat on James Earl Ray's life?

A. Oh, certainly. In 1977, not long after we had gotten into the investigation in earnest, we heard that Mr. Ray had broken out of the prison here in Tennessee.

Q. Brushy Mountain Penitentiary?

A. Yes, which was very troubling because I was afraid that perhaps persons who feared he was telling the truth might want to take his life. As a matter of fact, we were so concerned about it that a former colleague of mine in my first year of the Congress, Ray Blanton, had left Congress and had become governor of this state, and I suggested to our chairman, Mr. Stokes, that we call him and ask him that he make sure that every effort was being made by the state to capture Mr. Ray before some people from the FBI who were reported to us to be down here on a state matter.

Q. And in fact, weren't there upwards of 30 FBI SWAT team snipers that descended on this state as soon as Ray escaped?

A. I don't know that. I have no

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evidence, but that's what we heard and that alarmed us. And we called Mr. Blanton and my information is that he acted and the FBI was asked to leave and Mr. Ray was recaptured and we all breathed a sigh of relief.

Q. Yes.

MR. PEPPER: Unfortunately nothing further. Thank you very much.

THE COURT: All right. Thank you. You can stand down or you can remain in the courtroom or you're free leave.

(Witness excused.)

THE COURT: Let's take our break now.

(Jury out.)

(Break taken at 3:23 p.m.)

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

(Jury in at 3:53 p.m.)

THE COURT: Mr. Pepper.

MR. PEPPER: Thank you, Your Honor. Plaintiffs call Ms. April Ferguson.

APRIL R. FERGUSON,

having been first duly sworn, was examined

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and testified as follows:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Ms. Ferguson.

A. Good afternoon.

Q. Thank you very much for joining us this afternoon.

A. Thank you.

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

A. April R. Ferguson. I live in Memphis, Tennessee.

Q. What do you do for a living?

A. I'm an attorney.

Q. And how long have you been an attorney?

A. About 21 years.

Q. Were you an attorney in 1978?

A. I had just been admitted to the bar.

Q. Were you a part – at that time were you a part of the James Earl Ray defense team?

A. I'm sorry?

Q. Were you a part of James Earl Ray's

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defense team at that time?

A. Well, it was a post conviction attempt to gain him a new trial, and I was working with Mark Lane and Charles Galbreath who was a retired judge in Nashville.

Q. In the course of that work, back in 1978 in the effort to seek a trial for Mr. Ray, did there come a time when you received a communication from an inmate who was housed in the county jail?

A. Yes. Actually my memory of that is necessarily unclear after all these years, and I do have an affidavit that I had prepared at that time that you have provided me with if I could use that to refresh my memory.

Q. Yes, if it's all right with the Court.

THE COURT: You may, yes.

A. Thank you. Our office received a call. It was directed to Mr. Lane. The party asked for Mr. Lane, and I spoke to him on January 30th, 1979. And he called several times asking for Mr. Lane, and Mr. Lane was

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traveling. So he asked that someone from the office come to see him so I got permission from his attorney to visit him and did go with our secretary to visit him in the jail downtown here in Memphis – that was the old jail – on January 31st, 1979. His name was William Kirk, K I R K.

Q. And what did – when you went to visit Mr. Kirk, what did he tell you?

A. Well, we asked if we could tape record our conversation. He would not allow us to do that, and he also asked that we not use his name. But of course we had his name, and the secretary and I both took notes. Her name was Barbara Rabbito, R A B B I T O. He told us that he'd been in the Shelby County Jail from 1972 until the time we interviewed him on robbery and extortion charges, and in August 1976, he was on furlough from the Missouri Penitentiary for armed robbery. He was arrested in Memphis on another charge and unable to bond out, and he started serving his sentence in the Shelby County Jail. And then between October 1976 and February of '77

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in the Shelby County Jail, he had met a person named Arthur Baldwin whose name

at that time was quite well-known to Memphians.

I don't know if it is anymore.

Q. How was Mr. Baldwin's name well-known?

A. My own personal recollection of Mr. Baldwin is that he was the owner of several clubs where there were girl dancers. I don't remember if there was gambling or anything like that. I just remember that that was what Mr. Baldwin was known for.

Q. Okay. So he said he was contacted – this inmate, William Kirk, said he was contacted by Mr. Baldwin?

A. Well, he had met him, and then Mr. Baldwin was apparently serving a sentence for some kind of non-violent crime like income tax evasion or he didn't know really what it was, but he said Baldwin had already talked to – and I don't know how he knew this – to Mr. Kirk's codefendants. And these also were names that were known to Memphians or to me anyway – Albert Tiller

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and George Tiller. I think they were called the terrible Tiller brothers by a lot of people.

And apparently Mr. Baldwin had offered them \$2,500 to do a job stopping somebody from attending a board meeting.

Then the job was offered to Mr. Kirk, and Mr. Kirk didn't say whether he took that job or not. But he did say he and Mr. Baldwin were friends, that he had saved him from some sort of unpleasantness in the jail. He also told us that in June 1977 he was released, but then he was arrested two weeks later for a robbery in Germantown. He got out again and he stayed out until November of 1977 where he was arrested in Jackson, Tennessee and brought back to Memphis, was released again in December.

Then he went and started visiting Mr. Baldwin at his place of business when Mr. Baldwin had been released, and then he said he was offered a murder contract by Mr. Baldwin for \$5,000, and he was told that there were three more pieces of business in

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Memphis for larger sums of money. And Kirk told us that he didn't take the murder contract and was back in jail when it was carried out against a person named David Macnamee (spelled phonetically) in Memphis.

And he further related that Baldwin was from the state of Washington and that he had been in the Memphis area since '75 or '76.

Then Kirk had to go back to Missouri on a warrant. Then he came back to Tennessee in March of 1978, and in September of '78, he was sentenced to 65 years on the various cases he was facing in Tennessee. But in June or July of 1978, he had a telephone conversation with Mr. Baldwin during which time Baldwin mentioned another murder contract for \$5,000. This time with James Earl Ray as the target, and my recollection is that Mr. Ray was then at Brushy Mountain, but I'm not absolutely sure.

Q. Yes, I think that's right.

A. And Kirk said to us that he didn't know if he was being offered the contract so much as just being told that the word needs

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to get out that this contract is available.

Q. This was a contract on James Earl Ray's life?

A. Yes.

Q. And the contract was put out by the same Arthur Baldwin?

A. Well, it's unclear from what Mr. Kirk told us as to who was really letting out the contract. You know, whether it was Baldwin or somebody else.

Q. Baldwin was communicating it in any event?

A. Baldwin communicated it.

Q. It wasn't clear where it was coming from?

A. Right.

Q. Right. Kirk became apprehensive about carrying out this contract, did he?

A. He didn't. He was not in a position at that time to take it up. I mean he was not in that facility. He didn't indicate that he was interested in taking it up.

Well, I think he did say later that he didn't want to. He had heard from those who had

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been at Brushy Mountain that James Earl Ray was, quote, good people, closed quote, and there was no need to kill him. He therefore decided to tell Ray's attorney, and that would have been at that time either Mr. Lane or Mr. Galbreath.

Q. Right.

A. He – Mr. Kirk got the impression that Mr. Baldwin was working as an agent or informer for the federal government. He didn't say how he got that impression except that it later turned out that Mr. Baldwin was responsible somewhat for the exposure of Governor Ray Blanton and his pay for pardon scandal. I don't think you were here when Governor Blanton left office early.

Q. Right.

A. So Kirk while he was out of jail visited Baldwin frequently and was surprised that although Baldwin had a comfortable home here in Memphis, they frequently went to the Executive Plaza Inn near the airport for meetings, and it was his impression that Mr. Baldwin was helping the federal

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government in their investigation and that he was being protected by the federal government for being prosecuted for state violations of the law, although he wasn't clear what those violations were. And he was afraid – Kirk was afraid that this assassination plan of Mr. Ray had originated with the federal government, but he

didn't tell us any sources for that.

Q. Well, he did indicate and you indicate in the affidavit that Baldwin operated occasionally from rooms at the Executive Plaza Inn near the airport?

A. Yes.

Q. Do you recall whether he said that – whether Kirk said that the phone call – and this was communicated by telephone, wasn't it, this last offer?

A. Well, he just says – yes, in June or July of 1978. When we talked to him, I recall that he was in a jail cell, and he had no papers or memoranda or anything with him so I don't know how...

Q. Just giving you this recollection?

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A. Yes. I don't know how accurate he was.

Q. But in any event, he thought – he had the impression that this contract on James Earl Ray's life had originated with the federal government?

A. Well, he knew that Mr. Baldwin had already been working for the federal government so it's hard to say. That was just his impression.

Q. That was his impression.

A. And I honestly can't recall – it's only through looking at this affidavit that I can recall these details because I recall the visit. I recall going there with Ms. Rabbito, and then I recall preparing this affidavit so we could recall what was said.

But beyond that – I don't recall being allowed to do any follow-up. I don't think he wanted to speak to us anymore.

Q. You don't recall hearing anything more about this?

A. Oh, certainly Mr. Kirk became notorious –

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Q. Yes.

A. – for other things later but..

Q. But not this?

A. We weren't able to follow-up on this anymore.

Q. All right. Ms. Ferguson, let me just show you this copy of the affidavit and ask you to look at it and compare it. This is dated the 16th day of February 1979.

(Document passed to witness.)

A. For some reason it's got two page 5's on it that are identical, but that is what I recollect – that's a copy of what I have. This is exactly the same as what I've been looking at.

Q. Do you recognize your signature on that?

A. Oh, I see. It's not two pages. Yes, it's my signature.

MR. PEPPER: Move to admit, Your Honor.

THE COURT: All right.

(Whereupon, the above-mentioned document was marked as Exhibit 23.)

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Q. (BY MR. PEPPER) Did you ever hear anything more about this contract that Mr. Kirk told you Mr. Baldwin had given to him?

A. I may have, but so many years have passed since that subject was pursued and so many bits and pieces of information were gathered together and then we weren't able to pursue them that we would put a little piece here, put it down and file it away and then not be able to follow-up on it. I do recall that when Mr. Kirk made a spectacular escape from one of the Tennessee facilities that I recalled who he was then, but I personally can't recall what follow-up, if any, was done.

Q. This section of plaintiffs' case is dealing with cover up. One series of activities of cover up happened to be assassination, killing, a murdering of people. That's why this is important.

A. Thank you.

Q. At that point in time you were involved. Where is Ms. Rabbito today, do you

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know?

A. I wish I knew. She moved to Northern California. I heard she was planning a marriage, but beyond that, I don't know. I lost track.

MR. PEPPER: Okay. Thank you very much.

THE WITNESS: Thank you.

MR. PEPPER: Nothing further.

MR. GARRISON: I have no questions, Your Honor.

THE COURT: All right. You may stand down.

(Witness excused.)

MR. PEPPER: Plaintiffs call Mr. Jimmy Adams, Your Honor.

JAMES E. ADAMS,

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Adams.

A. How are you doing?

Q. Thank you very much for joining us

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here today. Would you state your name and address for the record, please?

A. James E. Adams, 168 Shamrock in Arkansas.

Q. Thank you. And what do you do for a living?

A. I drive a cab.

Q. Your testimony is in a portion of the plaintiffs' case that deals with cover up – various aspects of cover up. How long have you been driving a taxi cab in Memphis?

A. Since 1966.

Q. Have you driven consistently from that period to now?

A. Yes, sir.

Q. You've had a long history of driving a cab?

A. (Witness nods head.)

Q. Are you familiar with the defendant in this action, Mr. Loyd Jowers?

A. Fairly. I mean I know of him, yes. That's about it. I knew he was in the cab business a lot.

Q. You knew he was in the cab business

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for quite a period of time?

A. Yeah.

Q. Which company do you drive for now?

A. I drive for Yellow Cab Company.

Q. For Yellow Cab. Was there a time in the not too distant past where you drove three people who were connected with a media organization to the airport?

A. Yes, sir.

Q. Did you come to know which media organization these people were connected with?

A. I think it was *Fox Network*, and I think it was getting a lie detector test or something is what they was talking about.

Q. They were taking a lie – giving a lie detector test to whom?

A. To Loyd Jowers.

Q. These media people were giving a lie detector test to Loyd Jowers?

A. Right.

Q. Could it be that those people represented the *ABC Network*?

A. It may have been. I just know they

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was some kind of a TV crew, and the guy that gave that test was supposed to be an FBI agent. And then I found out he was not. He was an ex-FBI agent or something is what they told me anyway.

Q. These were people you drove – where did you pick them up in Memphis?

A. From the Hotel Peabody.

Q. You picked them up at the Hotel Peabody, and they instructed you to drive to the airport?

A. To the airport, right.

Q. And how were they seated in your cab?

A. Well, the one that actually gave the lie detector test was sitting in the front seat with me, and there was a lady behind him and there was a little short man behind me.

Q. Do you remember when that was, Mr. Adams, approximately?

A. No, not right off hand. I hadn't really checked.

Q. And did you overhear conversation in your cab in front of you, beside you, behind you as you drove to the airport?

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A. Yes, sir.

Q. And would you tell the Court and the jury what was the nature of that conversation?

A. Well, the man in the front seat asked the man in the back seat about what do you think about this Jowers fellow, and I didn't – I had the window rolled down and couldn't exactly hear what he said, but when I heard Jowers, which I know, I rolled the window up a little bit.

The man in the front seat said I couldn't get the man to waver at all. He said I actually tried to get him to tell a lie where I could get a feel for him. He said normally I can get a feel for people like him. And then the man in the back seat said, well, maybe he was on some kind of drugs, and he said, well, yeah, but what are you going to do, give him a urine test right there in front of everybody, you know.

And then the lady next to him said it was hard to believe that he could remember all these little details over 30 years ago.

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And then the man next to her said, yeah, unless he had something to do with it, and

then the man asked me – I mean I asked him, I said you all talking about Loyd Jowers, and he said, yeah, do you know him? I said, yeah, I know him. He said you think he's capable of doing something like this, and I said yeah. And then he said he probably done it himself, didn't he? And I said probably.

Q. But coming back to the initial exchange that you overheard, really against his own interest, this examiner was saying I couldn't get him, meaning Mr. Jowers, to waver at all. To lie at all?

A. Well, he didn't lie. He said waver.

Q. Waver.

A. You know, that's the words that he said. He said waver at all. He said I couldn't get the man to waver at all. He said I actually tried to get him to tell a lie where I could get a feel for him. He said normally I can get a feel for people like this.

Q. So he tried to get Mr. Jowers to tell

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a lie, but he couldn't get him to waver at all?

A. That's what it sounds like.

Q. That's what he said to you?

A. Yes.

Q. Well, not to you, but that's what he said in front of you?

A. Yeah, that's what he said.

Q. Did you come to know what were the publicly made results of that lie detector test?

A. Well, as soon as I heard this, I told, you know, another driver that was kind of involved in this case, James Millner, that they gave Loyd Jowers a lie detector test. And I said whatever he said, that he passed the test. That's what I told him because that's the way they talked in the cab.

Q. So you were under the impression that Mr. Jowers passed the test, right?

A. Right.

Q. What did the media actually report about Mr. Jowers in that test, do you recall?

A. Well, after I found out it was going

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to be on TV, I watched – I got the last part of it where he was telling him about the gun – the man handed him the gun and all that. And then the man went in the room and he come back out and asked Mr. Jowers did he want to know the results of his test. And he says yeah, and he said, well, you lied about everything.

And he said are you in this for some kind of money deal or something like that, and he said, no, I ain't making a dime out of this. And I heard somebody in the background say this interview is over with, and they walked out.

Q. So a national television program aired this program focusing on the lie detector test and announced to the world that Mr. Jowers lied.

A. Right.

Q. But in your cab –

A. It sounded like he was telling the truth.

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

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CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Adams, you've known Mr. Jowers some time I gather, haven't you?

A. Quite a few years. It just happened to be that I knew he was in the cab business,

and I've seen him here and there, and I've talked to him occasionally. But it seemed like when he was at one cab company, I was at the other cab company, but we have – I've worked at the cab company that he was working at at one time which was Veterans Cab Company.

Q. He never talked to you about anything about the assassination of Dr. King, anything he had to do with it, has he?

A. No, sir.

Q. And as far as the questions that were asked you, they didn't really tell you what questions they asked him, did they?

A. No.

Q. None of the people in the cab company told you what questions they asked him, did they?

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A. No, they didn't.

Q. But you saw the TV where they said that he failed the polygraph test, a lie detector test; is that right?

A. Yeah, I seen that on TV.

Q. That what the examiner said, that he failed the test.

A. That's what the examiner said.

Q. Thank you.

A. That was the same guy that was in my cab.

MR. GARRISON: Thank you, sir.

MR. PEPPER: Nothing further, Your Honor.

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

(Witness excused.)

MR. PEPPER: May we approach, Your Honor?

THE COURT: Yes.

(Dr. Pepper and Mr. Garrison confer with the Judge at the bench without the court reporter present.)

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MR. PEPPER: Your Honor, plaintiffs call Ms. Yolanda King to the stand.

THE COURT: All right, sir.

YOLANDA KING,

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Ms. King.

A. Good afternoon.

Q. Airport difficulties notwithstanding, thank you for joining us here this afternoon.

A. Thank you.

Q. Would you state your full name and city of residence for the record?

A. Yolanda King. I live currently in Los Angeles.

Q. What is your current work activity or profession?

A. I work as an actress and producer.

Q. And you are the daughter of Martin Luther King, Junior?

A. Yes, I am.

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Q. Would you tell the court and jury your reason, as you see it, for this lawsuit being brought? Since each of the plaintiffs have a separate interest, in addition to a joint interest obviously, it's important that we hear why you think this action is being brought.

A. Well, I think even as a young person – younger person, I always felt that there was more information, there was much more to the facts than what had been reported and what had been concluded. And while I personally emotionally could not pursue it myself, I thought it was very important always that the full truth be known, that the actual truth be known. And so it has been actually for me personally a real sense of peace that this is happening, the fact that more and more of what actually happened will be revealed to the American people.

Q. Thank you. Now, does the factor of money or money judgment against the defendant in this case enter into your interest in it?

A. No, not at all. There really – that

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is not a consideration, was never a consideration. It has always been for me, for the family a question of allowing the truth to go forth.

Q. So the family is not interested nor has it requested any large amount of damages from the defendant?

A. Absolutely not.

Q. Have you participated in discussions with other members of the family about the action, and is it your sense that this is their feeling as well?

A. Very much, very much. We, I think, all came to an understanding and a unity of understanding at different times and different points in our lives. I think perhaps I was

one of the first, but I'm the first born so – and older and closer. But I think we have all come to a very unified decision in terms of the importance of what is happening here and also the reason why it is so important and so significant.

Q. How old were you, Ms. King, when your father was taken from you?

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A. I was twelve.

Q. And you were the eldest of the children?

A. Exactly, uh-huh.

Q. And do you remember that loss and that tragedy even today?

A. Oh, very much, very much. While it took me a long time to really mourn the loss – for a long time I pretended that he was just away, and because he was away a lot, it was easy to do that. I was an adult when I really mourned my father and really the significance and the impact of the loss. I allowed that to come forth, but it is – I guess you never get to the point where you ever really get over it completely.

Q. Do you think this process, as taxing as it may be for the members of the family, is helping in that whole reconciliation?

A. Yes, and in the healing – in the healing. I know for myself personally I am able to look at it in a very different way than I was previously and to really – really find the sense of, as I said earlier, peace

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about how things – what happened and why.

And while needless to say we don't know all of the facts, more and more has come to light, and I just think it's extremely not only personally important, but important for the country as well.

Q. Yes. The defendant in this case of course is Mr. Loyd Jowers. Should he be found

libel [liable], which is what happens in a civil proceeding as His Honor has explained to the jury at the outset – should he be found libel [liable] and culpable with being a participant with other unknown co-conspirators, how would you feel about Mr. Jowers? Would you have enmity toward him? What would your feeling be for the defendant should that verdict come down?

A. I think a large part of the reason because we grew up with a very strong and I think a very honest faith and that faith and belief has taught us and we've seen in action the power of forgiveness and the importance of it, I would not – I do not feel any kind of negative feelings towards Mr. Jowers. I

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think that he was part of what was unfortunately a result of the climate that was created and encouraged during that time.

MR. PEPPER: Ms. King, thank you very much.

THE WITNESS: You're welcome.

MR. PEPPER: No further questions.

MR. GARRISON: I don't have any questions of Ms. King. Thank you.

THE COURT: Very well, ma'am. You may step down.

(Witness excused.)

THE COURT: How long did you say your deposition is?

MR. PEPPER: It's about 40 minutes.

THE COURT: Forty minutes.

MR. PEPPER: We're prepared to move it over, Your Honor.

THE COURT: Let's take a vote. Well, we've already got some no's. I can understand. It's getting rather late, and it gets dark pretty early now. So let's stop it

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here, and we'll resume tomorrow at 10:00.

(Jury out at 4:30 p.m.)

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