

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

Volume 9

30 November 1999

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THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE

THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

CORETTA SCOTT KING, MARTIN

LUTHER KING, III, BERNICE KING,

DEXTER SCOTT KING and YOLANDA KING,

Plaintiffs,

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

LOYD JOWERS and OTHER

UNKNOWN CO-CONSPIRATORS,

Defendants.

PROCEEDINGS

November 30th, 1999

VOLUME IX

Before the Honorable James E. Swearngen,

Division 4, Judge presiding.

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PROCEEDINGS

(November 30th, 1999, 10:35 a.m.)

THE COURT: Are we ready for the jury?

MR. GARRISON: Your Honor, may we approach the bench before we start?

THE COURT: Okay. Come on up.

(Whereupon a Bench Conference was had.)

THE COURT: Bring the jury out, please.

THE SHERIFF: Yes, sir.

(Jury in.)

THE COURT: Good morning, Ladies and Gentlemen. I see you scratching on the door, ready to go. All right. Would you please call your first witness, Mr. Pepper.

MR. PEPPER: Yes, Your Honor. Your Honor, plaintiffs call Mr. Jack Kershaw.

JACK KERSHAW,

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

DIRECT EXAMINATION

BY MR. PEPPER:

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Q. Morning, Mr. Kershaw.

A. Good morning.

Q. Thank you for joining us this morning. I know you had some medical problems, and it's – it's an effort on your part and we're grateful to you.

A. One eye's better than none.

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

A. Jack Kershaw, K E R S H A W, Nashville, Tennessee, member of the Nashville Bar. The street address is 3616 Doge. The zip is 37204.

Q. Mr. Kershaw, how long have you been a practicing attorney?

A. Since '61.

Q. And have you practiced throughout that period of time in the State of Tennessee?

A. Yes.

Q. Have you lived in Nashville throughout that period of time?

A. Yes.

Q. And did you at one time come to represent James Earl Ray?

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A. Yes, I did.

Q. When did you begin to represent Mr. Ray?

A. About the spring of '77 on the occasion of the Congressional Committee investigation of his case.

Q. And in the course of that representation of Mr. Ray, did you consult with him many times?

A. Oh, frequently.

Q. And at one point in time were you asked – not by Mr. Ray but by someone else – to have a meeting with an author, William Bradford Huie?

A. That would have been in the summer of '77, my best recollection. I received a call from some official at Thomas Nelson Publishing Company that William Bradford Huie, a writer for *Look Magazine*, would like to meet with me about an unrevealed question. And I told him I'd be glad to. And I appeared at the conference room at the publishing company in due course and met with Mr. Huie.

Q. And at that time that you met with

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Author Huie, you were representing James Earl Ray?

A. Yes, that is correct.

Q. And he was aware of that?

A. Oh, yes.

Q. Now, flashing back a bit, had Author Huie published articles on this case prior to your meeting with him?

A. Yes. Not too long after the event, Mr. Huie published two or three stories for *Look Magazine* in which he promised to reveal the true assassin of Martin Luther King. His fourth article did a turn about. Instead of revealing a conspiracy and the identity of a mysterious assassin, he laid it all on James Earl Ray.

Q. Which he had not done in his – in his previous articles?

A. It was an absolute change of face. It was a flip-flop.

Q. Now, did you go to the Nelson Publishing Company in Nashville and meet with Mr. Huie?

A. Yes.

Q. And where did you meet with him in

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that publishing company?

A. In the conference room of the publishing company.

Q. And who was present at that meeting?

A. I, of course, and Mr. Huie, and Mr. Huie was accompanied by a couple of young men who I did not recognize and a couple other young men who were obviously junior vice president or something or other of the Thomas Nelson Publishing Company.

Q. But the people who you did not recognize with Mr. Huie at that meeting, did they identify themselves to you?

A. No.

Q. They didn't?

A. No.

Q. Is that unusual to participate in a meeting and others there do not identify themselves to you?

A. Well, the whole thing was unusual without any proper procedure.

Q. And what took place at that meeting? What was the purpose of Mr. Huie requesting you to meet with him?

A. He offered a sum of money for James

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Earl Ray's story, quote, unquote. And I asked him, what story did he want? That Mr. Ray was telling his story every week before the Congressional Committee. And Mr. Huie informed me that the story he referred to was how he killed by himself – he and he alone killed – shot and killed Martin Luther King.

Q. So this writer, William Bradford Huie, wanted a story – the story from James Earl Ray of how he, acting alone, killed Martin Luther King?

A. That's right.

Q. And he was prepared to pay a sum of money for that story?

A. Yes. He offered \$25,000 for that story. And I immediately asked him, what good is the money going to do this man? He's in the penitentiary. And Mr. Huie said, well, we'll get him on pardon immediately.

Q. So Mr. Ray would tell the story, admit his guilt, he would be given a sum of money and he would be given a pardon?

A. That was Mr. Huie's message to me.

Q. How did Mr. Huie – did he indicate

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at all how he was going to arrange this pardon?

A. Well, I asked him a little bit about that, and he never revealed his source of influence with the governor.

Q. But he seemed confident he could arrange a pardon?

A. Oh, yes, he was very confident. I suggested that he arrange the pardon before the story, but he didn't agree to that.

Q. That didn't go over very well. Of course, Mr. Ray was on detainer from the State of Missouri at the time. Did he say he could arrange a pardon from the State of Missouri as well?

A. That subject didn't come up. One pardon presumably would be enough.

Q. I see. And this was all at the time when the Congressional Committee was investigating the case?

A. Yes.

Q. Well, Mr. Kershaw, did you, as James Earl Ray's attorney, take this offer to Mr. Ray in prison?

A. Yes. When the meeting came to a

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close, I rose and addressed Mr. Huie and I told him that I would be glad to take his offer to Mr. Ray, but that it seemed to me that his very presence here in this conference room contradicted his mission. That his presence here indicated to me that there was probably a rich and powerful man behind the scenes who had instructed a rich and powerful and gifted writer to make overtures to get a certain story. And that in brief, his proposition for a lone madman killer clearly indicated a conspiracy.

Q. What did Mr. Huie reply to that?

A. He turned as red as a proverbial beet and managed to say nothing. He was a sandy-haired, red-faced little man to begin with. And he never answered.

Q. And you then left. Did you eventually take this offer to Mr. Ray?

A. Yes, I did. I was very interested to see what his reaction would be.

Q. And what was Mr. Ray's reaction?

A. He didn't want any part of it.

Q. So he turned it down?

A. That's right.

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Q. He turned it down flat. Did you ever hear anything more about this offer or –

A. I never heard further from Mr. Huie.

MR. PEPPER: That's fine, Mr. Kershaw. Thank you very much.

THE WITNESS: All right.

MR. PEPPER: Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Kershaw, let me ask you a question. It appears you and I started practicing law the same year, 1961. Isn't it true that Mr. Huie later said that he had investigated this and talked to a number of witnesses and he had come to the conclusion that Mr. Ray acted alone in this assassination? Isn't that what he later said?

A. I'm sorry. Could you repeat that.

Q. Yes, sir. Isn't it true that Mr. Huie later said that he had talked to a number of witnesses, including Mr. Ray, and he concluded that Mr. Ray acted alone? Isn't that what he later said publicly?

A. I don't recall any such statement

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from Mr. Huie.

Q. Did you ever have any further meeting with him after this time?

A. No.

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

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

THE WITNESS: Thank you.

(Witness excused.)

MR. PEPPER: Your Honor, plaintiffs have been holding off on the testimony of a couple of witnesses hoping that they could be brought here and be available to the Court. And it appears that in the lateness of the hour, in terms of plaintiffs' case, that that's not going to be possible for one reason or another, which I'm glad to explain to the Court.

So we'll have to proceed with the video deposition of the first one. This first witness is dying of liver cancer, and he has at various times been up and about.

He's hemorrhaged rather badly in the last week and is bed ridden. He desperately did

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want to come here. But anticipating this problem, he was deposed in Orlando, Florida, some time ago.

So with the Court's permission, we would like to play that – that first video deposition.

THE COURT: All right. You may.

MR. PEPPER: The name of the witness, Your Honor, is Mr. Jack Terrel, T E R R E L.

(Whereupon the afore-mentioned video deposition was played for the Court and Jury.)

(Transcript from video tape testimony follows.)

UNIDENTIFIED SPEAKER: Will the court reporter please swear in the witness.

JACK TERREL,

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Could you state your full name and – and address for the record, please, Jack.

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A. My name is Jack R. Terrel. I live at 1044 Cascade Way in Apopka, Florida 22703.

Q. Jack, will you tell us when you were born and where you were born.

A. I was born April 13, 1941, in Birmingham, Alabama.

Q. And you – could you describe for us now the current state of your health.

A. At the present time I'm suffering from terminal liver disease as a result of Hepatitis C contract – contracted in Burma about ten years ago.

Q. And how far progressed is the disease and what is – what is the prognosis for you?

A. Without a liver, I will not see Christmas.

Q. You will not see this Christmas –

A. No.

Q. – 1999?

A. 1999, no.

Q. Let me thank you for coming here under these circumstances and making –

A. No problem.

Q. – yourself available, Jack. I'm very grateful to you. If we could go a bit

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into your background. Was there a time when you joined an organization called the Civilian Military Assistance?

A. Yes, there was. I joined the CMA in 1984.

Q. And what was the nature of that organization? What was their involvement?

A. At the time they were supplying everything from arms and ammunition to military software to the Contra Rebels in Honduras.

Q. And is that a part of the operation to try to overthrow the – the government of Nicaragua?

A. Correct. They were working hand in hand with the FDN, which at that time was headed by Adolpho Calero.

Q. Who was the authority behind that organization and who created it?

A. The Central Intelligence Agency. It was created by – it has a history that goes back to the early 80's when the Sandanistas, which were at that time backed by the United States Government, were launching attacks from Costa Rica and Nicaragua to overthrow

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the Somoza government, Daniel Ortega and his troops under the Sandanista banner.

And once he declared communism as their form of government, the CIA assigned the regional chief of operations, Duane Claridge, which people also know as Duey Claridge or Duey Maroni, which was his *nom deguerre*, to go to Nicaragua and commence militarily bringing down the government. And he was given 250 million dollars to do it with.

Q. What was the status of these operations with respect to the law of the United States at that time?

A. In the beginning it was unknown to most U.S. Government officials outside of few

people in the Senate Oversight Committee, until William Casey approved the mining of the harbors in Managua which were subsequently hit by three Soviet vessels.

And the hot line lit up in the White House, and Ronald Reagan was sort of caught off guard. And he went down the chain, what's happening?

And it leaked to the Congressional

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Oversight Committee, and they went ballistic. And a Congressman by the name of Bolen [Boland] floored a bill to create what is now known as the Bolen [\[Boland\] Amendment](#). It was tacked onto another bill which in essence said that no aid, whether it be band-aids, bullets, anything, was to go from the United States – either militarily or civilian or charitable or anything else – to aid the Contra Rebels in this supposedly overthrow.

Q. At the time – so at the time you were involved, the Bolen [Boland] Amendment was in effect?

A. Correct.

Q. And were the operations that you observed in violation – from what you could see in violation of that amendment?

A. Directly in violation because we were shipping arms and ammunition to the Contras.

Q. Right. In a book that you've – you've written, Jack, about – that recounts some of these events – a book called [Disposable Patriot](#) –

A. Right.

Q. – you referred to a pool of talent

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that is drawn upon for these types of plausibly deniable operations.

A. Mm-hum.

Q. Would you just elaborate on what that – what that phrase means. What is the pool of talent you're referring to?

A. Well, you have to go back in the Central Intelligence Agency – all the way back to Stansfield Turner. When Jimmy Carter appointed Stansfield Turner the head of the CIA, he immediately cut loose over 1,500 field agents and black operatives in various countries, this country, working within the military or whatever.

When Casey took the helm of the CIA, he not only brought back these people in black operations, he also enlisted through Fort Bragg special operations called JSOA.

It was called Joint Special Operations Agency which had a door in the Pentagon, but behind that door was an empty office.

At Fort Bragg it was called JSOC, Joint Operations Command, which was supposed to be members of the Marines, Army and Air Force working together in black operations.

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But in reality it was reserve units that were not only in place but some that were created to carry out certain operations.

But some of the older reserves went back into the 70's and into the 60's post Vietnam that were operating in various parts of the country. And, actually, nobody knew they existed because they trained in rural remote states. But when they would carry out operations, it would be in civilian clothing.

Q. Was one of those reserves units, perhaps the largest, the 20th Special Forces Group?

A. The 20th Special Forces Group, correct. It operated in a five-prong situation throughout the south in Louisiana, Alabama, Tennessee, Mississippi, Arkansas.

Q. Right. And so it was from the 20th Special Forces Group as well as the other sources that these – that these – this talent was drawn –

A. Correct.

Q. – for these kinds of operations.

A. They either used the reserves whom they could command, or they had an ancillary

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that through the reserves they could bring in civilian black operatives to work with reserves – with the – the 20th Special Forces and the Night Stalkers at Fort Campbell, things of – people in groups of this nature. So it was – it was very fluid and involved thousands of people.

Q. Okay. Now, what was your role in the CI – CMA operations in Latin America?

A. I was actually placed into the CMA by Donald Fortier, who was with the National Security Council, as the eyes and ears for the National Security Council within a civilian organization to see that the mandates that were being passed through from CIA to NSC be carried out in Central America.

Q. And when – when you were placed into the CMA operations, what was – what was your role? What were you – what were you expected to do?

A. Well, I was working as a contractor for the Central Intelligence Agency. And I was to not only be the eyes and ears but also eventually head the organization and – and to carry out the orders that we have received

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from – anything from assassinations to ground infiltrations to sabotage.

In fact, we had an operation called – our primary responsibility – Pegasus, which in Spanish is Pagasso, which we had targeted on a feeding-style project from Vietnam to go in and take out the infrastructure physically and personnel wise, meaning in the directorate of the Sandanistas assassinate these people to overthrow the government.

Q. Now, if you were placed in this organization by a member – a high-ranking member of the National Security Council –

A. Mm-hum.

Q. – is it conceivable – and the National Security Council reported directly to the president of the United States.

A. Yes, sir, they did, every day.

Q. Is it conceivable that the president of the United States – would be the vice president of the United States at the time – did not know that these activities were going on in contravention of the Bolen [Boland] Amendment?

A. The president directly knew. George

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Bush went past knowing. He was over his head, actually using his assistant to – and also his son who is now the governor of Florida, Jeb Bush, in seeing that quote, unquote, civilian operations went forward in the means of transporting aircraft for supply drops to loading ships with weapons in the port of Miami, Florida, destined for the area, putting Manuel Noriega on the payroll which in turn allowed the bidding cartel from Columbia to franchise Central America.

And this is where the rub came with me is because they went into – the CIA caused creative financing, which they did in Vietnam under General Frank Powell and Air America, which was the transportation of what they call sticky bricks or opium and the money deposited in the New Guinean bank in Australia. They were trying to create the same situation in concert with a bank called the BCCI which is now history.

But it was a well-orchestrated thing, and such a situation that I would put it this way. If you were a fly on the wall in the Oval Office, they would have – they

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would have impeached him faster than even considering an impeachment on Clinton

because they – they were up to their elbows in it.

Q. Now, you became disenchanted at one point in time.

A. Oh, yes.

Q. What was the reason for your disenchantment?

A. Drugs. The allowing shipments of drugs to be flown in American aircraft to Homestead, Florida; U.S. Air Force planes, contracting people to fly from Cartagena, Barranquilla, Medellin, to Corn Island and Nicaragua or to northern Costa Rica to quote, unquote, a CIA base to be refueled to be brought into the United States. Therefore, a kilo of cocaine went from \$80,000 to \$18,000 in a matter of 30 days.

So I came to Washington to testify before the Senate Foreign Relations Committee and aired my gripes about it because I was at that time supposed to be running the organization. And I found out you do not go against a popular sitting president the hard way.

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Q. So you became – effectively became a whistle blower?

A. Oh, yes.

Q. And it was triggered by the fact that you objected to the elicited [illicit] smuggling of drugs into the United States as a means of financing these covert operations?

A. Correct.

Q. And what happened – what happened to you as a result of your attempting to – to testify?

A. Two attempts were made on my life. One in San Jose, Costa Rica, where there's probably still a Toyota sitting there with 92 bullet holes in it. And I was poisoned in Manapol Grama (phonetic) by agents working through an organization headed by General Richard Secord and Oliver North, who was reporting to Bill Casey, called Operation Freedom.

But it was all a store-front operation to shut me up because I have got clout – I am in possession of classified information stating that I knew quote, unquote, too much

about their operation, so

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they needed to terminate me. When that didn't work, they went after my credibility.

They tapped my telephones. Even down to telling my daughter that I was a paid intelligence asset for Fidel Castro. I was listed as a terrorist threat to the United States Government. I was taken by the Secret Service to – from offices in Washington to be polygraphed, which I passed.

And during – the 15 questions that I was asked by the Secret Service, only one of them had to do with assassination. And that question was: Do you now or have you ever thought of harming anyone who worked for the United States Government? The rest of them was did I agree with Ronald Reagan's policy on Central America – political questions.

But I passed it. And they really couldn't do anything to me at that point except continue to go after my credibility.

Q. Did they at one point in time, also in attempting to destroy your credibility, seek to prosecute you?

A. Oh, yes. I was indicted on six

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counts in Fort Lauderdale, Florida, by Edwin Meese, at the direction of the White House, who forced the acting U.S. Attorney at the time in a distant state – you know, I'm in Washington D.C., but they indicted me in Fort Lauderdale and basically for following orders. But the – one of the indictments, to show you how far they will reach, was conspiring to put a luggage tag on a suitcase containing a firearm that they issued.

You know, so it was that bad. So our attorneys – my attorney, John Magids, filed a precedent setting motion under – I can't even think of the name of the law at the time – a neutral anti-trial act called the "At Peace Motion" which said that we were not at war with Nicaragua but we weren't at peace with them either.

So George – Judge Norman Rutger, who is the second highest seniority to John Serika (phonetic) [Sirica], said this is the most politically charged indictment I have ever seen in my life and threw it out.

Q. So he dismissed the indictment?

A. Yes.

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Q. And the prosecution did not go ahead?

A. Well, the CIA came down there and briefed the judge. And at that point the prosecution actually wound up becoming witnesses in our case.

Q. Was there any polygraph that you had to take – that you did take – that you elected to take during that point in time that you failed with respect to any of these events?

A. No, I've never failed a polygraph.

Q. Jack, we can go back now to an earlier time around about – or in the early 1970's you moved to Mississippi.

A. Correct, Columbus.

Q. And you established a business there.

A. Correct.

Q. Could you just describe the business that you developed.

A. I developed an EMS system while I was in Montgomery, Alabama, that was designed to work in rural states. And Mississippi was the most rural. I was told it couldn't work, so I took the challenge and went ahead with

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it and became extraordinarily successful with it. And in the process I hired and had at one point probably 400 people working for me. And everything was roses.

Q. Was one of the people working for you whom you met and became friendly with a – a reserve officer in the 20th Special Forces Group?

A. There were several. But the one you're talking about came to work for me – J.D. Hill, who is a member of the 20th Special Forces which, incidentally, had a training headquarters in Columbus.

Q. Mm-hum.

A. But he came to work for me and eventually rose to the rank of supervisor within my organization stationed at the home office in Columbus. And during this period, because of shared interest in firearms and things of this nature, we became very close friends.

Q. Right. Could you describe J.D. Hill as a – how you came to – what your impression of him was during the time that he worked for you.

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A. J.D. was a – he was a strange person in a lot of ways, but in some ways he was a very intelligent, well-trained individual who had – before he come to work with me fought in Costa Rica. His mother had come from Costa Rica. But he knew exactly what he wanted in life in many ways. His only setback was that he drank.

But when I promoted him to the rank of supervisor, it was on the condition that he stop drinking, which he did. He completely quit drinking and became another man. He confided in me often about things he wouldn't talk with (sic) because he came from a broken home. He was full of rage. He was the type of person – if I was going to pick for an operation, he would be the type I would pick. He profiled perfectly on a – on a lot of things for people that you would want to look death in the face and not worry about it.

Q. Did you learn much about the unit he was attached to, the 20th Special Forces Group, during this time?

A. I went past that. I tried to get

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into it, and they wouldn't let me. I used to go out on the weekends and parachute jump with them, and I got to know many of them there.

Q. Right.

A. You know, and they would tell me stories that at that time seemed kind of unbelievable. But as time passed by, they weren't so unbelievable.

Q. Did that unit have a training session once a year?

A. Once a year at Camp Shelby, Mississippi, they would go for two weeks and just disappear off the face of the earth, and then they would show back up two weeks later.

Q. Right. And was that – were members of that unit used on various covert operations throughout this period?

A. Many. A lot of them – I didn't know about some of them. I did know about mission – two missions that were told to me, one called Operation Back Pack and one of them called Operation Quail Hunter. One of them was designed to literally take a nuclear device behind enemy lines in a back pack and

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plant it at an undisclosed location to be detonated later. But that's how high – highly they were thought of where they could carry nuclear weapons.

Q. Were they – were they – did they wear civilian clothing in the course of these covert operations?

A. They never were in uniform – always in civilian clothes. And I was told on many occasions, you know, that if you see me somewhere and I'm supposed to be, you know, doing something for the military and I don't have a uniform on, act like you don't know me.

Q. Was there a time when your relationship developed closely enough with – with J.D. Hill that he had told you about a highly secret operation that he had been

involved in some years before?

A. Mm-hum. He had just returned from Camp Shelby, Mississippi, on one of these tours they did down there, and he looked like a completely different person. He had lost like 45 pounds, he was hard as a rock, his eyes were like steel. And I told him –
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said, you know, people who are on diets need to go where you went because I've never seen anybody make a transformation like this. And he said, well, it wasn't the first time.

And I said, what are you talking about? And he said, well, you do what you got to do. And I said, well, that's still not telling me anything. And he said, well, I'll tell you about it one day. And one day we were out in the field in one of our cars and went to an old beer joint – I don't even drink, but went to a beer joint down near the state line. And he said, I want to tell you something I think I need to get off my chest.

And he said, not that it's worrying me or bugging me or anything else but, he says, I'm going to show you the level of what it amounted to – the involvement that they had. And he started telling me about a covert operation that he was involved in that he really didn't know what he was doing. He was asked to come to Shelby for special training. He was a sniper. In fact, he had three MOS's. And he said that he was

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assigned to a –

Q. Excuse me, Jack. Would you explain what an MOS is.

A. Well, it's a military occupation specialty. He said that he was assigned to a team of men at Camp Shelby that had been put together as a chute [shoot] – triangular chute [shoot] team, which means chuting [shooting] from three positions.

And that they went into training and would be sent to Pocatello, Idaho, to start shooting at moving targets because they had been told that they were going to take

out an Arab leader – unnamed and unknown Arab leader.

And they had to refine their shooting skills to such a point – different elevations, different angles, but always from the triangular chute [shoot] on moving vehicles. And they practiced, practiced, practiced. And he said they – they were told what they needed to know. Everything was on a need-to-know basis. He said later that he was called back to Shelby and the team was there. They were not issued their standard sniper weapons, which at that time they were using SSG's which is made by Manliquor (phonetic) [Mannlicher]. It's

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a double-trigger weapon that fires a 3.75 by five, nine, I think, slug. But it's pretty powerful and deadly accurate at 1,100 meters.

And they worked out with standard-issue 30 aught 6 weapons which he thought was very weird. He said, man – he said, they just gave us 30 aught [ought] 6's to go out and start shooting these things. He said, we didn't know what – what was going on. And he said, I was about ready to ruck up – which means pack up – and leave. And he says he was told real quick by the commander of the base, you know, that they were confined and they were fixing to go somewhere. And he said, you will be briefed at the time.

He said that they had been taken via aircraft to West Memphis, Arkansas, and put on stand by, and that they were to take out a target in Memphis, Tennessee, still unknown at the time. And the chute [shoot] map was laid out to them and they had two scenarios. One was a moving scenario, the other was a scenario involving a hotel where they would fire on

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the target from three positions – one from the water tower, one from the third floor of a building, and the third place was the rooftop of another building.

And they would be given the yes or no within a certain period of time. And he said while on standby they were picked up, and they were going to go into Memphis. And all of a sudden it was cancelled. And they started just rushing people out, and they put him on a plane and literally flew him back directly to a county north of Browns

County, Mississippi, and told to, you know, go back to town, nothing happened, you know. You've been out of town on a training exercise, nobody knows nothing. Keep your mouth shut.

Q. So this unit was trained to shoot at a target or targets in a moving vehicle, that was the –

A. Originally, yes.

Q. Originally that's what they were – that they were geared up to do, and that's what their training at Pocatello was –

A. Mm-hum.

Q. – was to do. And then – and they

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were put on standby in West Memphis, Arkansas.

A. Correct.

Q. And then the operation, for some reason, was cancelled and they were taken – they were taken out of there.

A. Mm-hum.

Q. Did they take up their positions at any point in Memphis?

A. They were headed in to take up their positions when the mission was cancelled.

Q. They were heading in –

A. Yes.

Q. – to take up the positions –

A. Yes.

Q. – when it was cancelled?

A. But it was no way for him to know what – in the make-up of the organization you had three snipers, a command and control officer, communications officers, had an ordnance officer and a medic. So they didn't travel like a covey of quail. You know, they would be taken differently. Whether other people had been taken in and set up, he had no knowledge of it because he was taken out

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by himself. You know, he was flown singularly.

Q. Oh, he was taken out by himself?

A. Yes, singularly, and flown into the county above.

Q. I see. So he doesn't know what –

A. No.

Q. – what happened. Did he ever say that he had discussed this with any of the other members of the team at any point?

A. Oh, they all discussed it the next day.

Q. All right.

A. Because he said, I picked up the paper and said, oh, my God.

Q. What did he – what did he read in the paper that made him say "oh, my God"?

A. That Martin Luther King had been assassinated.

Q. Martin Luther King had been assassinated in Memphis, Tennessee –

A. Memphis, Tennessee.

Q. – on the 4th of April, 1968?

A. Mm-hum.

Q. And then was it his view that he

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had – he was somehow – or his unit was somehow – had been trained or were being trained and being prepared to – to carry out that assassination?

A. At that time he knew exactly that was the purpose. He don't know why they were scrubbed, but he knows exactly that they were trained for that mission and were never told.

Q. Presumably the reconnaissance was done by vice – by others in advance of that operation?

A. They believe the FBI, among others, was doing recon and military intelligence.

Q. What eventually happened to J.D. Hill?

A. J.D., like I said, was a strange fellow. And he was a person of habit. He was paranoid to the point that he kept a light on in front of his house at all times.

And I was called about 2 o'clock in the morning and advised by another supervisor that J.D. had been found shot dead on his porch and said that his wife had shot him because he was drunk.

So I asked him – I said, were you

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there? And he said, yes. I said, well, tell me what's going on. And I said, is the light on? And he said – he said, no. What light? And it just sort of struck a chord in my head. Why is the light out, you know.

And I knew the investigating officers and went down to see the set up but really never got to see the set up. And I didn't go to his funeral, you know, because I was extraordinarily upset about it because his wife was almost red carpeted out of town after he was shot.

But I do know that he was shot at close range with a .357 Magnum in almost a circular pattern around his heart. He was dead so fast his eyes were still open when

he hit the ground. And I thought to myself, Janice Hill only weighed like 90 – 89 pounds rather, and had no experience with firearms.

And if it was indeed dark – number one, J.D. wouldn't have approached the porch. Number two, if someone of her stature and the knowledge of firearms had shot him, it would – it wouldn't even have come close to being a pattern of putting three – I mean,

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five .357's in a circular pattern because the first shot would have disoriented her so bad, she wouldn't know where she was in the dark.

So none of it added up, you know. And I asked questions, questions, questions trying to see at one point Janice Hill and wasn't allowed to see her. You know, but in my mind to this day my belief was he was – he was assassinated.

Q. She was – she was charged and a Grand Jury was convened but nothing –

A. Correct.

Q. – was ever raised against her. So there was no indictment.

A. Mm-hum.

Q. And she then left Columbus.

A. But to this day I imagine you would find very little evidence about the shooting.

Q. Now, coming back to the unit – and this was a – this sniper team was a 20th Special Forces –

A. Group.

Q. – Unit.

A. Yes.

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Q. I have checked the rosters of – of that unit from each of the – each of the states that – that you have mentioned. I'm not going to ask you to identify any names or state any names for the record. But I'm just going to show you the Mississippi roster, and I'm just going to see if any of the names on that roster are names that you heard about or knew were involved on this team – this assassination team with – with J.D. Hill.

A. See, it's easy to do because J.D. had told me anybody on the team had to hold at least the rank of sergeant. And –

Q. Do you see any names there that – that –

A. One –

Q. – you know?

A. – two, three – and all three of these people were very close. One, two –

Q. There's J.D.'s name.

A. Mm-hum, J.D. And this one, this one.

Q. Then you go down to Florida. So it's – so there are recognizable names there on that roster of people who were on that

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team.

A. Mm-hum.

Q. Well, Jack, at various times in your professional career, you have been – you've been interviewed by television teams, and you've been a source of information –

A. More than I can count.

Q. – via television on documentary and news programs, haven't you?

A. Mm-hum. Mm-hum.

Q. Have you as well been a source of information to – to *ABC*'s news department for various –

A. Several times.

Q. – things?

A. Several times. In fact, I worked very closely with a producer there, Chris Isham, on a couple of big stories which were aired.

Q. And did *ABC* ever require you to take a polygraph?

A. Yes, they did. They took me to Miami, Florida, and had me polygraphed to make – to make sure of my quote, unquote, reliability because of this whole situation

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about the credibility thing in Washington.

But I've been on 60 Minutes, Larry King, you name it. None of them asked me to do it, you know. But, like I said, Mike Wallace would – if I called him today and said I got a story, he would say come to New York, you know, because I've done it before. Because they have no doubt about my credibility. But *ABC* wanted to make sure.

Q. Right. And when you took the *ABC* polygraph test, what were the results?

A. I passed it.

Q. And so your credibility was, in your mind anyway, well established with *ABC*.

A. Oh, yes.

Q. Now, do you recall some while ago that *ABC* did a program – a documentary on the King assassination?

A. Mm-hum.

Q. A program presented by a chap called Forest Sawyer.

A. Yes.

Q. Now, did they send a team here to Florida to interview you?

A. Right up the road here in a hotel.

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Q. And how long did that interview take?

A. About three hours.

Q. So they interviewed you for three hours?

A. Mm-hum.

Q. And did you tell them – that ABC team – did you tell them the story that you have put forward here today under oath?

A. Yes, I have.

Q. And this – with this kind of detail –

A. Correct.

Q. – about the presence of that 20th Special Forces Unit –

A. Correct.

Q. – in Memphis? And was any of that interview – any part of that interview used on that documentary?

A. No. I was shocked when it wasn't.

Q. Not – not one second of that interview –

A. Not one second, no.

Q. – was used. And do you have any idea why it wasn't used?

A. Well, after the interview, a few days

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later, I received a phone call from an old friend of mine in FBI counter intelligence. And he said, I thought your press days were over. And I said, well, what are you talking about? He says, M.I. knows everything that you're doing with *ABC*, and that's military intelligence. So, evidently, DIA was and may still be keeping an eye on me. And they didn't – who knows. If they didn't want it used, it wouldn't have been used.

Q. So this clearly implies that there was some – appears to have been some collaboration between *ABC* and intelligence. Or at least to the extent that your –

A. Their knowledge –

Q. Their knowledge.

A. – was out, yes. They had called it a leak, you know. But somebody knew, yes. Because, again, this guy didn't just call me out of the blue. They sent me a message. And I soon after left the country.

Q. You left the country after that?

A. Yes, I did.

Q. You felt that that was the prudent

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thing to do in terms of –

A. Well, I'm tired of being a target, you know. I mean, they tried too many times to get me. And I've learned over the years that if you want to disappear, you leave the country for an extended period and you come back and set up in a different place and they got a cold trail.

Q. How long were you gone when you left the country?

A. Several months. In fact, I went to Russia just to piss them off.

Q. But coming back to the absence of your – your information and your recollection on the *ABC* program, there would have been no basis for them to –

A. None.

Q. – challenge your credibility because they had used you –

A. Oh, yes.

Q. – so many times before and tested it.

A. Correct.

Q. And they knew you very well.

A. Correct. Several people at *ABC*,

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Karen Burns, people like this, they all know me. They know my credibility. They've done too many stories on me. I was the source for too many of their stories while I was in Washington for nearly two years.

Q. So there has to be another reason –

A. Yes.

Q. – for their failure to use that story. Jack, we just – we're coming to the end here, and we have moved along quite well. I'd just like to know that in the 20 odd years or so that's intervened since J.D. Hill told you about him being trained and being a part of the unit that was under orders to kill Martin Luther King, Jr., if you – if you have developed any reason to question what J.D. was telling you – any – anything at all that – that would lead you now to disbelieve what he was saying to you then –

A. No. None. Nothing whatsoever. I mean, then, now, whatever – in fact, I probably would believe it more now than I did then, you know. Because just the time line and the way things – you know, you can look

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back and see things. But probably time has reinforced what he told me more than, you know, him just telling me then, which I believed then because we were that close.

Q. So do you now with all of – all of this consideration and all of your conscience believe that your old friend J.D. Hill was a part of a 20th Special Forces Sniper Unit that was on a mission to kill Martin Luther King on the 4th of April, 1968?

A. Well, if this was a death bed confession, I wouldn't change a word. Yes, of course I believe it.

Q. Okay. No doubt at all?

A. No doubt.

Q. Okay. Thanks very much.

A. Sure.

UNIDENTIFIED SPEAKER: The time is 3:45 p.m. We're off the record.

(End of video deposition.)

THE COURT: Okay. Let's take a short break.

(Brief break taken.)

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

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THE SHERIFF: Yes.

(Jury In.)

THE COURT: Ready, Mr. Pepper?

MR. PEPPER: Your Honor, plaintiffs call Mr. Louis Ward to the stand.

LOUIS WARD,

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Ward.

A. Good afternoon.

Q. Thank you for coming here today and helping us in this case.

A. You're welcome.

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

A. Louie Ward, 2440 Cardigan Drive, Memphis, Tennessee. That's 38119.

Q. And what do you do presently, Mr. Ward?

A. Roofer presently.

Q. I know you – are you involved in roofing activity part time or full time?

A. Well, part time now. I have full

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time for about 36 years, but I'm just part time now. My boy now is kind of handling most of it.

Q. What did you do previously in addition to being a roofer?

A. Well, I was security police for the Government for about 22 years. Of course, I done – drove a taxicab part time.

Q. Where did you work in security police work?

A. Out at the Army Depot.

Q. I'm sorry?

A. At the Army Depot.

Q. The Army Depot. And where was that?

A. Out on Airways Boulevard.

Q. I see.

A. 2163 Airways.

Q. So you held that position for how long?

A. 22 years in the security police, and then the last eight years I was a roofer out there.

Q. And in addition to that you said you – you also drove a taxicab part time.

A. Yes, I sure did.

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Q. And for which company did you drive a taxicab?

A. Well, I drove for both companies. Of course, I drove for Yellow most of the time. Of course, there was about – when I first came to Memphis, I came to take a course in watch making. And I started driving a cab in order to have some money coming in. I done that for three years, and then I found other jobs, and I just drove part time then for several years.

Q. Right. And in 1968 which company were you driving for?

A. Yellow.

Q. You were driving for Yellow?

A. Mm-hum.

Q. Mr. Ward, could you come forward a bit, a little closer to the microphone so

everyone can hear.

A. Is that better?

Q. Yes. Can you pull your chair forward, please, just a little bit.

THE COURT: That's good.

Q. (BY MR. PEPPER) Okay. I think that will be better. Thank you. You were driving

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for Yellow Cab in 1968?

A. Yes, sir.

Q. All right. How often did you drive for them?

A. Oh, most of the time about once a week or sometimes twice a week. On my off days out at the depot I would usually drive.

Q. Okay. Were you driving for Yellow Cab Company on the 4th of April, 1968?

A. Yes, I sure was.

Q. And were you driving for Yellow on the evening of April 4, 1968?

A. Yes, sir.

Q. Did you – in the course of your taxicab driving and duties, did you come to know a driver named Paul Butler?

A. I sure did.

Q. And do you remember which car number Mr. Butler was driving on the 4th of April, 1968?

A. 58.

Q. He was driving Car Number 58?

A. Yes, sir.

Q. Do you know how long Mr. Butler had driven for Yellow?

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A. Several years because the drivers that had drove a long time drove the new cabs, and us drivers that just drove part time drove the old cabs. So he had a new cab that he – at that time that he drove. So he had been there for some bit.

Q. So – so Mr. Butler had been driving for Yellow Cab for a number of years.

A. Yes, sir.

Q. Did he always drive Car Number 58 or –

A. Well, he did until they were getting another new cab. And, of course, when they got another new cab, it would be a different number. And he would always – well, you bid on your cabs according to your seniority. So he would – when the new ones come out, he would be able to get a different cab. 58, he had drove it for about – I guess it was a couple of years old or something like that, that he drove all the time.

Q. Did he have a particular route that he drove on?

A. He – well, of course, he got different calls here in the city. But mostly

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he played the airport – what we call "played the airport." In other words, he –

Q. Drove the airport route?

A. Mm-hum.

Q. Now, did you see Mr. Butler on April 4, 1968?

A. Yes, sir, I sure did.

Q. Did you ever see Mr. Butler again after April 4, 1968?

A. No, sir, I sure didn't.

Q. Now, would you tell this Court how you saw Mr. Butler and when you first heard from him and how you saw him on April 4, 1968.

A. Well, I was sitting at Quince and Kirby in a service station. I called and reported where I was sitting waiting on a call. And I heard Paul come in on the radio and – well, I couldn't hear him, but he talked to the dispatcher. And the dispatcher called his name, that's the reason I knew he was talking to Paul. And I heard him say, I'll send an ambulance. And so –

Q. You heard the dispatcher say "I'll send an ambulance"?

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A. Send an ambulance, yeah. And so I knew then that somebody had gotten hurt. I didn't know whether it was another cab driver or not. And then the dispatcher – he started repeating what Paul said. He said, you mean that Dr. Martin Luther King has been shot? And he said yes. And he said, well, I'll send an ambulance. And he said, I don't believe an ambulance can help him. Because he would repeat it back so I knew what he was saying. And he said, well, I'll send an ambulance anyhow and send the police.

He told him – he says, when you call the police, tell them that the man who shot him is headed towards the squad car just sitting about a half a block north towards the hotel.

Q. Now, let me back you up a little bit. How are you hearing this conversation? Is the dispatcher repeating what he's hearing?

A. He was repeating, yes, sir. He was repeating what Paul was saying.

Q. And what did he say? What did he repeat that he heard Paul broadcasting?

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A. Well, he had – he just repeated that Dr. Martin Luther King had got shot and then

– of course, he repeated that he would send an ambulance and send a squad car and – call the police rather. And that's whenever Paul came back and told him there's a squad car sitting north – about a half a block north of the motel. And that the man who shot him was heading towards the squad car.

And – of course, when he – well, he – of course, I went out and talked to him later on and got the message good of what he was saying.

Q. Let's move – let's move to that. So you heard this exchange on the radio.

A. Yes, sir.

Q. What did you do after that?

A. Well, I told the guy at the service station – I said, Martin Luther King just got shot. He laughed at me. He said, you see that box sitting up on the pump? He said, that would be the first thing that come on it. And I said, no. I said, he just got shot. It would have to go to where that box is coming from before you get it. I headed

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from there to my home which at that time was 4935 – 3549 Kay, which is about two – two and a half miles.

And I drove in and told my wife the same thing. And she had the television on. She said the same thing. Well, I was there about two minutes when it came on that he had been shot but not serious. And I said, well, the guy said that it looked like he had a stick of dynamite in his mouth. It blew his jaw off and part of his vertebrae is out of his neck. And I said, he's going to the airport and there's no calls coming in, so I'm heading to the airport. So I did. So I went out there, and there's where I found Paul out there, so –

Q. You then drove to the airport –

A. Yes, sir.

Q. – and looked for Paul?

A. Yes, sir.

Q. And you found him?

A. Yes, sir. He was sitting out there.

Q. And did you – did you talk to him?

A. Yes, sir, I sure did. Because I – you know, I was interested in knowing just

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exactly what happened. So – of course, what he told me, that the passenger that he picked up he believed knew something about it. Of course, he said I was looking – I was loading stuff in the trunk. And there was so much stuff, I could not get it all in my trunk, had to put some in the back seat.

While I was placing it in the trunk, he said, I was looking in the direction where the guy was going to shoot. Before the shot, he punched me and said, look up there, Dr. Martin Luther King is standing up there by himself, not a soul with him. He said, that's something you don't usually see. And as I raised up and looked, that rifle popped – it didn't sound like a rifle, it sounded like two boards clapped together.

And he said, I seen his jaw and part of his neck blowed away. It was like he had a stick of dynamite in his mouth. He said, as I wheeled and looked, I seen a cluster of smoke coming up out of the bushes, and then I seen the guy come running up. He didn't have no rifle. But he said, I know that he is the one that had to shoot him. And then he

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headed towards the – headed north towards the squad car.

And, of course, we thought the police had picked him up. Because it was a black and white squad car. Of course, the black and white squad car at that time takes care of traffic. The blue squad cars was really the police. But this was a black and white squad car. But we thought they had picked him up. So he told the dispatcher.

He said, did you hear the tires were squealing? And he said, yes, I could hear the tires were squealing.

Q. So he's telling you that after the shot he saw a man come out of the bushes –

A. Yes, sir.

Q. – run up north on Mulberry Street –

A. Yes, sir.

Q. – and get into a squad car – a traffic –

A. Traffic squad car, black and white, mm-hum.

Q. Which was parked where?

A. He said about a half a block north of the motel.

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Q. And then what happened to that car?

A. Well, he said they headed north. We thought he picked – well, he come back on the radio and said the police has picked him up and they headed north with him. You could hear the tires were squealing. So we thought the police had already picked up the guy that done the shooting.

Q. I see. So both you and Mr. Butler had thought that the police had apprehended the shooter.

A. Yes.

Q. What happened next? Did any police come out to the airport?

A. Yes. While I'm standing there talking, a squad car drove up with a lieutenant and a patrolman. They got out.

Well, I didn't see the squad car as it drove up. But they walked up as I was talking to Mr. Butler. And the lieutenant had a pad.

So he had taken the same report that Mr. Butler had gave me and the rest of us – because there are several of us cab drivers standing around.

And the lieutenant wrote the report

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down that he had and told him that they would be back in contact with him. So they got in the squad car and left after they got the report.

Q. So they took a report from Mr. Butler and they – they left. Where were you standing when that report was being taken?

A. Oh, probably – when they came up, I was standing up next to him. When they came up, I backed away, probably 3 or 4 feet out of their way, where they would have plenty of clearance. But I was close enough that he gave them the same report that he gave me.

Q. You overheard this report being given?

A. Yes, sir.

Q. All right. Then what happened next?

A. Well, they called – the dispatcher called him to come in to the headquarters. We have a headquarters. Said he was wanted down there. Well, later on that night, not too much later, I was in town and drove by the cab company and there was several squad cars down there. And I figured that they were, you know, taking some more reports.

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And then I found out later that he was supposed to be at court at 9 o'clock the next morning.

Q. He was supposed to give a statement –

A. Yes, sir.

Q. – the next morning? And how many squad cars were around Yellow's offices that night?

A. There were several. I would say seven or eight. Might have been more, might have been five or six. But I just noticed there were several squad cars sitting there. I didn't count them.

Q. Seven or eight Memphis Police Department cars around Yellow's headquarters that night?

A. Yes, sir.

Q. Okay. You didn't see Mr. Butler at that time, did you?

A. No, I sure didn't. I didn't go in. I just drove by and seen it. There were so many squad cars down there, I just pulled on because I didn't –

Q. What time did you get home that –

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that evening on the 4th of April?

A. I was – I drove all night that night. I was the only cab driver that drove all night that night. And – but I stayed out there. And, of course, I seen police heading out there. And, of course, they had a curfew. Everybody was in. They called the cabs in. But I just stayed out there and drove because I had plenty of business, and I stayed out there and drove all night that night.

Q. Right. You drove all night and you went in – went home the next morning?

A. Next morning, yes, sir.

Q. When did you next go to Yellow Cab's offices, Mr. Ward?

A. It was about two weeks. Because, see, they – I was security police out at the time out at the Depot. My wife – when I got home, she said there had been a call for me to come out there. So I went out there, and we stayed on duty 24 hours a day for a whole week – all of the security people did. And then it was about two weeks.

Q. It was about two weeks before you

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reported back to Yellow –

A. Yes.

Q. – to go to work?

A. To drive a cab.

Q. And would you tell us what happened when you reported to work at that time?

A. Well, I was out at the airport and picked up a gentleman. And he was – of course, he was with the FBI. I mean, we had had dealings with him out at the airport, and I knew him when I picked him up. So on the way in, I asked him – I said, what are you doing in town? And he said, who am I talking to? So I raised my cap up. And he said, Mr. Ward, what are you a policeman or a cab driver? And I said, well, I don't make money like the FBI. I have to be both guys. So we, you know, laughed about it.

He said, you know why I'm in town so why do you ask? And I said, well, I figured that's why you're in here, but I'm just wondering. And he said that's – well, that's why I'm here. And, of course –

Q. Then did you go into – into Yellow's offices?

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A. No, I brought him on down to the motel is where I brought him. I brought him to the Peabody Hotel is where I –

Q. When was the next time you actually went into the offices and –

A. Oh, it was – well, I went into the office when I first came back to work. I went in then. That's when I – I asked him about Mr. Butler.

Q. Who did you ask about Mr. Butler?

A. There was four or five cab drivers standing around talking. And I just asked them. And that's when they told me – I don't even remember which one told me. But he

said he had been throwed out of a high-speed automobile between Memphis and West Memphis. And they found him about 10 o'clock the next day.

Q. They said he was thrown out of a high-speed automobile. When was he thrown out of that automobile?

A. The next – the next morning. They said they found his body about 10 o'clock or 10:30 the next morning. He was supposed to have been in court at 9 o'clock that morning

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and he wasn't there. They found his car there at the cab company. And – but he wasn't – he wasn't – never made it to court. But then about 10:30 they said they found his body between Memphis and West Memphis.

Q. They found his body between Memphis and West Memphis?

A. On the old – on the old highway. Of course, they didn't have the other highway at that time. It was just –

Q. Would it have been the old – the old bridge or was it off the bridge?

A. From what they said, it was off the bridge. They said between Memphis and West Memphis so I figured it was probably somewhere along that straight stretch that he was throwed out.

Q. And did they say what car he was thrown out of?

A. No, sir, they just –

Q. Just said he was thrown out?

A. A high-speed car. They just found his body. And they said he had been throwed out of a high-speeded automobile. And that's

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all I got. I got the paper. I thought I'd read about it. And, of course, at that time they had the Press Center and the *Commercial Appeal*. And I went from page to page and there wasn't never nothing put in the paper about – about it, so – and –

Q. You never read anything in the newspaper about it?

A. No, sir.

Q. About the death?

A. No, sir.

Q. Did you believe the story that you were being told by your –

A. Well, yes. I didn't see him. Of course, the boys – I mean, they all walked up and told me. Yes, I had no doubt not to believe it. In fact, that's – I never did see nothing – nobody else about it. I mean, being he got killed, I didn't – I wasn't ready to go then, so – I'm still not ready to go, but I feel a little bit more better now than I did then.

Q. Many years later.

A. Yes, sir, many years later.

Q. Did you ever tell this story to

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anyone?

A. Yes, sir. You know, didn't nobody believe me. It was just like that guy I talked to at the service station. I wonder what he thought later on when it came on his box, what he called it, what had happened.

But I told the people about it. And then a year or so later say something about it, and they never heard a thing about it. And I said, you didn't believe me the first time I told you, did you? So I just mostly kept it to myself then.

Q. Did the – did you ever tell this story to the FBI?

A. Yes, sir. I – well, I called – his name – Mr. Pungetti (phonetic), I believe was his

name. He was a district attorney here. And I read a piece in the paper where he was so sure that James Earl Ray killed him and he didn't want nothing else said about it. So I called and I never could get to talk to him. And, of course, Mr. Veasley – he used to be my Sunday school teacher. I got a hold of him. He was the Assistant District Attorney at the time. And I asked

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him, can I talk to Mr. Pungetti? And he said yes. So – he said, I'll get you on with him.

Well, I asked him – I told him, I said, I read what you put in the paper that you were so sure that James Earl Ray killed him and you didn't want nothing else said about it. And I said, what makes you so sure? And he said, well, what makes you sure he didn't? And I said, well, I know he didn't.

And – so – but you're so sure. I said, was you driving the squad car that hauled – of course, he was a policeman back at that time. I said, were you – were you driving that squad car that hauled the man who shot him away? And he hung up on me.

Q. He hung up on you?

A. So I don't know whether he was driving the squad car or not.

Q. An unanswered question. Have the police ever questioned you or asked you about this?

A. No, sir.

Q. Any government agency ever come to

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you and ask you about this?

A. No, sir. The only one I talked to was the FBI that – that I was – I mean, I knew him when I seen him. I knew him because he had been out at the depot back when I was in security. Well, of course, we had several FBI's out there that would have things

that come up. So I just happened to know – I knew him when I seen him. And he was the one that I brought in that – and I never – and I never ever saw him since, so –

Q. So it's your testimony here today that Paul Butler died being thrown out of a high-speed automobile?

A. As far as I know he did.

Q. On the – on the night of the assassination of Martin Luther King on the 4th of April, 1968?

A. Well, they said about 10 o'clock the next morning when they found him. In other words, this happened late in the afternoon that Dr. Martin Luther King got shot. And this was some time the next morning. I don't know what time he was throwed out of it. Of course, he might have been throwed out that

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night. But his car was found at the cab company, and he couldn't be found at that time because they had called around trying to contact him.

And then at about 10:30 that's when they said they found his body.

Q. They found his body the next morning?

A. Right, about 10:30.

Q. About 10:30. Some time prior to that –

A. He was throwed out.

Q. – he was thrown out of the automobile – high-speed automobile supposedly. And you never saw him again?

A. No, sir.

MR. PEPPER: Thank you, Mr. Ward. Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Ward, you first called me a few years ago and pretty much told me this same version, didn't you, that you had tried to tell the police about it and different ones, but no one would listen to you?

A. Yes.

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Q. Basically. Let me ask you – now, when you were at the airport with Mr. Butler, did you – did he tell this same version to the lieutenant and the other officers that were there? You heard him tell them what had happened?

A. Yes, sir. Because I was standing there, and he told them practically the same thing he did me.

Q. And he told them he had seen someone get in the police car and leave and they were escorted away in a squad car?

A. Yes, sir.

Q. And they were writing that down all that time; is that right, sir?

A. Yes, sir.

Q. You had tried to make this known for some several years, and no one would listen to you, didn't you?

A. That's right.

MR. GARRISON: That's all I have.

REDIRECT EXAMINATION

BY MR. PEPPER:

Q. Mr. Ward, an author recently – well,

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the last year or so wrote a book establishing James Earl Ray as the – the killer in this case in his view. Have you been interviewed by any author who has published and who is interested in this case?

A. No, sir, I haven't.

Q. You never told that story to anyone?

A. No, sir.

MR. PEPPER: Thanks very much, Mr. Ward. Nothing further.

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

(Witness excused.)

THE COURT: Call your next witness.

MR. PEPPER: Plaintiffs call Mr. Raymond Kohlman to the stand.

RAYMOND KOHLMAN,

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Kohlman.

A. Good afternoon.

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Q. Thank you for joining us.

A. Certainly.

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

A. Raymond D. Kohlman, K O H L M A N. And my office is at 7 North Main Street, Attleboro, Massachusetts.

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

A. I'm an attorney.

Q. And where are you licensed to practice law?

A. Presently in the Commonwealth of Massachusetts.

Q. And have you, in the course of these proceedings and in preparation for this trial, assisted the plaintiffs with certain investigative work?

A. Yes, I have.

Q. And would you tell the Court and the jury what your assignment was in terms of this matter.

A. I was asked to go to the public library and to determine the listing for a Betty Butler or a Paul L. Butler, either

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separately or together. During that investigation, I found – I did it from 1966 through 1970 – those years in the Polk reference books.

Q. Let me show you a page from Polk, Page 210, 1966. Is that the page that you photocopied from Polk for 1966?

A. I can't see it too clearly. But it is a page because I put – specifically put a yellow marking on it.

MR. PEPPER: Let's – let's do this. Let's pass these up to Mr. Kohlman so that he can look at them.

A. Yes, that's Page 210, 1966.

Q. (BY MR. PEPPER) Right. And would you read the highlighted insert there?

A. It's Paul (Betty), driver, Yellow Cab, H, which is the house, 339 East South Parkway.

Q. Okay. That is the address of Paul and Betty Butler in 1966 listed in Polk publication, and Paul is listed as a Yellow Cab driver?

A. Yes, sir.

Q. I'd like to show you the next page.

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A. This is, again, Polk. All these pages would be from Polk. 1967. It's Page 158. The listing is for Paul – again, (Betty), and it is 2639 – it doesn't give a street. This street is – it doesn't show up here, Apartment P1.

Q. Okay. Let me ask you to look at this.

A. This is from '68. It's Page 157. And the listing is Betty L. (wid. – which is the abbreviation for widow – Paul), branch manager, Gridiron Systems, 2639 Central Avenue, Apartment P1.

Q. May we have that back so we can zoom in for the jury. That listing then is 1968, and it shows Paul – it shows Betty is a widow – listed as a widow of Paul.

A. Yes, sir.

Q. So for the first time we see Betty listed as a widow of Paul Butler.

A. Yes, sir.

Q. Here's the next one.

A. This is Page 163 from 1969. And the listing here is for Betty L. (wid., Paul) branch manager, Gridiron System, 2639 Central

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Avenue, Apartment P1.

Q. This is another listing for the year 1969. Betty is still listed a widow of Paul –

A. Yes, sir.

Q. – at that point in time?

A. Yes, sir.

Q. Now, it's your testimony that you extracted and copied each of these pages.

A. Yes, sir.

Q. Let me show you this, Mr. Kohlman. Would you tell the jury what you're holding?

A. This is a request for a death certificate that was submitted by me to the Shelby County – Memphis and Shelby County Health Department. I went in there to seek certification of the death of Paul L. Butler. After the clerk went through 1968 – and I just dealt with 1968 – she determined that there was no death certificate for that year for Paul L. Butler, and she signed and dated and gave her clerical number.

Q. Mr. Kohlman, did you also call the – a similar agency of the State of Arkansas?

A. Yes. Because of where the body

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supposedly – where the murder supposedly occurred, the cab was found halfway between here and Arkansas, wherever, I contacted – actually, I went over to Crittenden County Health Department. They don't keep records back that far. They suggested I get a hold of Little Rock Vital Records Department.

I did that yesterday morning and spoke with – I had to speak with a supervisor, a Mrs. Carson. And she went through – she stated that she went through the records for 1968 looking for Mr. Butler – Paul L.

Q. So is it your testimony then that you could not find any official records of the death of Mr. Paul Butler either in Tennessee or in Arkansas?

A. Correct. There is – as far as the official records are concerned, Memphis/ Shelby

County, no record of death for Mr. Butler. And as far as Tennessee is concerned, for 1968 there was no record of Mr. Butler's demise.

Q. Thank you, Mr. Kohlman.

A. Thank you.

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MR. PEPPER: Nothing further, Your Honor.

MR. GARRISON: Your Honor, I have no questions.

THE COURT: You may stand down, sir.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: All right.

MR. PEPPER: Your Honor, plaintiffs have five minutes of film testimony of a witness from California who could not be here. We tried desperately to get him here. He is a former newspaper journalist for the *New York Times*. And it was taken in the television trial proceeding. He was cross-examined by former U.S. Attorney, Hickman Ewing. In the beginning he's giving testimony under direct examination. We would like to play that.

And we also move at this time that the documentation of Mr. Kohlman we covered on – for the plaintiffs be admitted into evidence.

THE COURT: Any objections?

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MR. GARRISON: No, Your Honor.

THE COURT: All right.

(Whereupon said documents were marked as Collective Exhibit Number 24.)

MR. PEPPER: The name of the witness, Your Honor, is Mr. Earl Caldwell.

(Whereupon the videotape was played for the Court and Jury.)

FROM THE VIDEO:

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Back in April of 1968, for which paper were you writing then?

A. I was writing for the *New York Times*.

Q. You were a *New York Times* reporter?

A. Yes.

Q. And were you given an assignment to Memphis, Tennessee, in April of '68?

A. Yes, I was.

Q. And what was your – what was your assignment?

A. Well, at that time Claude Sitton (phonetic) was the national editor of the paper, and I was working as a national correspondent. And I was told to go to

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Memphis, Tennessee. And we had a meeting. And at this meeting he told me that he had gotten information that Dr. King now had people as a part – that were a part of his group that he couldn't control. Said he could no longer control his people. And that – he explained some of that to me. And I remember the last words were he wanted me to go to Memphis and nail Dr. King.

Q. And now we're on the – we're on the last hour of Dr. King's life.

A. Right.

Q. And at 6 o'clock – at 6 p.m., where are you standing and what are you doing?

A. At that moment I heard what I was sure was a bomb blast. I ran to the – I ran to – into the doorway to see what happened. Because I was sure the motel had been bombed. As it happened, the first thing I saw when I looked out the door was a figure in the bushes directly – I would say directly across to the right of where I was looking when I looked out.

Q. And what was that figure doing?

A. Well, I couldn't tell. He was doing

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something in the bushes. I didn't know what he was doing. At that moment it was like he was the key to what had happened in my mind.

Q. Has any FBI agent ever asked you what you saw?

A. No. No one asked me ever. No FBI agents, no local police, no authorities at all.

CROSS-EXAMINATION

BY MR. EWING:

Q. How did you know to go to the Lorraine Motel?

A. Because I had called ahead to Memphis – to the SCLC headquarters telling them who I was. I wanted to know where he was staying, and I was going to stay at the same motel.

Q. Then would you have talked to them on the 1st or the 31st?

A. Yes, I – all those days.

Q. And you – you found out from them –

A. Yes.

Q. – that they were going to stay at the Lorraine when they came to Memphis.

A. Yes.

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Q. Would you come over here and approach this chart?

A. Right. Right.

Q. Point to where you say you were staying at the hotel – or motel.

A. (Indicating) I would have – I think my room would have been about like right in here or something like that.

Q. So you come to the door when you hear the bomb blast and you're standing there in your shorts –

A. Right.

Q. – and you look –

A. Right.

Q. And where do you say this man was in the bushes?

A. He was right here in the heavy part of the bushes. These bushes, mind you – I say "bushes." They were pretty high. They were really high. They were like – they weren't bushes. You say bushes, like knee-high. They're much higher than that.

Q. Could you stand right over here so everybody can see you. Would you describe what you saw the man do. In other words, get

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down there and let's go through what you say you saw out there.

A. Well, okay. I – mind you, there are these bushes there. And I – when I'm seeing this guy for the first time, he's in some kind of a position. But I can't tell whether he's like this or whether he's like this or whether he's like this. I really don't know. But he

was in some kind of a position that was not a stand-up position.

Q. Okay. Did you see him with a gun?

A. No.

Q. So when you see him and he's in the bushes, is he twisting toward this way or is he –

A. No.

Q. – twisting this way?

A. When I seen him first, he was looking at something over towards –

Q. Towards the motel?

A. Towards the motel, yes, right.

Q. Did he look up when he twisted?

A. He was still looking over to the balcony.

Q. Was this man white or black?

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A. He was white.

Q. What was he wearing?

A. I don't know. I thought it was some kind of a coveralls or something. I said – in my notes I said I thought he was in coveralls or something like that. I couldn't really be sure.

Q. Over the years, up until recently, you – were you aware that the House Committee looked into this?

A. Yes, I was.

Q. And did you – did you offer to tell them what you saw?

A. I didn't think it was my place to offer to them. But I did write in the newspaper and saw to it it was published – what I knew and why I knew it.

MR. EWING: Thank you.

MR. PEPPER: Your Honor, that being the last witness available to the –

(End of the videotape portion.)

MR. PEPPER: Plaintiffs move admission of that testimony.

THE COURT: Any objection?

MR. GARRISON: I don't have any

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objection.

THE COURT: All right.

(Whereupon said videotape was marked as Trial Exhibit Number 25.)

MR. PEPPER: Plaintiffs next witness will take a little bit of time, Your Honor. Would the Court like to break?

THE COURT: Okay. We'll break for lunch and resume at 2:30.

(Lunch Recess.)

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

THE SHERIFF: Yes, sir.

(Jury In.)

THE COURT: All right. We're ready.

MR. PEPPER: Yes, Your Honor. Plaintiffs call their first witness, Mr. Roy Grabow.

ROY A. GRABOW,

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Grabow. Thank

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you for coming all this way up from Mississippi to be here.

A. Thank you.

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

A. Roy Allen Grabow.

Q. Would you please pull up a bit in the chair there.

A. Roy Allen Grabow.

THE COURT: Spell your last name, please.

THE WITNESS: G R A B O W.

THE COURT: Thank you.

THE WITNESS: Thank you.

Q. (BY MR. PEPPER) And what is your address, please.

A. 1206 Church Street, Boonville, Mississippi.

Q. And we're taking you somewhat out of turn, Mr. Grabow, because of an illness of your – your wife.

A. Right.

Q. Can you tell the Court what is – what is the problem – medical problem?

A. From a car wreck.

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Q. And what is her present physical condition – Glenda Grabow's present physical condition?

A. Her rib is cracked, broke, and it's pressing against her and she's bleeding internally a little bit.

Q. Has she been instructed not to be transported here?

A. Yes, sir.

Q. What I'd like to do is move ahead with you in this testimony to the extent of your personal knowledge.

A. Yes, sir.

Q. What you know, not what you have been told or know from her but what you know personally.

A. Right. Yes, sir.

Q. Did you live in Houston, Texas, with your wife in the early 1960's?

A. Yes, sir, I did.

Q. And at that time when you were living in Houston, Texas, what was the – where was the area where you resided?

A. Around Hobby Airport.

Q. Around the Hobby Airport.

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A. Yes, sir.

Q. And at that time did you see a – an individual who has been described in these proceedings as – as Raul?

A. Yes, I did.

Q. Let me, just for the purposes of identification, show you a spread of photographs. Do you see a likeness of Raul in – amongst those images?

A. Yes, I do.

Q. Which one is Raul as you knew him?

A. Number 4.

Q. Number –

A. 4.

Q. Number 4.

A. Yes, sir.

Q. Second hand –

A. Middle one on the right, yes, sir.

Q. Thank you. Where did you see this person in Houston?

A. Oh, where I used to gas up on the – the service station where I used to gas up at on College Street.

Q. Did your wife also – to the best of your knowledge, did your wife also know this

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person and become acquainted with him?

A. Yes, she did.

Q. All right. Mr. Grabow, I'm going to show you two affidavits that have been executed before a notary by Glenda Grabow and ask you if you were present when these affidavits were sworn – written and sworn by your wife.

A. Yes, sir.

MR. PEPPER: Okay. I'll move their admission, Your Honor.

(Whereupon said documents were marked as Trial Exhibit Number 26.)

Q. (BY MR. PEPPER) I'm going to show you a series of photographs and ask you if you recognize the individuals and/or the places here. Do you recognize the two people in that photograph?

A. Yes, sir.

Q. And who are they?

A. Amaro and my daughter, Connie.

Q. That's your daughter Connie on the right, and the other man is –

A. Amaro.

Q. Amaro. And to the best of your

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knowledge, what is the relationship between Amaro and Raul?

A. Either a cousin or an uncle. I'm not real certain, but it's one of the two.

Q. Some relative, cousin or another.

A. Yes.

Q. Did you see much of Amaro?

A. Quite often.

Q. Quite a bit?

A. I knew him quite well, yes.

Q. All right. I'm going to show you another photograph. Get these photographs right. Who are the people in this photograph?

A. That's my daughter, Connie, on the right, me, Amaro and my wife Glenda.

Q. Let's eliminate any confusion. Where is your daughter Connie? Is this –

A. That's Connie.

Q. This is your daughter Connie. And this is you?

A. That's me.

Q. This is –

A. My wife, Glenda, and Amaro.

Q. And this is Amaro here. Where was

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that taken, do you know?

A. Tokyo Garden.

Q. I'm sorry.

A. Tokyo Garden.

Q. Tokyo Garden?

A. Restaurant, yes.

Q. Where is that?

A. Houston, Texas, in west town.

Q. And about what time was that photograph taken?

A. You mean date or –

Q. Yes, the approximate date.

A. It was in – probably about '73.

Q. It was in the early 70's?

A. Yes.

Q. Do you recognize that building?

A. Yes, I do. Yes, I do. It belongs to Felix Tareno.

Q. It – or it belonged to –

A. Well, yes.

Q. – then Felix Tareno.

A. Yes.

Q. Had you ever seen the person whose been identified as Raul on those premises?

A. Yes, I have.

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Q. Where have you seen him on those premises?

A. On the porch.

Q. On the porch. Was that building the – to the best of your personal knowledge, was that building the scene of some unpleasantness involving your wife –

A. Yes, it was.

Q. – and Raul?

A. Yes, sir.

Q. It was.

A. Yes, sir.

Q. Was there a time when you and your wife went together to visit Attorney Percy Foreman?

A. Yes, there was.

Q. Where did you visit Attorney Foreman?

A. Where? At his office.

Q. At his office?

A. Yes.

Q. And what was the purpose of that visit?

A. I hired him for my brother.

Q. Sorry.

A. I hired him for my brother.

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Q. Your brother had a –

A. Case, yes, sir.

Q. Had a case. And when you went into Attorney Foreman's office, did you notice anything of particular interest concerning this case?

A. They – they had some books and papers in the office pertaining to it, yes, sir.

Q. Pertaining to Mr. Foreman's representation?

A. Yes. Yes.

Q. And did your – did [Attorney Foreman give your wife a drawing of himself?](#)

A. Yes, he did.

Q. And was that drawing signed by him?

A. Yes, it was. To her from him.

Q. Right. And the subject of your – of – of your visit and the relationship with Foreman is covered in these affidavits sworn by your wife?

A. Yes.

Q. Is that right?

A. Yes, sir.

Q. Now, when did you leave Houston,

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Texas, and move to Mississippi?

A. When – we come down in 1980, stayed for six months, sold my house in Houston.

And went back to Houston, finalized it, and moved to Mississippi in '81 – 1981.

Q. Mr. Grabow, why did you leave Houston, Texas?

A. Threats.

Q. Sorry.

A. Threats. Mr. Foreman said to get out of town or we would be dead within a year.

Q. Let's back up on that again. There were threats to you?

A. Threats to my wife and me.

Q. Threats to your wife and you?

A. Yes.

Q. And Mr. Foreman told you what?

A. To get out of town within a year or we would be dead.

Q. Get out of town within the year or you'd be dead?

A. That's right.

Q. Who wanted to kill you and your wife, Mr. Grabow?

A. Well, I don't know. From what he

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told my wife, it was from Raul.

Q. What did that all have to do with, these threats? Do you know what all that had to do with?

A. What do you mean?

Q. What was behind the threats? What caused the threats?

A. My wife –

Q. From your knowledge, what was behind it?

A. I don't really know. From what – this is what my wife knows – most of it. Mine would just be what I know from her.

Q. Well, we're not going to ask you to testify about that.

A. But I know it was pertaining to Raul and the Ray case.

Q. Something to do with Raul and the Ray case?

A. Right. I know that much.

Q. Did there come a time in Houston, Texas – after you left you sold your house and – finally in what year?

A. In – we finally sold it in '81.

Q. 1981?

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A. Yes, sir.

Q. Did you go back there in subsequent years to Houston at all?

A. Yes.

Q. To visit?

A. I went down and worked for a while on account of my daughter, Connie. She had a lot of problems – medical problems. I went back to where a good hospital was.

Q. All right.

A. I worked down there for about five or six months on a job that –

Q. At one point later on when you were living in Mississippi, did you become aware again of the man you've identified as Raul?

A. Yes, sir.

Q. And how did that happen?

A. My wife called him and talked to him.

Q. Your wife called him and talked to him. How did your wife get his telephone number? How did she become aware of where he was?

A. Look in the phone book, called information to find him.

Q. How did she know which phone book to

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look in? Did someone show her some information, or how did she become aware of his presence and where he was living?

A. I don't know exactly. I don't know exactly.

Q. But somehow she became aware –

A. Yes.

Q. – of his presence.

A. Right.

Q. And somehow she obtained his phone number.

A. Right.

Q. But you weren't present when she did that, or you don't know exactly how she obtained it.

A. No.

Q. Okay.

A. There was some things she kept from me.

Q. You testify to what you know, please, sir.

A. Yes, sir. That's what I'm doing.

Q. Now, Mr. Grabow, I'm going to show you an original telephone bill dated the 5th of May, 1995.

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A. Yes, sir.

Q. Is that your telephone bill?

A. Yes, it is.

Q. For that period of time?

A. Yes, sir. Yes, it is.

Q. It has your phone number on there?

A. Yes, sir.

Q. Do you see a telephone call made on the 20th of April?

A. Yes, I do.

Q. What time of day was that call made?

A. What time of day? 12:54 p.m.

Q. And how long was that call?

A. Six minutes.

Q. Were you present when that call was made?

A. Yes, I was.

Q. And who was that call made to?

A. Raul in Yonkers, New York.

Q. And who made the call to Raul?

A. My wife, Glenda.

Q. I'm not asking you to comment on even one side of the conversation. Did you have the impression that this telephone call – that the parties speaking on this telephone

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call, one of them was your wife, knew the other party?

A. Oh, yes.

Q. That they were familiar?

A. Yes, sir.

Q. Would your wife ever talk on the telephone with someone for six minutes she didn't know?

A. No.

Q. Or didn't know her?

A. No. She didn't like to talk on the phone anyway. Very seldom.

Q. But in this instance she was talking on the phone for six minutes.

A. Yes, sir.

Q. That's the second longest call on this – on this bill, isn't it?

A. Yes, sir.

Q. I'm going to show you a copy of this bill, and we've blocked out Raul's telephone number.

A. Okay.

Q. I would like you to compare the copy with the original and tell us whether they are identical except for the redacting of

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Raul's telephone number.

A. Yes, they are.

Q. Well, please, would you look at all of the pages.

A. Oh, all of the pages. Okay. Yes, sir.

MR. PEPPER: That being the case, Your Honor, plaintiffs move the admission of the copy with the redacted telephone number.

THE COURT: All right.

(Whereupon said document was marked as Trial Exhibit Number 27.)

Q. (BY MR. PEPPER) Mr. Grabow, have any investigators – official investigators of the United States Government or any police authority discussed with you or your wife information that you may have about this man, Raul?

A. About – lately or –

Q. At any time.

A. No. I think the – the men from homicide in Memphis here came down to talk to us one time.

Q. Somebody did come down?

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A. Yes, sir.

Q. How long ago was that?

A. Last year.

Q. Did you tell or did your wife tell everything –

A. Yes, she did.

Q. – that she knows about this?

A. Yes, she did.

Q. Did you hear anything further –

A. No.

Q. – with respect –

A. We have come back up and talked to them because some of the things she said was changed on the affidavit. She made an oral affidavit. And when he typed it out and showed it, we had to change a lot because some of the things was changed on there.

Q. The statement that she gave was not the same statement that was printed that she was asked to sign?

A. Yes, some things were.

Q. It was different?

A. Yes, some things.

Q. Did you effect those changes? Did you make – ensure that they made those

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changes?

A. What we could. What we could, yes. It took so long. She don't read so fast. And it was taking an awful long time for her to. So we changed what she could.

Q. This Court has heard evidence that your wife has given a lengthy, almost auto-biographical, statement to an English film producer, Jack Saltman. Do you know that that's the case?

A. Well, it's – I don't know what it was. If I understood it – we thought we was working with a lawyer and stuff. And she talked to him a long time. And I think they was trying to make some kind of movie deal or something. I don't know what it was.

Q. So they took a statement?

A. Yes, they did. Yes, they did.

Q. You thought you were working –

A. Yes, sir.

Q. – with whom?

A. I thought we were working with the lawyers for – attorneys for –

Q. Attorneys for whom?

A. The Rays. I don't know. Ray's

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attorneys, I guess. What we understood is they just kept running us around keeping us away from him.

Q. And that went on for a period of time, didn't it?

A. Yes, it did.

Q. But your wife has discussed with you all of these events and everything that she knows at this point in time.

A. Oh, yes.

Q. I'm not going to ask you to say what these are, but she has discussed these things with you.

A. Yes, she has.

Q. And whatever it is she has told you and has discussed with you, has she ever changed her story over all these years –

A. No.

Q. – in terms of what has happened to her?

A. No.

Q. And what has happened to her is reflected in these affidavits that we have put into evidence?

A. Right. There are no changes.

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MR. PEPPER: No changes. Thank you very much. Nothing further.

CROSS-EXAMINATION

BY MR. GARRISON:

Q. Mr. Grabow, would you tell us if the gentleman who came from Memphis to talk to you and Mrs. Grabow was a gentleman named Mark Glankler? Does that sound like his name? Last year –

A. Glankler?

Q. Yes, sir.

A. I don't think so.

Q. Someone did come and talk to you and Ms. Grabow from Memphis?

A. Yes.

Q. Now, you called me several years ago and told me that your wife had some information and you had been unable to get her to come forth.

A. Yes, I did.

Q. And you came and talked to me about it.

A. Yes, sir.

Q. You and your wife.

A. Yes, sir.

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Q. Let me ask you, during the time that you were around this Raul and – what's his

name, Amaro?

A. Amaro.

Q. Did they ever mention the name of Loyd Jowers to you? You never heard of that name, did you?

A. No, sir.

Q. And Mr. Foreman never mentioned the name of Loyd Jowers, you never heard of him?

A. No, sir. First time I heard it was when we seen a little piece in the paper and we called you.

Q. Okay. When your wife talked to this Raul – I'm not asking you what she said – but did she seem pretty sure that that was the person that she had seen back in the 60's? Was it pretty certain through the whole conversation that it was the same person?

A. She was very certain.

Q. She was very certain it was?

A. Yes, sir.

Q. Did they talk about things that people who have known each other a long time

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would talk about?

A. I didn't stay in the room that long. But when she started out talking to him, she knew him real well.

MR. GARRISON: That's all.

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

THE WITNESS: Thank you, sir.

(Witness excused.)

MR. PEPPER: Plaintiffs call Mr. John Smith.

THE COURT: Would you all come up here a minute.

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

JOHN C. SMITH,

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Smith.

Mr. Smith, could you please move forward to the microphone. Thank you for coming here this afternoon. I know you have been

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hospitalized, and that's why we're calling you way out of turn in terms of your knowledge of facts – particular facts in this case. We are grateful for you to come. Would you state your full name for the record, please.

A. John Charles Smith.

THE COURT: What is it again, please, sir.

THE WITNESS: John Charles Smith.

THE COURT: John Charles Smith. Thank you, sir.

Q. (BY MR. PEPPER) And have you been a resident of Memphis for many years?

A. Well, about nine now.

Q. You were away for a period of time?

A. Yes.

Q. Where are you from originally, Mr. Smith?

A. Memphis.

Q. Memphis. And when did you leave Memphis?

A. As a kid. I grew up in Los Angeles – in Oakland.

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Q. All right. And when did you come back to Memphis?

A. '67.

Q. 1967. How old were you in 1967 when you returned to Memphis?

A. 25.

Q. Did you join a group called the Invaders at that point in time?

A. Yes.

Q. Or become associated with them?

A. Yes, more – more –

Q. And were you active with the Invaders during the time of the Sanitation Workers' Strike?

A. Yes.

Q. And during the time when Dr. King came to Memphis?

A. Yes.

Q. And along with [Charles Cabbage](#) and Covey Smith and others?

A. Yes.

Q. Now, were you at the Lorraine Motel in April – on April 4, 1968?

A. Yes, I was.

Q. Would you – would you tell us when

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you came to the motel.

A. It had to be around 6 – between 6 and 6:30.

Q. Was that when you arrived at the hotel or when you – how long had you been at the hotel during that day? Let me give you a benchmark for your – your movements. Dr. King was assassinated at 6:01.

A. Right. Well, then I had been around the Lorraine most of the day off and on.

Q. So you had been around – prior to the assassination around the hotel?

A. Yes.

Q. And where were you when you were at the hotel? Do you recall where you were most of the time?

A. In the lobby.

Q. In the lobby?

THE COURT: Excuse me just a minute, Mr. Pepper. There's a beeping going on some place. Does anyone know the source of it? I just heard it.

MR. PEPPER: I did hear something, Your Honor.

THE COURT: There it goes

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again. Okay. You may proceed.

Q. (BY MR. PEPPER) So you were around the hotel most of the day and you were around there in the afternoon?

A. Yes.

Q. And you were in the lobby in the afternoon?

A. Yes.

Q. Okay. Did you see earlier in the afternoon around the lobby in the hotel a police presence?

A. Yes, there was a black detective who was sitting in the lobby in the corner.

Q. Right.

A. And I left out, went into the restaurant. And when I came back out, he had left.

Q. And what time was it when you came back out of the restaurant? Do you have any idea?

A. No, I couldn't tell you the time, but it was before the shooting though.

Q. Do you have an idea how long it was before the shooting?

A. Maybe ten minutes.

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Q. Shortly before?

A. Yes, sir.

Q. Did you see any police around the hotel in the course of the day?

A. There was a few over at the fire station and cars riding around the motel.

Q. But in the motel itself –

A. The only one I really saw was him.

Q. Was that one?

A. The one black detective.

Q. Was he in uniform or in plain clothes?

A. No, plain clothes.

Q. He was in plain clothes. And he was there up until a few minutes before –

A. Before the shooting.

Q. Some time – a short time before the shooting.

A. Yes, about ten minutes before.

Q. You came out and you saw he was gone?

A. Right.

Q. Did you ever see him again on the premises that afternoon?

A. No, not that night.

Q. Did you ever see any other policemen

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around the motel – in the area of the motel itself or inside the motel at the time of the shooting?

A. No. Most of them were outside – outside of the property.

Q. Did you – what did you do after the shooting yourself?

A. Well, I – I walked out and walked in the back lot. There was a cafe back there. And I was looking for my wife at the time.

Q. All right. Did you at any time look up into the – across Mulberry up into the

bushes or the brush area?

A. Not – I can't remember that.

Q. You can't. Do you remember seeing any – anything strange or anything that caught your attention?

A. Well, it was just that it was just – everything just became steel. Everybody – there was no movement outside of the motel, period. No cars were moving, nobody was walking.

Q. Still.

A. Yes.

Q. For how long a period of time did

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that stillness take place?

A. Up until – I guess just before I headed inside the cafe. It was on the lot of the motel. And when we came out, it was all – it was all over then. There was traffic everywhere.

Q. It just erupted after the shooting?

A. Yes.

MR. PEPPER: Okay. Nothing further, Your Honor. Thank you, Mr. Smith.

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

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

(Witness excused.)

MR. PEPPER: Plaintiffs call Mr. William Schaap to the stand.

WILLIAM SCHAAP,

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

DIRECT EXAMINATION

BY MR. PEPPER:

Q. Good afternoon, Mr. Schaap.

A. Good afternoon.

Q. Would you state your full name and

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address for the record, please.

A. My name is William Schaap. My address is 143 West Fourth Street, New York, New York.

Q. Could you give us a summary of your professional background, please.

THE COURT: Before you do that, spell your last name.

THE WITNESS: I'm sorry. S C H A A P.

THE COURT: Thank you.

A. I'm an attorney. I graduated from the University of Chicago Law School in 1964. I've been a practicing lawyer since then. And I'm a member of the bar of the State of New York and of the District of Columbia. I specialized in the 1970's in military law. I practiced military law in Asia and Europe. I later became the editor in chief of the *Military Law Reporter* in Washington for a number of years. And in the 70's and 80's I was staff counsel of the [Center for Constitutional Rights](#) in New York City.

I also in the late 1980's was an

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adjunct professor at John J. College of Criminal Justice of the City University of New

York where I taught courses on propaganda and disinformation.

Q. (BY MR. PEPPER) Have you also been involved in journalism and publishing?

A. Yes, I have. Since 1977 or '78, in addition to being a practicing lawyer, I've also been a journalist and a publisher and a writer specializing in intelligence-related matters and particularly their relationship to the media. For more than 20 years I've been the co-publisher of a magazine called the "*Covert Action Quarterly*" which particularly deals with reporting on intelligence agencies, primarily U.S. agencies but also foreign.

I published a magazine for a number of years called "*Lies Of Our Times*" which specifically was a magazine about propaganda and disinformation. And I've been the managing director of the Institute for Media Analysis for a number of years. I also, for about 20 years now, I think, was one of the principals in a publishing company called

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Sheraton Square Press that published books and pamphlets relating to intelligence and the media.

Q. Do you also write? Have you authored articles and works?

A. Yes, I do. I've written, oh, dozens of articles on – particularly on media and intelligence. I've edited about seven or eight books on the subject. I've contributed sections to a number of other books and had – I've – many of my articles, of course, have appeared in my own – our own publications, but I've also had articles appear around the world including *New York Times*, *Washington Post* and major media like – like those.

I've appeared a lot on radio and television as an expert on intelligence and the media. I'm slowing down a bit now because I'm getting older. But I used to do a lot of speaking at universities and colleges around the country and debating government officials and people connected to organizations that supported the CIA and the other – FBI and the other intelligence

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agencies.

Q. Have you ever testified as an expert witness in the area of governmental use of media for disinformation and propaganda?

A. Yes, I have. I've – I've testified as an expert in that field in both state and federal courts in this country. I've testified in foreign courts. I testified once before the United Nations on that subject and once before the U.S. Congress.

Q. Mr. Schaap, I'm going to show you a copy of a – of your own CV. It's a summary of your professional qualifications. I want you to confirm its accuracy.

A. Yes, that's – that's my CV that I prepared.

MR. PEPPER: Your Honor, we move admission of Mr. Schaap's CV and move that he be accepted as an expert witness in the matter at hand for the issues of government use of media or disinformation and propaganda purposes.

THE COURT: Objections?

MR. GARRISON: I have no objection.

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THE COURT: All right.

(Whereupon said document was marked as Trial Exhibit Number 28.)

Q. (BY MR. PEPPER) Mr. Schaap, in the course of your research, have you had occasion to study the use of the media by government agencies?

A. Yes, I have. I've studied many government reports on the subject. Many, many books have been written about it and articles. In fact, I've written many of those articles.

Q. Can you give the Court and the Jury a brief summary of the subject indicating the extent to which this type of activity by government still takes place?

A. Yes, I can. I – I won't go into ancient history, but it should be noted that – that governments around the world have secretly used the media for their purposes for many hundreds of years, probably thousands. But certainly from the 16th and 17th

century in England on there has been a great deal of research about the use by governments – a secret use of the media.

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For our purposes though, the – particularly relating to the U.S., the most significant and the first major deliberate program in this country was during World War I when President Wilson set up an organization called the Committee For Public Information under a public relations executive – a man named George Creole.

The purpose of this committee was to propogandize the war effort against Germany. This was created immediately after the U.S. entered World War I in 1917. And in propogandizing the war effort and war news, it was the policy of this committee to have no compuncions about falsifying the news whenever it was felt that that was necessary to help the war effort.

Q. Can you give us an example of the type of falsification of the news that you're talking about.

A. Yes. They – the Committee For Public Information purported very often to release documents, supposedly genuine documents, to the press in order to substantiate whatever particular position

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the – the Wilson government might have been taking at the time. And one of the most famous that happened early in its creation in 1917 was a disinformation campaign to suggest that the Russian revolutionaries, Lenin in particular and Trotsky, were actually German agents being paid by the Kaiser.

The Government and Creole's committee made up the story. They made up – created phony documents. They passed it all to friends in the major newspapers. And almost immediately this was front page news around the United States and around the world.

Q. I'm going to show you a *New York Times* headline of that era and see if that's the kind of falsification you're talking about.

A. Yes, this is – the rest of the text is from an article where that headline appeared. But that was on the front page of the *New York Times* in 1917. And later it transpired that the documents were – were forgeries that had been created by Mr. Creole. And, of course, it was obvious

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by the current course of history, the Russian revolutionaries were hardly friends of the Kaiser.

Q. Yes, indeed.

A. Much less employees.

Q. Can you continue with your summary, please.

A. Yes. After World War I, the U.S. continued to be the – or actually became the world's leader in the control of information. Britain had been more pre-eminent before World War I. But at the end of the war, the U.S. was really in control of all the world communication media. And disinformation was used by the government sporadically during the inter-war years. It was particularly used in the red scares of the 1920's and the creation of disinformation suggesting various opponents of the government were communists.

But it wasn't a major aspect of government policy until the advent of World War II. And that was when deliberate disinformation or a structure for emitting deliberate disinformation became very, very

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important.

Q. What happened at that point in history to bring about that resurgence?

A. Well, at the very beginning of World War II there were really two schools of thought competing, both of which had government agencies. One that was set up was called the Office of War Information which was a civilian organization although it worked closely with the War Department, as it was then called. And it was headed

by a man named Elmer Davis who was a very famous reporter – journalist.

His philosophy was that the agency should tell the American people exactly what was happening – tell them the truth. If we lost a battle somewhere in Europe or the Pacific, we should tell the people we lost that battle. If we won a battle, we'd tell them we won it. But he believed that in the long run we would do best by reporting the truth.

But at the same time another key organization that developed during World War II was the [Office of Strategic Services](#), the

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OSS, which was headed by a military man, William Donovan, who was known as Wild Bill Donovan, who believed the saying that George Creole had – his philosophy from World War I, which was that you should lie to the people whenever it's necessary, whenever you think lying will help maintain morale and win the war.

This struggle was taking place, of course, in the context of World War II. And Donovan won both with President Roosevelt and afterward with President Truman. His philosophy that disinformation was a powerful – a valuable weapon for a country to have, and that the disadvantages of lying to the American people were outweighed by the advantages of being able to manipulate the media.

So when the war was over, the Office of War Information was dissolved. The OSS was transformed into the CIA. And the CIA was now existing in peace time, mind you.

World War II is over, and now the CIA is set up with this information as a major part of its work and, in fact, as most of the reports

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later pointed out, the largest single part of the CIA's operations.

The – within the government at least, the acceptability of lying to the public became very widespread and acceptable even in time of peace. There had been people who felt, well, it's one thing when you're at war. But even in time of peace it became

acceptable, and it spread from other agencies, including the – the FBI which also began to engage in media manipulation in a very, very large way.

Q. So in addition to being a war time strategy with respect to the security of the nation and the – the promulgation of – of falsehoods in times of war, this tactic started to be used in peace time.

A. Exactly. That was the major difference. Certain things were – were much more acceptable or expected over the course of history in time of war and were generally supposed to stop when the war was over. Now, there were people who argued in the late 40's that the Cold War was a war just like a hot war, and that was the war that was on, and

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that was why we had to do this.

But what really happened is there were not battles being waged between soldiers. There was not a hot war going on anywhere, and yet the – the infrastructure that had been set up to spread disinformation to be able to lie became institutionalized and became operating at a greater and greater level.

Q. Mr. Schaap, how is it that some individuals like yourself have become more aware of these kinds of practices in our lifetimes while the mass of the population has not?

A. Well, it's mostly because – by coincidence there were a number of factors that came together, mostly in the 1970's, leading to major congressional investigations of these activities leading some newspapers to fund serious in-depth investigative reports. And in the middle and late 70's there were a series – a huge series of congressional reports on intelligence activities, a whole section of which was devoted to media activities.

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And then there were major exposes in the *New York Times* and the *Washington Post*. It was sort of the Watergate mentality, I guess, that allowed this to happen. There was a window of a few years when exposing government misconduct,

particularly past government misconduct – and as far as the government was concerned, the older the better. But at least there was a window of opportunity where this was acceptable even within the mainstream, the establishment press. It was not frowned upon as much as it might have been at other times both before and since.

Q. Before we go into some specific instances of this and details, can you explain to the Court and Jury really how does disinformation work? And why is it so – why is it so successful?

A. Well, you have to understand first the target of propaganda – of disinformation. The consumer of the false news so to speak is – in what we're talking about is the American public in general and sometimes the public overseas. Dis-

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information is almost always by – by definition, about things that the average person has no separate personal knowledge of, otherwise it couldn't really work.

I mean, you can't fool the people you're talking about. You can fool the other people who don't know about it. You're not trying to fool the people you're talking about.

The simplest example is during the Vietnam War when there was a massive bombing campaign and the U.S. was bombing Cambodia. President Nixon and Secretary of State Kissinger repeatedly made public statements that we were not dropping bombs in Cambodia.

Well, you couldn't fool the Cambodians who looked up and saw the bombs falling in their back yard. They knew you were bombing Cambodia. But the American people by and large accepted these statements as truth, and in fact that was a disinformation campaign that was later admitted.

You're – really we're talking about things that the public has no separate knowledge of. And it's also reinforced by

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the fact that Americans generally tend to believe what their government tells them, to

believe that government officials on all levels generally tell the truth. And that – if you have that, that absence of skepticism, it's a major plus for the disinformationists.

And, also, it's very, very unusual around the world other than in the United States. In most other countries, particularly in Europe, it's much more the opposite. People tend on average to be very skeptical of their government. If the Italian government issues a statement, the average Italian on the street will say it's probably a lie until you can prove to me otherwise that it's not a lie. Because governments lie. That's what they – you know, they sort of expect them to do that whereas Americans don't expect that.

The average American would hear something from the government or hear the news on television and assumes that what they're hearing is the truth unless they're shown otherwise. They assume that almost nothing is ever a conspiracy. In Europe it's

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very much the opposite. Anything happens. They tend to think it's a conspiracy unless you show them that it wasn't a conspiracy.

I mean, after all, "conspiracy" just means, you know, more than one person being involved in something. And if you stop and think about it, almost everything significant that happens anywhere involves more than one person. Yet here there is a – not a myth really, but there's just an underlying assumption that most things are not conspiracies. And when you have that, it enables a government which has a propaganda program, has a disinformation program, to be relatively successful in – in having its disinformation accepted.

The other reason why it – why it works even though as we – as we know, somewhere there are people who know it's not true. Somewhere they know you're lying about something. But another reason it works is that disinformation is very, very effective over time. The longer that you, whoever you are, can control the spin on a story, the more that spin becomes accepted as the

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absolute truth. And in this country the government has a great deal of power and

influence over that spin.

Q. Why is it so effective over time?

A. Well, this is an area where I had to consult with other experts because it turns out really to be a neurological function. And that was first explained to me by a – a professor at Harvard Medical School. And it has to do with the way the human brain remembers things, the way we learn things, the way we create patterns and associations and reinforce – well, I don't know how you – it sort of like channels in the brain when certain things trigger certain collateral thoughts.

And when you associate one thing with another over time, just the mention of the one brings the association of the other. What this will sometimes mean is that even when something is later exposed as a lie, if it was accepted as a truth for a long time, the exposure of it as a lie is not believed. It's in one ear and out the other.

The best example that we know in my

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field is one that John Stockwell reported on. He was a CIA officer in Angola – for Angola. But they were based – the CIA station was based in the Congo. And when the Cuban troops were sent in to help the Angolans fight the South Africans during the early and mid 70's, the CIA's task was to try to discredit the Cubans and do whatever it could to make people around the world think it was a terrible thing that the Cubans were helping the Angolans.

So Stockwell's group in Congo sat down, and one guy says to the other guy, let's think of something terrible to say that the Cubans did. And another guy says, hey, why don't we say they're raping Angolan women. That would be a great thing to say. The other guy says, terrific. And they call in their media experts, and they start sitting there at their desk at the CIA office and they start typing out these news stories about how a group of Cuban soldiers raped a bunch of Angolan women in some operation.

And then they write Story Number 2 which is that the villagers got incensed and

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decided they didn't want the Cubans anymore, and they were going to find the fellows who did it and arrest them. And in Story Number 3 the villagers captured the Cubans. In Story Number 4 they were tried by a jury of the women victims and they were later executed with their own weapons.

And they made a series of about 12 newspaper stories in a row. And with one phone call and one visit, it went over the wire services, it went into Europe, it went into the United States, it went around the world. And for about a six-month period there were all these stories about the horrible Cuban rapes in Angola. And what that does is when you hear – the average person hears Angola or Cuban, they'll think rape of the women. And if they hear rape of the women, they will think Angola or Cubans. And if you get Angola, they'll think Cubans and rape of the women.

And these patterns build up so that that becomes the truth embedded in your mind. Four years later John Stockwell quit the CIA and wrote a book exposing it. Wrote

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a big piece for the *New York Times* about how the entire Cuban/Angola story was a fabrication. And he sat there at the desk typing it. And the day after that story appeared, there was still 900 million people around the world who thought the phony story was true.

Because when year, after year, after year you hear that something was the case, one story – one day saying, hey, the whole thing was a lie, and it doesn't register on their brain. It can't beat those – those patterns that have been built up.

Q. Let's go back now taking an example – let's go back now to the general area of intelligence because all of this activity is useless unless there's a structure into which it fits and into which it can be put out. Can you deal with the kind of structure of media operations that puts out this kind of disinformation. How extensive is it?

A. Yes. We can be – we have a lot of information about the CIA. We have a certain amount of information about the FBI, a

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certain amount about military intelligence. And the reason for this is because there were those congressional investigations that I mentioned before. There have been reports published, particularly from the [Church Committee](#) in the late 70's, where they published volume after volume describing the extent of media operations by the CIA and – and other agencies.

They – the exact amounts of money that were being spent were – were not divulged by those initial reports because that was considered to be classified. The intelligence budgets are always classified except at the same time every few weeks you'll read something in the newspaper where they say, the classified budget, which is approximately 25 billion dollars, and so on and so on and so forth.

So what we – what we have learned from these reports is that – the first thing was that about a third of the whole CIA budget went to media propaganda operations.

Q. Well, if a third of the CIA's budget went to media propaganda operations, how much

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would that be approximately?

A. We're talking about hundreds of millions of dollars a year just for that. I mean, the intelligence budget – now everything together is according to these – all these reports that say it's secret, but it's about 25 to 30 billion dollars a year.

Now, a lot of that is high-tech stuff. It has nothing to do with what we're talking about – satellites and so on. But the stuff that goes to the CIA is several billion. And when you factor out overhead and things like that, you have got your operational amount. Most of the estimates suggest that – that hundreds of billion – hundreds of millions of dollars – close to a billion dollars are being spent every year by the United States on secret propaganda.

Again, we have fairly good figures for the CIA because it at least has been admitted in the past that they did do this stuff. They admit they do it now except they say they don't do it within the United States. But they admit that that's part of what they do.

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The FBI is much harder to – to get figures for because they don't generally admit to conducting media operations. And unless and until something gets exposed and they have to admit that particular operation, they – they deny to an extent where it's really hard to try and estimate how much money is being used by the FBI and by the military intelligence agencies.

But it's sort of clear that hundreds of millions of dollars a year are being spent by various aspects of the government on deliberately creating and spreading lies.

Q. Before we get into the specifics of media operations related to the Martin Luther King case and James Earl Ray, can you give us – just to finish the background, can you give us some idea of the influence that the CIA and the FBI have had over the media.

A. Yes. Again, this was something that very specific figures came out in the 70's and 80's, and we don't know the precise figures. Today we have no reason to think that they are significantly less than when they came out. But when the [Church Committee](#)

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reported on the CIA media operations, for example, beyond friends in the press, beyond having people who were just generally – thought along similar lines, it turned out that they had thousands of journalists in their employ. Not merely friendly, not merely agents, not merely someone you could pass a story to, but people who might have appeared to the outside world to be a reporter for *CBS* was in fact a CIA employee getting a salary from the CIA.

And that was repeated thousands of times all around the world. They also owned outright, the CIA – about that time 250 or more media organizations. That's wire services, newspapers, magazines, radio, TV stations – all around the world that they owned outright. The actual shareholder of the company turned out to be some CIA front.

The [Church Committee](#), unfortunately, did not name very many of these organizations because those that got named, of course, had to close down immediately. But it was learned that – even things like the *Rome Daily American*, which was a major English

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language newspaper in Rome, for 20 or 30 years had been owned by the CIA. This was published and, of course, the paper closed the next day.

But most people didn't realize the extent of the intelligence media organization. It's fairly incredible. They sort of brag about it. When you read the books about the history of the CIA, one of the heroes was the first man in charge of media operations, a man named [Frank Wisner](#). And they referred to his organization as the [Mighty Wurlitzer](#). And there's this image of this guy sitting at one of those giant organs, you know, with seventeen keyboards and you're playing this – sort of like The Phantom of the Opera in that scene, and there was the guy running the CIA media operations all around the world. And he really was because every single city of any size on earth, he had some employee who was – supposedly worked for a newspaper or a magazine or a radio station or a wire service, and they could get stories anywhere.

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Q. Can you give just one or two more specific examples.

A. Yes. There was one – actually in an article that was published written by a former CIA officer named James Willcot, who was not in the propaganda division, he was in finance. But he was so amazed he wrote a little article about this. And he was stationed in Japan one time when there was a big debate raging there over whether nuclear power ships should be able to dock in Japanese ports. It's been a very touchy issue – at least since Hiroshima it's been a very touchy issue in Japan – even peaceful uses of nuclear power.

And the U.S. line was to promote the docking of nuclear power ships because the U.S. had more and more of them. So they wanted the Japanese papers to editorialize in favor of this in the debate that was going on.

And Jim said he looked and he saw this guy at a nearby desk sit down and type – this is a CIA officer, an employee of the U.S. Government – type an editorial and

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then wave goodbye to everybody, left the office. The next morning that appeared as the editorial – the lead editorial in the largest newspaper in Japan. Now, that level – they didn't go to a friendly publisher and say, gee, we would sort of like it if you could maybe do something a little bit favorable to this issue. They wrote the editorial, they handed it to the guy. And the next day in Japanese it appears in the paper.

Another thing showing the influence here in this country was during the Vietnam War. I don't know if – well, some people might. People my age will remember it. There was – *Life* magazine that had a cover picture of a North Vietnamese stamp that showed the Vietnamese shooting down American planes. And it showed U.S. planes with U.S. markings being burst into flames and crashing and U.S. pilots being killed.

And it was a pretty bizarre and gruesome set of postage stamps. And there was a whole story in there basically trying to give the line that the Vietnamese were

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glorifying the killing of Americans. And they thought it was so great to kill Americans that they were putting it on their postage stamps. The only thing that was later learned is that these were not North Vietnamese stamps. They were CIA forgeries. Had never been real stamps. And the CIA was able to have them appear on the cover of *Life* magazine as if they were the real thing.

That level of influence is something that many people don't realize. And when you read the congressional reports, page after page after page, it's absolutely astonishing how, given the urgency and given that they have hundreds of millions of dollars at their command, they could get almost anything to appear almost anywhere.

Q. What about the FBI and domestic propaganda?

A. Well, the FBI, there's much less documentation, again, because the official position is that the FBI doesn't do this. Whereas the official position is the CIA does do it although they tried not to talk about it. But what did come out in the

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congressional reports primarily is that a major FBI division that was called the crime reporting division was theoretically supposed to keep track of how federal crimes were being reported. Why that was their business, I don't know. But that's what its theory was.

But in fact what it was doing was a whole division set up to keep track of journalists and reporters and magazines and newspapers to decide who could be counted on to write stories that the FBI wanted written, who would slant stories the way they wanted it.

The question of whether these particular reporters were actually FBI employees, like so many were CIA employees, is unclear. That's never been admitted by the government that the FBI actually took its own employees and had them get a job as a correspondent on the newspaper, whereas we know the CIA did that in many, many places. There's no reason to think they couldn't have done it other than the fact that it hasn't yet been – been exposed.

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But in any event, there were significant pressures available to the FBI to – to use their friends. And the [Church Committee](#) report gives – gives many, many examples – copies of memos from Hoover on down where there would be a thing attached and say, get this information to our friends at the *Copely News Service*, get this information to our friends at *Reader's Digest*, get this to our friendly *AP* reporter and so on.

And then, of course, they would show the clipping indicating that in fact someone had gotten it to their friends, and it would then go over the wires or appear in stories.

Q. Let's turn now to the use of the media in this type of campaign against Martin Luther King, Jr. But before you do that, could you tell the Court and the Jury, what are the sources of – underlying your testimony – this aspect of it.

A. Yes. I did a goodly amount of additional research and preparation and contemplation of appearing here. And there really are two main sources. The first, of

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course, is the various congressional reports that we have talked about. In addition to reports about the general operations or misconduct of the CIA or the FBI, there have been specific studies – I don't know if they have been mentioned in this case, but there have been specific studies relating to Martin Luther King, Jr., both with respect to attacks on him while he was alive and also specific reports with respect to his murder.

There was an entire volume published from one of the Senate investigations on the [FBI media campaign against Dr. King](#). And there was a [House Committee](#) that published [a volume investigating his assassination](#). And these, of course, are the – the most important sources for what I'm talking about and what other people have written about because they have a great deal of government documentation in them which no private journalist could ever get their hands on.

There are things in there that even the best of research wouldn't be able to obtain. But the congressional committees had subpoena powers and were able to amass

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thousands of documents, most of which were photocopied and attached to their reports.

Q. For our purposes here, as well as those sources, what other sources have you used?

A. Well, I've also, of course, reviewed many books that have been written on the subject – hundreds of articles. And I've – I've done briefcases full of clippings that were major stories written about Dr. King, particularly in the last few years of his life. And then the – most of the coverage in the first few years of the James Earl Ray case. Both before and after his guilty plea there was intensive coverage, as you can imagine.

And throughout the 60's and into the early 70's, there was quite a bit of coverage, and those clippings that I've been able to find I've reviewed. Some of the sporadic coverage in the 80's and 90's I've also been able to assemble and review, although the level of that coverage has decreased very much over the last decade or so.

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Q. What do the congressional reports – if you can summarize them, give some instances, what do the congressional reports tell us about the FBI's use of the media in general but then particularly as it relates to Dr. King?

A. Well, in general, the first thing they show is that throughout its history, the FBI has made relations with the media a key area. Not so much infiltrating employees as the CIA did, but cultivating very, very deep connections throughout the American media.

They had the entire division of the FBI – the crime reporting division was dealing solely with developing friendly journalists, developing ways in which you could get what you wanted to appear in the papers to be there and what you didn't want not to be there on a level that was – nobody realized until these – these reports came out.

The crime reporting division was keeping track of virtually every journalist in America that wrote anything that had to do with the FBI. And whether everything was being classified as friendly or unfriendly,

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it – of course, it was somewhat complicated because it generally meant: Did J. Edgar Hoover like what they wrote or not like what they wrote? And practically – the opinion of nobody else at the FBI mattered while Hoover was alive.

But he kept charts on every significant journalist as to who was helpful. And when you look through the reports and the documents that have come out, you will see statements by Hoover and his immediate subordinates[,] get this information to friendly journalists. Get this to our friend at *U.S. News and World Report*. Get this to some friendly reporters in Memphis. And you just see all that sort of stuff.

Interestingly though, this information – it never mattered whether the information was true or false. That was not what it was about. You find FBI planting information that's true, you find them planting information that's false. The critical thing was if they had the friend at that media place, that friend was going to run what they wanted without investigating

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it.

Q. Could you just cut through – tell us what the [Church Committee](#) said about [CoIntellPro reports](#) and explain to the Court and the Jury what were the CoIntellPro activities.

A. [CoIntellPro was Counter Intelligence Program](#), and that was the – the major FBI program to counter what it conceived to be threats to American democracy. And it was, at least in my opinion, rather paranoid in what it considered threats. It had divisions trying to operate against communists, against socialists, against the New Left, against the Old Left, against what they referred to as Black Nationalists, what they referred to as hate groups.

They had a separate section just on the Nation of Islam. They had a separate section on the Civil Rights Movement. They had a hybrid program on CommInfil which was to deal with the possibility that communists were infiltrating non-communist groups.

So they had one section trying to disrupt groups they felt were communist

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influence or dangerous, and another one trying to infiltrate groups or find out about groups that they thought other people were infiltrating.

Basically they – and, of course, you have to understand, “counter intelligence program” was really a misnomer. Because counter intelligence normally means you're trying to find things out. Counter intelligence officers in war time and in espionage are supposed to be finding out information. But these were active committees, not passive. And what counter intelligence programs were, were overt attempts – sometimes very, very complicated operations to disrupt organizations which they felt were a threat regardless of whether the organizations were committing any crimes.

I mean, the irony of this is that while the FBI theoretically was supposed to limit itself to investigating crimes, and federal crimes at that, it basically took the position that, you know, thinking bad thoughts was a crime. Or if you didn't like

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the current government of that day, that was a crime. And if J. Edgar Hoover decided the group should be disrupted, then [ColIntellPro](#) would sit down and figure out how to disrupt it.

Q. Where was Dr. King in this constellation? Where did they – how did they regard him? How was he targeted?

A. Well, he was just about the top of the list in terms of J. Edgar Hoover for reasons that are still unclear. Many books have been written about J. Edgar Hoover, and I don't think anybody quite understands what made him tick. He hated Dr. King. He made no bones about it. I mean, he would – he would send letters using – referring to him as garbage, referring to him as slime.

When Martin Luther King [was awarded the Nobel Peace Prize](#), he wrote a long diatribe about how that was the most ridiculous thing he ever heard of in his life, and in fact started a whole thing to disrupt the Nobel Peace Prize program. But he and the SCLC, as Dr. King's organization, were by themselves a major target of the FBI

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from early on. He certainly was being investigated in the 50's. It wasn't until the early 60's that it really intensified.

But Hoover was much more public about Dr. King than almost any other individual. He would be public about "the communists" or "the terrorists" or whatever. But Martin Luther King he specifically used – used the most horrendous language to describe him. And once went on a – the only time he ever gave a press interview called him – called Martin Luther King [the most notorious liar in the history of the United States](#).

Q. Okay.

A. And he was saying that because King had had the temerity to say that the FBI agents in the south weren't being terribly helpful to blacks who were having problems with the racism there.

Q. Can you give an example of some of the media operations that the FBI and

Hoover mounted against Dr. King's organization.

A. Sure. The first really significant ones were – were to – to suggest that the

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Southern Christian Leadership Conference was communist infiltrated and communist dominated. They – the FBI had prepared dossiers on King and on everybody who was working with him and had two people who were close to Dr. King who had at some time in the past had some affiliations with communists.

You should understand, because this came out later, they had no evidence whatsoever that either of these two people was at that time a communists or that either of these two people was trying to impose some communist line on Dr. King, but they decided to say that anyway.

And they prepared dossiers on these two – one was a white lawyer, Stanley Levinson, the other was a black organizer named Jack O'Dell. And what they did is they – the same way, get us a friend at this paper, get us a friend there. They started planting stories. And I think I've –

Q. Let me – let me –

A. – given you one of the key ones.

Q. Yes, let's pull up on the stand one of the stories – screen one of the stories

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that they planted.

A. That's the second page. I think the headline is – right. This was a major story about – about Jack O'Dell and an attempt to – I mean, they were attempting to discredit Dr. King and the organization.

They were not – they were not trying to just get rid of O'Dell because that would be better for the organization. But they spread this – this particular clipping, I believe, is from *The Atlanta Constitution*. But it says in it that – it makes reference to prior

articles in the *St. Louis Globe Democrat*, in the *New Orleans Times Picayune*. The story which was essentially based on the FBI spreading this – this information appeared all over the country.

Q. Other than a general attack, is there anything – anything else significant about this – this article?

A. Well, actually, this is a good one because it demonstrates some of the techniques they used. The most significant one is being fuzzy whenever you can. It has – in there it talks – it refers to

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O'Dell and says: "Has been identified as a member of the National Committee of the Communist Party."

And that – this is sort of the passive tense to avoid saying what – what you know. When you say someone has been – you don't say who identified him. You don't even say whether this identification has been confirmed. You don't say whether it's true or false. I mean, you know, one person anywhere can say something about anybody, and then you say he has been identified as a such and such.

That's very important, particularly because we – that's in the present tense. It says: "Has been identified as a member of the communist party." We know now that at the time, when the FBI gave this information to its friend, they knew that was untrue. Because they knew – whatever might have been ten years before, they knew at that time that he was not a member of the Communist Party and yet they sent out this information saying he has been identified as a member of the Communist Party.

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Q. Was this a part of a broader effort on the part of the FBI to discredit the Black Movement and to tie the Civil Rights Movement to communists generally and communist infiltration?

A. Very much so. It was one of the – the few instances where – where Hoover actually testified before Congress and allowed the testimony to be public. He – the line was that the – the Black Movement – the Civil Rights Movement was being

exploited by communists. And this particular clipping is another example – again, this is from the *New York Times* – of this program. These are all – despite the fact that many of them have bylines, although this one does not have a byline, these are all based on material packets – press packets almost that were prepared by the FBI and given to their – to their friends in these – in these stories.

And in this case, it's even more significant because this was part of a campaign that was so organized that Hoover got his friends to write stories about it

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before his testimony became public so that when the testimony then became public, as it did for this one, people would know about it. One of his very, very close friends was Stewart – Joseph Alsop, who was a syndicated national columnist back then. And this was Alsop's column about the terribly sad fact that the Civil Rights Movement in America was totally being run by the communists.

This, again, was based on whatever the FBI handed him and asked him to publish. This was just one week before the other story where the – where the testimony became public.

Q. There was an escalating battle between Hoover's FBI and Martin Luther King's SCLC and the Civil Rights and then anti-war activities. What – how did it intensify from the standpoint of media operations against Dr. King?

A. Well, the first real escalation was in sixty – in late '64 when I mentioned before that Hoover gave a press conference and called King the most notorious liar in the country. This was sort of a – it was

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shocking that he said it, it was shocking that he said it in the context of a public meeting with journalists. And it appeared all over the country. And the whole conference was reprinted in *U.S. News and World Report* with a short response from – from Dr. King.

That was the start of – of a campaign which continued right up until – until King's death. I mentioned before that during [the Nobel Peace Prize period of time](#) this was

in – the nomination was in late '64, and he received it in January of '65. Hoover had the FBI do everything they could to minimize – he couldn't stop the Swedish and Norwegian governments from giving him the prize. But he did everything that he could to try to stop it from being honored here.

There was a major banquet in Dr. King's honor in Atlanta when he came back from receiving the prize. Hoover got the editor of the *Atlanta Constitution* personally to go around and try and persuade various people not to attend the banquet. There were also a series of articles around this time

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trying to show that – that King was being influenced by communists which were being – again, we learned this from reports.

The FBI, as the CIA, was actually writing the articles anonymously and then trying to get their friends in papers to print the article under somebody else's name. And there were a whole series, some of which actually did get printed, some of which didn't. There were also – I won't go – I mean, there are big – hundreds and hundreds of pages of reports detailing all the things that the FBI did.

They – one of the most outrageous was a doctored tape recording that was prepared that purported to – to be a recording of Dr. King engaging in raucous and possibly sexual activities with various people. It turned out to be – most of it was totally fraudulent. And what wasn't fraudulent did not have to do with anything torrid going on. It was all put together. And the tape – in fact, the tape was originally used – and this is one of the things that the House Committee found the

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most outrageous – in an attempt to try and drive Dr. King to commit suicide.

Shortly before he went to get the Nobel Prize, the tape was mailed to him with a long letter basically saying, if you don't kill yourself, we're going to make this public. Nothing ever happened because he was getting so much mail that this thing that somebody thought was – somebody made a tape of one of his speeches. And they put it in the back room, and they didn't get to look at it until about nine months later, long after he had come back.

And then they saw the note trying to get him to commit suicide. And then, ten years later, we discover that it was the FBI who wrote that note and made that tape and mailed it to Dr. King.

THE COURT: Let's take a few seconds and stretch.

(Brief break taken.)

THE COURT: Bring in the Jury.

(Jury In.)

Q. (BY MR. PEPPER) Mr. Schaap, you've described an awesome power that exists in

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government influenced and controlled, sometimes owned, media – print, audio, visual media entities – and how that infrastructure gets focused on opponents of the United States such as Martin Luther King.

Do you see how this incredible power was brought against Dr. King and intensified against him during the last year of his life?

A. Yes. I think the – the main reason for that was very, very specific. There was one speech that Dr. King gave [in April of 1967 at Riverside Church in New York City](#) where he came out against the war in Vietnam. And if you remember back to that period of time, this was a fundamental debate gripping every aspect of this country, the pros and cons of the involvement in Vietnam.

And when Dr. King came out against the U.S. involvement there, this was immediately accepted by J. Edgar Hoover as proof that he was a communist, proof that he was a terrible person.

Q. But didn't this have the effect of unifying all the forces – all of the

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intelligence forces of the United States, and so now just – it was not just an FBI matter, but it – it seemed to spread to military intelligence, central intelligence and other areas too, didn't it?

A. Absolutely. Once Dr. King made that statement, the CIA in particular considered him and his movement fair game. Even to the extent that their operations were limited to foreign policy, the – again, because of the congressional investigations, we know that the CIA, which people thought did not operate domestically within the U.S., had a huge domestic program called [Operation Chaos](#) which was designed to counter opposition to the Vietnam War.

And even though they later admitted it was illegal and later admitted they shouldn't have been doing it, there have been whole books of [congressional reports about all the Operation Chaos activity in the United States](#), and what they called Black Nationalists were a specific target of that – that campaign.

Q. Did this continue into 1968 in his

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activities with the Sanitation Workers' Strike in Memphis and planning for the Poor People's Campaign in Washington?

A. Absolutely. The campaign against Dr. King's activities went up to the very last day of his life. In particular, on the – his involvement with the strike in Memphis, the FBI decided at that point to try to spread stories that he was encouraging violence. One of the – the key articles was in the *Christian Science Monitor* at the end of March of '68 and, again, gives all of the – the themes that the FBI wanted – wanted planted, particularly about violence.

The article uses bizarre language for something about a small strike in a medium-sized town that, you know, was something but was not like an earth-shaking event. This was the Sanitation Workers' Strike. And this story refers to it as a potentially cataclysmic racial confrontation. Not quite World War III, but along that kind of language.

And stories that began to appear – and this was just before Dr. King was

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killed – were – were suggesting that he was closely allied with violent forces.

Q. Mr. Schaap, this Court and Jury has heard testimony from a former *New York Times* reporter who was told by his national editor – *Times* reporters in this courtroom notwithstanding – told by his national editor, Claude Sitton, to go to Memphis and nail Dr. King. Those were [the words Earl Caldwell used in his testimony here](#). Is that the kind of thing you're talking about?

A. Oh, absolutely. Hoover was – you see from the memos in the report – and Lord knows what we don't know and haven't seen – was sending people out everywhere to talk to all of their friendly media contacts to get King. And they would usually deliver packets of information, much of it false, to be used as part of the – of the campaign. They also were – used a lot of interesting tactics.

And you see in these stories a lot of fuzzy – I mean, the story that's on the screen, for example, has a sentence in it near the end where it says: "Many blacks have mixed feelings about Dr. King." I mean,

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this is a – they teach you in Journalism 101 not to use sentences like that. What does it mean "many blacks"? Many – everybody had mixed feelings about everything. If you want to do it, you say who has what feelings.

But the whole thing was to try to say he's violent, he's hanging around with violent people, and basically the blacks in this country shouldn't support him.

Q. What was this operation like – this media blitz, this media disinformation campaign? What was it like after Dr. King was killed?

A. Well, for one thing, the attempts to discredit Dr. King – particularly the FBI attempts – did not stop after his death. They continued to send out their little dossiers and reports and phony information to try and discredit his memory. They also – in the beginning when, of course, the assassin had not yet been caught or, rather, no one yet had been caught and charged with the assassination, had to give the impression that the FBI was doing a great job.

I mean, one of the criticisms that

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was unavoidable is when Hoover had already publicly attacked Dr. King in all these magazines and said he thought he was a liar and thought he was the worst problem facing the United States and so on, it became a problem for the FBI then to try and convince America that they were doing everything in their power to apprehend his killer. And to do that, they had to pull out all the stops and get all their friendly columnists writing story after story that they were doing everything they could. And also subsequently to try and add to the stories that they were convinced that James Earl Ray was the lone assassin.

Q. Let me put up this article. This story relates to a Jack Anderson column.

A. Yes. This is interesting for what it reveals later. This was a story that came out in 1975. That's actually an interesting example of Jack Anderson criticizing a group of people, of whom he fails to mention he was one at the time. It's something that happens often when columnists decide to clear the – clear the slate.

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But he was reporting at this time about how the FBI had waged the campaign against Dr. King, how he knew about it, how he knew about all these gross accusations that were being – being handed out. It's – I mean, the story is only interesting because why didn't he say it at the time is one's first thought. But at least he stayed abreast of some of it. He also was able to – to explain that a number of rumors about Dr. King had been proven to be not true. What he didn't know at the time because the Congressional Report came out a little bit later – what he didn't know is that even the FBI at the time they were spreading the stories when Dr. King was alive knew that the stories were not true.

Q. Now, at the same time they were trying to discredit Dr. King and continued to discredit his name after he was killed, they were trying to enhance the – the manhunt and the law enforcement work during that time.

A. Yes. Not only enhance, but use hyperbole that was pretty bizarre. Although, of course, you can understand the pressures

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that were on them when no one had been caught. Drew Pearson, who was a very close friend of Hoover's, had a nationally syndicated column and wrote one basically designed to try and kill the rumors that Hoover wasn't trying hard because he didn't like King.

And in it Pearson says he is convinced that the FBI is conducting perhaps the most painstaking exhaustive manhunt ever before undertaken in the United States. Why – how he would know is beyond us, but that's clearly what Hoover told him to say. They also – I don't have the clipping here. But they also had another one of their very close operatives, Jeremiah O'Leary, who was then with the *Washington Star*, did an article for the *Reader's Digest*. And he went one beyond Pearson and said it was the greatest manhunt in law enforcement history in the world. So he was now saying this wasn't only the greatest manhunt in America, it was the greatest manhunt ever, anywhere.

There were – there are a whole –

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and, of course, when Ray was arrested, then there was a state of sort of self-congratulatory columns done by the same friends of the FBI showing what a wonderful job they had done.

Q. Are there any other aspects of this coverage after Dr. King's death that were clearly media operations?

A. Well, there certainly are in my opinion. At this point, once we get beyond the things that have been admitted in the Congressional Reports, I'm drawing my conclusions based on my own experience and expertise. But it certainly seems clear that there were media operations around – not only that the FBI had done a wonderful job, but also on the – the campaign to demonstrate that – not only that James Earl Ray had done it, but that he had acted alone.

Q. What are the possible operations that you actually see?

A. Well, there – you see in stories, again by friends of the FBI, statements like: It looks like the theory that there was a conspiracy is untrue. The FBI has

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exploded the theory that there was a conspiracy. The – even people who had – see, they – they got caught a little bit because in the beginning they were planting stories that had conspiracy – I mean, there was a story that the FBI planted at the very beginning saying that Dr. King had been killed by the husband – by an irate husband of a lover of his.

Now, later – ten years later we saw that this was invented and that they had made up this story. But then they were sort of stuck. Because if you're saying that Ray was hired by somebody else to do it, that's a conspiracy. So then they had to drop that story because now the line was there was no conspiracy. Now they're saying – and the same people. Pearson mentioned that story and then later on denounced the generally prevalent theory that the murder involved a conspiracy without pointing out that he was one of the people who were part of the original prevalent theory.

Even – particularly, actually, after the guilty plea, when it got – there

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was no longer a judicial proceeding going on about which they could feed the stories they wanted to, they still felt a compulsion to periodically come up with stories that there was no conspiracy, there was no plot. This one on the screen being another one of these – these examples.

Q. This is the continuation of the lone killer, lone nut gunman that was – had to be perpetuated throughout the period of James Earl Ray's incarceration?

A. Absolutely. It never – because Ray insisted virtually from the day of the plea that there was a conspiracy, they felt compelled to – to continue to plant these – these stories. They – they went on for a number of years at a very intense level, and then it sort of petered off.

But in the first year after the plea of guilty, Anderson wrote a number of columns saying there just wasn't any conspiracy. Max Lerner wrote columns saying Ray was

the killer, there's nothing to the conspiracy theory. And when – another example of how they – they fuzzied it was even at the time

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of the plea, there was a story on the – in the *Washington Post*, which I think I've given you a copy of, where they said: No evidence of any plot, Jury is told.

Now that isn't really what the Jury was told. But if you read the story, it was that the prosecution was not presenting any evidence of a plot, which is very different from saying – of course, they didn't present any evidence that there wasn't a plot either. Yet if you look at that headline, it looks like something has been said and done in court showing a jury there was no – no plot. And that's not what happened. It wasn't – it wasn't discussed either way.

And they – they – there was a story I believe the next week in the *Washington Post* where the title of the story was: "Ray Alone Still Talks of a Plot." Which, again, journalistically was ridiculous. Because there were millions upon millions of Americans talking about whether there was a plot. And a story which, you know, tries to create the impression that James Earl Ray was stark raving mad and was

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the only person in America who thought there might have been a plot.

That campaign went – and, in fact, they then said, well, what we really meant was that he's the only person who is officially involved in the proceedings and thinks there's a plot, everyone else doesn't. And even that wasn't true because the next day there was a story in the papers that the – the judge here – the judge at the time, Judge Battle, wasn't sure and thought maybe there had been a plot and certainly made it clear that under Tennessee law if further – if co-conspirators came up or were arrested or indicted, they would be subject to – to trial.

Q. Let me pass this article to you and ask you to look at that, Mr. Schaap. That's an article that appeared in the *New York Times*, Column 1 on the 17th of November, 1978, right at the time when the – both Ray brothers were being questioned and examined in public before the [House Select Committee on Assassinations](#). And that article speaks of an independent investigation by the *New York*

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Times and the FBI and the Select Committee, into an Alton, Illinois, bank robbery – an investigation which never took place because it's now been established.

Is that an example of the type of disinformation that one finds in an attempt to train the public minds?

A. Oh, absolutely. Given the fact that subsequently it was shown that they were not suspects in that robbery, it – the first thing it means is that the – the reporter is saying some things which had to have been simply fed to him and not checked. Because if you're saying something happened, which in fact very, very basic journalism would have proven didn't happen, you are either doing it on your own to spread some disinformation, which is extremely unlikely, or you're being asked to put a spin on something that you know is going to – to be coming out.

The – again, I'm – I don't know what happened in Alton, Illinois. But if, as I understand there's been testimony, it is clear that the Ray brothers were not suspects in that case, this story is clearly

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disinformation because it's designed to make it appear not only that they were suspects in that case but that they did it, and to make it appear that two investigations confirmed that whereas, since we know it wasn't true, it's impossible that either investigation could have confirmed it.

Q. Let me ask you finally – this has been a long road – how you regard – what is your explanation for the fact that there has been such little national media coverage of these – of this trial and this evidence and this event here in this Memphis courtroom, which is the first trial ever to be able to produce evidence on this assassination – what has happened here that Mighty Wurlitzer is not sounding but is in fact totally silent – almost totally silent?

A. Oh, but – as we know, silence can be deafening. Disinformation is not only getting certain things to appear in print, it's also getting certain things not to appear in print. I mean, the first – the first thing I would say as a way of explanation is the incredibly

powerful effect

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of disinformation over a long period of time that I mentioned before. For 30 years the official line has been that James Earl Ray killed Martin Luther King and he did it all by himself. That's 30 years, not – nothing like the short period when the line was that the Cubans raped the Angolan women. But for 30 years it's James Earl Ray killed Dr. King, did it all by himself.

And when that is imprinted in the minds of the general public for 30 years, if somebody stood up and confessed and said: I did it. Ray didn't do it, I did it. Here's a movie. Here's a video showing me do it. 99 percent of the people wouldn't believe him because it just – it just wouldn't click in the mind. It would just go right to – it couldn't be. It's just a powerful psychological effect over 30 years of disinformation that's been imprinted on the brains of the – the public. Something to the country couldn't – couldn't be.

Q. Not only – excuse me. Not only psychological, but weren't you also saying neurological?

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A. Yes. I'm not a doctor. But what I understood is that these – the brain's patterns of thinking are a physical aspect of the human brain. That's how we develop patterns of thought, how we develop associations.

And then, of course, the Mighty Wurlitzer we talked about is still there, it's still playing its tune. And even though you might think 30 years is a long time, that almost everybody who might get in trouble is probably dead by now, that's – that's how it works. People obtain influence, people make vast sums of money through this propaganda. Those people pass that influence on to others, they pass the money down the line, and all of that can be at risk for a very, very long time.

There are documents from the investigation of the assassination of Abraham Lincoln that are still classified. Don't ask me why, but they were originally sealed for 100 years. And then in 1965 President Lyndon Johnson said, well, it's so close to the Kennedy assassination, if people read the

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Lincoln documents, it might make them think funny things about Kennedy, so he classified them for another 50 years. So now the grand children of anybody around Lincoln was around are long dead, and these documents are still – still classified. And we're talking today about a case that's 100 years more immediate than Lincoln. And the establishment is still the establishment.

Q. Mr. Schaap, thank you very much for joining us this afternoon.

A. Thank you.

MR. PEPPER: Nothing further, Your Honor.

THE COURT: Just a moment. Mr. Garrison?

MR. GARRISON: Your Honor, I have no questions of this witness.

THE COURT: You have nothing. Very well. Sir, you may stand down. Thank you very much.

THE WITNESS: Thank you, Your Honor.

(Witness excused.)

(Court adjourned until

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December 1, 1999, at 10:00 a.m.)

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