

## **PART TWO**

### **CHAPTER 9** **THE TRIAL**

We were indeed first out on November 15, 1999. The Judge agreed to let one media pool camera in the courtroom along with our own video camera. The media camera, like the media itself, would come and go (they were nearly always absent, with the notable and sole exception of local anchorman Wendell Stacy who almost lost his job at that time over his insistence that he attend every day. – so important did he regard the case. He was eventually fired and by August 2000 was preparing a wrongful dismissal action.)

Jury selection began that morning in the small Division IV courtroom. We discussed moving the case to a larger courtroom, but because of the Judge's health needs, it was agreed that the trial would remain in his usual room. The Judge disclosed to both sides that he had been a member of the group, which had carried Dr. King's casket from the funeral home in Memphis after the assassination. If, therefore, either side wanted him to withdraw, he said he would, we certainly had no reason to do so although the defense might have felt differently. Defense attorney Garrison also had no objection. The Judge stayed on the case.

After almost despairing about finding an acceptable local counsel, I finally was able to obtain the services of Juliet Hill-Akines, a young black lawyer, who had been admitted to the Bar in 1994. Before Juliet agreed, I discussed the possibility with a large number of local lawyers, all of whom turned down the opportunity – usually because they were advised that it

would have a negative impact on their careers. Rather than expressing such apprehensions, Juliet took this as a challenge and an honor to be representing the family of Martin Luther King Jr. I admired her decision and was grateful for her independence and courage.

Judge James Swearingen barred the media from the jury selection process. Due to the sensitivity of the case, he was anxious to protect the identities of the individual jury members and, to the extent possible, ensure their privacy. He would issue a further order barring any cameras from being pointed at the jury at any time during the trial and would even hold one spectator in contempt and impose a fine for violating the order.

An attorney for *The Memphis Commercial Appeal*, promptly made a motion requesting the Judge to allow the media to be present during the jury selection process. Relying upon the rules of court, which gave him discretion, the Judge denied the motion. They appealed, and the Judge's ruling was eventually overturned, but it was moot since we had selected the jury by the end of the first day.

Since there were five plaintiffs to one defendant, we had the right exercise many more exclusions. We used them all since the jury pool – in excess of forty – contained a large number of people who were employed by law enforcement agencies and security firms. After the *voir dire*, I consulted with Juliet in respect of each candidate. Almost routinely, we agreed to exclude potential jurors from those areas of work.

At the end of that first day, a jury of eight men and four women, six of them black and six white, were chosen. The trial would start at 10:00 AM the next morning, and after opening arguments, we would begin the plaintiff's case with Coretta Scott King as our first witness. On behalf of the plaintiffs, I had drawn together an intelligent,

enthusiastic volunteer team. Professor Phillip Melanson and the Reverend Mike Clark agreed to deal with all media queries since both sides had agreed that we would follow the English practice that counsel would not give media interviews during the trial. The decision was taken to avoid the inevitable media spins and in an effort to let the evidence speak for itself. Risako Kobayashi, my assistant, would co-ordinate the production of evidence and the synchronisation of materials and exhibits to witness testimony. Attorney Ray Kohlman, from Massachusetts, was in charge of court logistics, special research, and last minute investigation. My sons Sean and Liam, over from England, would respectively organize for the scheduled arrival and departure of the nearly 70 witnesses and film the proceedings.

Security was handled by Cliff Dates (CDA Security), who organised security details for the members of the King family, who, in turns, were present in the courtroom throughout the trial.

The trial began on 16 November. Opening arguments were finished by the lunch break, and that afternoon we called Coretta Scott King as our first witness. Court TV was there to cover her testimony and provide the pool camera. They would pull out and be absent for most of the trial, returning for celebrity witnesses but missing most of the material evidence as did the rest of the media. In copycat fashion, as though programmed by the same puppeteer, local regional and national media were absent for most of the trial.

The plaintiff's case was divided into nine areas of evidence:

- The background to the assassination
- The local conspiracy

- The crime scene
- The murder weapon
- Raul
- The broader conspiracy
- The cover up – its scope and activities
- The defendant’s prior admissions
- Damages

Though many of the witnesses testified to facts with which the reader is already familiar since they emerged in the investigation, discussed earlier, I will summarise the details of the testimony because, of course, they achieve a new status as evidence given under oath in a court of law.

### ***The Background***

Mrs. King led off the group of witnesses, whose testimony provided evidence about the historical background and events leading up to the assassination. They offered various perspectives and facts and described the official hostility to Dr. King’s vigorous opposition to the war in Vietnam and his commitment to lead a massive contingent of poor and alienated people to Washington, where they would take up a tent city residence in the Capitol and lobby the Congress for long overdue social legislation. Dr. King’s support of the sanitation workers strike was described by Reverend James Lawson as was the eruption of violence in the march of March 28, which Dr. Coby Smith of the Invaders testified, appeared, to be the work of out of state provocateurs.

The role of the Invaders and their sudden departure from the Lorraine Motel was testified, to in detail, by Dr. Smith and Charles Cabbage. Smith said that the Invaders decided to work with Dr. King in planning of the April march because they had been wrongly blamed for the violence, which had broken up the previous march. He insisted that they had conducted their own investigation and became convinced that the disruption was caused by out of state provocateurs. He said they had reached a basic agreement with SCLC and Dr. King, and in order to facilitate their participation in the planning process, the group had moved into two rooms in the Lorraine Motel. Their rooms were also on the balcony level some doors south of Dr. King's room, and he said that they had participated in various planning sessions and meetings with Dr. King following his arrival on April 3.

Cabbage described the Invaders' sudden departure within 11 minutes of the shooting. He said that a member of the Lorraine staff knocked on their door. It must have been after 5:30 PM. They were told that they had to leave because SCLC was no longer going to pay their bill. This appeared strange because the bill for that evening's lodging would have clearly been paid, or obligated to be paid, much earlier in the day. Though it made no sense from any standpoint, he said they accepted the order, which he said they were told came from Reverend Jesse Jackson, and quickly packed up their things and began to leave around 10 minutes before 6:00 PM. The timing of their departure was later confirmed by the testimony of MPD Captain Willie B Richmond (retired), who noted the event in his surveillance report developed from his observation post inside and at the rear of the fire station. Captain Richmond also testified that around the same time, he observed Reverend Kyles knock on Dr. King's door. Richmond said

Dr. King opened the door, spoke with him briefly, and then closed the door. Kyles then walked some distance north on the balcony and stood at the railing. This account, of course, contradicted the story of Kyles has told for nearly 32 years, in which he said he was in Dr. King's room for about 30 - 45 minutes before the shooting.

At one point, Cabbage said when they were being asked to leave, he observed the Reverend Jesse Jackson standing on the ground near the swimming pool, which was opposite the balcony rooms occupied by Dr. King and the Invaders. He said that Reverend Jackson kept glancing impatiently at his watch. (It must be said, however, that the group was running late for their scheduled dinner at Reverend Kyles's home.)

It is more difficult to understand why Jackson would have caused them to be summarily evicted (if he indeed did so) at that hour so near the time of the killing. Reverend Jackson has reportedly stated subsequently that he didn't even remember that the Invaders were staying at the Lorraine.

Cabbage never understood it. In his testimony, he also confirmed that the Invaders occupying the Lorraine rooms were quite heavily armed as was their usual custom because of the hostility of the MPD.

### ***The Local Conspiracy***

The involvement of produce dealer Frank Liberto in setting up the local conspiracy was conclusively established by a string of witnesses.

For the first time in the 22 years that I have known him, John McFerren took the stand and testified under oath about hearing, within an hour and a quarter of the killing, Liberto screaming into the telephone to "Shoot the son of a bitch on the balcony,"

subsequently telling the caller to go to New Orleans to collect money from his brother. John, courageous and forthright, began his testimony by telling the jury about the long history of his family's ascent from slavery and his civil rights activity and harassment in Fayette County, one of Tennessee's most racist areas. As he described the events that took place within an hour and a quarter of the assassination, he repeated the same story under oath that he first put before the FBI/MPD team who interviewed him for hours at the Peabody Hotel on the Sunday evening following the crime. The federal and local officials dismissed his account in 1968 as did the Congressional Committee 10 years later. This time it would be different. A jury of 12 of John McFerren's fellow citizens listened attentively. Members of my team observing said the jury was clearly moved.

The role of Frank Liberto was further confirmed by the testimony of Nathan Whitlock and his mother LaVada Addison who provided details about the admissions Liberto made to them separately in 1978, leaving them in no doubt that he had organised the Memphis hit on Dr. King, that there would be no security, the police were co-operating, and that a patsy was in place. In subsequent testimony, Dexter King and Ambassador Young testified that in their separate interviews with Loyd Jowers, he had told them that sometime in March after Dr. King's first speech on behalf of the sanitation workers on March 18, he was approached by Liberto, to whom he said he owed a "big favour." He basically confirmed the story he had on the *Prime Time* live program without any mention of Frank Holt being involved. Liberto told him that he would be given \$100,000 in a vegetable delivery box and that he was to turn this money over to a man named Raul who would visit him sometime afterward. He told Dexter and Andy (and me, for as noted earlier, I attended the session with Dexter) that Liberto had told him

no police would be around and that they had a patsy. In fact, he said, it all happened in exactly that way. Planning sessions for the assassination were held in his grill involving lieutenant John Barger (whom he had known from his own early days on the police force) Marrell McCollough, a black undercover officer introduced to him by Barger, as his new partner, MPD sharpshooter lieutenant Earl Clark (who was a hunting companion of Jowers), a senior MPD inspector, and finally, a fifth officer who he did not know. He said he remembered that there were five because he had to pull up a chair to the four-seater booth. Jowers said that if James was at all involved, he was an unknowing patsy.

Hence, Jowers also confirmed the involvement of Frank Liberto. Along with the testimonial evidence of McFerren, Whitlock, and Addison and the deceased Art Baldwin's earlier disclosures, Frank Liberto's primary role in the assassination appeared to be clear.

A steady succession of witnesses provided details of the removal of all police from the area of the crime, the failure to put the usual security unit in place as well as the removal of other individuals, whose presence in the crime scene area constituted a security risk to the assassination mission.

Fireman Floyd Newsom and Norvell Wallace, the only two black firemen at Fire Station No. 2, testified that less than 24 hours before the assassination, they were ordered not to report to their regular Fire Station No. 2 post on the periphery of the Lorraine Motel but to stations in other parts of the city. Newsom and Wallace said that their transfers left their base station short handed while they were surplus to requirements at the stations where they were sent. The transfers made no sense, and they were given no



satisfactory explanation. Newsom said eventually one of his superiors told him that the police department had requested his transfer.

Detective Ed Redditt, a community relations officer assigned to intelligence duty as Willie Richmond's partner on the surveillance detail at the rear of the fire station, testified that he was picked up by Lieutenant Eli Arkin, about an hour before the assassination and taken, first, to Central Police Headquarters, where he was ordered, by Director Frank Holloman, to go home because of an alleged threat on his life. His protests were ignored. As he sat, parked with Arkin in front of his house, the news of the assassination came over the car radio. He never again heard about the alleged threat, which apparently was a mistake of some sort. He never received a satisfactory explanation, but it was clear that his primary community relations police duties had caused him to become closely involved with the community, not MPD intelligence. It was understandable that he would not be trusted to be allowed to stay in the crime scene area if dirty work was a foot.

Memphis Police Department homicide detective Captain Jerry Williams (retired) testified that on Dr. King's previous visits to Memphis, he had been given the responsibility of organising and co-ordinating a security unit of all black homicide detectives who would provide protection for Dr. King while he was in the city. They would ordinarily remain with him throughout his visit even securing the hotel – usually the Rivermont or the Admiral Benbow – where he stayed. Captain Williams testified that on Dr. King's last, and fatal, visit to Memphis, however, he was not asked to form that security unit. It was not in place. He always wondered why but never received a satisfactory explanation. At one point, he was told that Dr. King's group did not want

them around. There was no indication, of any kind, from any SCLC source that this was true. In fact, Reverend Lawson remembered being impressed with the group on a previous visit and their verbal promise to him that as long as they were in place, no harm would come to Dr. King.

On April 3 and 4, 1968, they were not in place.

Testifying out of order, because he had been hospitalised, Invader Big John Smith said that though there was a small police presence at the motel, earlier on the afternoon of April 4, he noticed that it had completely disappeared within a half-hour of the assassination.

University of Massachusetts Professor Phillip Melanson took the stand to testify about the removal of the emergency forces TACT 10 Unit from the Lorraine Motel on April 4. Only, he and I had previously separately interviewed inspector Sam Evans, who was in charge of those units, and since I could not readily testify, Phil took the stand. He said that Evans admitted pulling back the TACT 10 Unit, which had been based at the Lorraine Motel, to the periphery of the fire station. Evans claimed that the decision was taken pursuant to a request from someone in Dr. King's group. When pressed as to who actually made the request, he said that it was Reverend Kyles. The fact, that Kyles had nothing to do with SCLC and no authority to request any such thing, seemed to have eluded Evans.

It would be hard to imagine, on that April 4, a more complete stripping away of not only the available security personnel from Dr. King but also a more thorough removal of individuals who were not deemed completely trustworthy or controllable. And it was all set in motion twenty four hours before the assassination.

Stories had always been around about Dr. King's room having been changed. Former New York City police detective Leon Cohen testified that early in the morning on the day, following the assassination, he learned from Walter Bailey, the manager of the Lorraine Motel, that Dr. King was meant to be in a secluded more secure courtyard room, but that on the evening prior to his arrival, someone from SCLC's office in Atlanta called to instruct that Dr. King be given a balcony room overlooking the swimming pool. Cohen, who moved to Memphis and worked as a private investigator after retiring from the New York City Police Department, testified that Bailey maintained that he tried to talk the person who Bailey said was a man who he knew out of this decision, but the caller was adamant. Dr. King was moved.

At time of the trial, Taxi driver James Millner had known Loyd Jowers for over twenty five years. He testified that, in fact, in the early to mid 1970's, Jowers had basically told him the same story that he revealed in 1993 about how he became involved with the assassination, how it was planned and carried out, and who (Lieutenant Earl Clark) pulled the trigger.

Another driver – J. J. Isabel – testified that on the occasion of St. Patrick's day 1979 or 1980 – he and Jowers drove two chartered busses to Cleveland taking a Memphis group to a bowling tournament. They shared an hotel room, and after a meal and some drinking on the first evening, when they returned to their room, Isabel said he asked Jowers, "Loyd, did you drop the hammer on Martin Luther King?" He said that Jowers kind of hesitated for a moment or two and then replied, "You may think that you know what I did, but I know what I did, but I will never tell it in court."

The value of Millner and Isabel's separate testimony is, of course, that like Whitlock/Addison and McFerren, they provide corroboration at least of a local conspiracy, as well as aspects of Jowers' story, long before his involvement become an issue.

One of Jowers's former waitresses Bobbi Balfour testified that on the day of the killing, Jowers told her not to carry food up to a tenant in the rooming house, Grace Walden Stephens, who was ill. She said that it had always been her regular practice with Loyd's approval to bring food up to Charlie Stephens' common law wife during her illness, but on that day, Loyd explicitly told her to stay away from the second floor.

Finally, Olivia Catling, who lived and still lives, on Mulberry Street, midway between Huling and Vance about 200 yards from the Lorraine, testified that she was at home preparing dinner for her family when she heard the shot. She knew that Dr. King was staying at the Lorraine Motel, and she feared the worst. As quickly as she could, she collected her young children and ran out of her house down Mulberry Street toward the Lorraine. By the time she reached the Northwest corner of Huling and Mulberry (see Fig. # ), the police had already barricaded Mulberry Street with a police car, so she and the children had to stand on the corner. She testified that shortly after she arrived on the corner, she saw a white man running from an alley, half way up Huling, which ran to a building connected with the rooming house. He arrived at a car parked on the south side of Huling and facing east, got in, and drove quickly away turning left on to Mulberry and going right past her as well as the MPD officers opposite her who were manning the barricade. She was surprised that the police paid no attention to him and did not try to prevent him from leaving the area.

Shortly afterward, she testified that she saw a fireman – who she believed must have walked down from the fire station – standing near the wall below the brushes, yelling at the police on the street that the shot came from a clump of bushes apparently just above the area where he was standing. She said that the police ignored him.

Olivia Catling testified that she had never been interviewed by any law enforcement officials. She said that there was no house to house investigation. Though she has lived so close to the scene of the crime for 32 years since the assassination, no one had knocked on her door until I did so in November of 1999. She seemed relieved to finally get it off her chest. She said that she had been so burdened all of these years because she knew that an innocent man was in prison. When I met her, of course, James had died, but at least this wiry, clear, and tough-minded Memphian could take satisfaction that at last her story would be heard.

Memphis Police Department homicide detective Captain Tommy Smith (retired) testified that very soon after the assassination, he interviewed rooming house tenant Charles Quitman Stephens, the state's chief witness against James Earl Ray, and found him intoxicated and hardly able to stand up. It must be remembered that it was on the strength of Stephens's affidavit of identification that James was extradited from England. In actual fact, Captain Smith said he was not in condition to identify anyone.

The state had always maintained that after firing from the bathroom window, James stopped in his room to pick up his bundle of belongings and fled carrying the rifle and the bundle, eventually exiting the front door of the rooming house, dropping the bundle in the doorway of Guy Canipe's shop. Then, so the official story goes James got

into a white Mustang parked just slightly south of Canipe's store and drove away. Stephens was supposed to have caught a glimpse of the profile of the fleeing man.

Charles Hurley testified that while waiting to pick up his wife from work, he parked behind that white Mustang about an hour and a quarter before the shooting. He said that a man was sitting in it and was still there when they drove away. Most importantly, however, he again confirmed, though now under oath, that the white Mustang parked just south of Canipe's store, in which James is supposed to have driven away, had Arkansas license plates. ( white background, red letters ) James's Mustang, of course, had Alabama ( red background white number ) plates.

We read into the record and introduced into evidence FBI 302 statements taken from two witnesses who left Jim's Grill about 20 minutes before the killing. Ray Hendrix and Bill Reed said that late on the afternoon of April 4, they walked north on South Main Street after having looked at the white Mustang parked directly in front of Jim's Grill. The car interested them so they took particular note of it. They both confirmed, in separate statements, that as they were about to cross Vance – two blocks north of Jim's Grill – the Mustang turned the corner directly in front of them. The male driver was alone. This would have been about 5:45 PM. This statement was suppressed at the time and never turned over to the defence or revealed to the guilty plea jury a year later.

### ***The Crime Scene***

Olivia Catling was the latest observer to give evidence about the bushes behind the rooming house being the place, from where the fatal shot was fired. There was

abundant, current, and historical eyewitness testimony, which clearly established this fact and which was introduced into evidence..

Solomon Jones, Dr. King's driver in Memphis, told a number of people at the scene shortly after the shooting, Wayne Chastain being one, that he saw a figure in the bushes come down over the wall. The Reverend James Orange could not appear due to a death in his family, but his sworn statement was read into the record. He said that as turned around from a crouching position in the Lorraine parking area, immediately after the shot, he saw what he thought was smoke (we have since learned that although it had the appearance of smoke, it would have been sonic dust rising from the bushes caused by the firing of the high powered rifle in the heavily vegetated area.) He said no law enforcement or investigative person had ever taken a statement from him.

Memphis Police Department dog officer J. B. Hodges testified that he arrived on the scene within minutes after the shooting. With the aid of a metal barrel to stand on, he climbed up over the wall and entered the brush area. He described the bushes as being very thick from the edge of the wall for some distance toward the back of Jim's Grill and the rooming house. He said he had to fight his way through the formidable thicket, but that eventually he arrived at a clearing and went to the alleyway, which ran between the two wings of the rooming house. No too far into the alley, he said (that he found a pair of footprints heading in the direction of the rooming house. At the end of the alley, there was a door leading to the basement, which ran underneath the entire building. It had rained the night before, and the ground cover was wet, but there was no growth in the alley, and the mud revealed an apparently freshly made large footprints – sized 13 –

13 ½ Hodges guarded his discovery until a cast was made. Those footprints has never been identified or explained.

As a part of their testimonies related to their questioning of Loyd Jowers, Dexter King and Andrew Young separately recounted how he admitted taking the rifle from the assassin whom he said had in fact fired from the bushes. An earlier deposition of Jowers' former waitress/lover Betty Spates was read into the record, in which she claimed having seen him carrying a rifle, running from the bushes in through the back door of his kitchen. In this last instance, the defense raised the question of her credibility noting that she had altered her story when questioned by official investigators. As noted elsewhere, this was true, but she advised me that it was the result of their harassment. The last statement, she gave to me under oath, was consistent with what she originally told me in 1992. (Television trial producer Jack Saltman, recently confirmed to me that Spates had independently told him the same story also in 1992.) She had indeed seen Loyd, white as a sheet, with muddy knees, running from the bushes with the rifle. For years, she believed that he did it, having tried back in 1969 to get the story out. She had no idea that he had taken the gun from the actual shooter.

Former *New York Times* reporter Earl Caldwell could not break prior engagements in order to testify, but the defense agreed to allow in a video of his testimony at the television trial on the condition that the cross-examination conducted by former U.S. Attorney Hickman Ewing was also played. We agreed, and the jury saw and heard Caldwell testify that he was sent to Memphis by the *Times* on April 3 with the instructions from national editor Claude Sitton to "... nail Dr. King." He said he was in his ground floor motel room when he heard the shot, which he said, sounded like a bomb



blast. In his shorts, he said he ran outside of his room and began to stare at the bushes, from where he instinctively thought the shot must have come. He is certain that he saw an individual crouching in the bushes, which he said, were quite thick and tall. He vividly described the person's posture even in cross-examination coming down from the stand to demonstrate how the person was squatting and rising.

Probably, the most powerful single piece of evidence (although the cumulative weight is overwhelming), that the assassin fired from the bushes, was provided by the testimony of Louie Ward, who recounted the story of fellow driver who he always knew as "Buddy" but came incorrectly to believe was Paul Butler, who, when in the process of picking up a passenger at the Lorraine just before 6:00 PM, happened to see, immediately after the shot, a man come down over the wall, run north on Mulberry Street, and get into a Memphis Police Department traffic car, which had been parked at the corner of Mulberry and Huling and which then speeded away. Louie Ward testified that he later learned that the taxi driver had been killed that night, allegedly having been thrown out of a speeding car on Route 55, the other side of the Memphis Arkansas Bridge. He heard that the body was found the next morning. Attorney Raymond Kohlman, to whom I had assigned the research task, testified that the 1967 Memphis Polk Telephone Directory showed Paul and Betty Butler living at 2639 (Apt # P1) Central Avenue, Memphis. His employment was listed as a taxi driver for the Yellow Cab Company, and his wife was a manager of a local Gridiron restaurant. In the 1968 directory, Betty Butler was listed at the "widow of Paul." Attorney Kohlman went on to state that there appeared to be no record of a death certificate for Paul Butler. Subsequent to the trial, we would

learn that “Buddy” was not Paul Butler but another driver who regularly made the airport runs in Car 58.

Ernestine Campbell, who a minute or two before the shooting had driven up Butler, took a right turn on to Mulberry, and then stopped in front of the Lorraine driving way very shortly after Dr. King had been shot, told me, for the first time, (as I pressed her to remember everything she saw.) that as she started to pull away, on her right – the passenger side – mirror she saw the back of a Yellow taxi cab in the Lorraine driveway. I believed that in that fleeting glimpse, she had seen taxi cab 58, Buddy’s car. We urgently tried to get her to testify, and whilst at first she was willing, eventually she ran from the idea, even frustrating our efforts to serve her with a subpoena.

### ***The Murder Weapon***

Independent testimony established that the rifle in evidence was not the murder weapon.

Criminal Court Judge Joe Brown took the stand under subpoena to share his particular knowledge of the rifle evidence. I qualified Judge Brown as a ballistics expert for the purpose of his testimony about the weapon, and as he moved through his testimony, his expertise was never in doubt. He began by telling the jury that the scope on the rifle had never been sighted, in which meant that one could not fire it accurately when lining up a target through the scope. We introduced an April 5, 1968 FBI report, which stated that the rifle, on the day after the killing, had failed an accuracy test – firing 3 ½ inches to the left and 4 inches below the target. In addition, he said that the metallurgical composition of the death slug lead was different from the composition of

the other bullets found in the evidence bundle in front of Canipes while the composition of each of the other bullets matched. He had no doubt the rifle in evidence was not the murder weapon.

In a startling development, Bill Hamblin, deceased taxi driver McCraw's house mate/roommate for 15 years, took the stand and testified that for those 15 years, spanning the 1970's and early 1980's, McCraw had consistently told him (but only when he was intoxicated) that on the morning after the shooting (April 5) Jowers not only showed him the rifle that killed Martin Luther King but told him to get rid of it. McCraw said that he drove on to the Memphis Arkansas Bridge (Route 55) and threw it off. In his deposition taken years earlier, McCraw had only gone so far as to say that Jowers had shown him the actual murder weapon on the morning after the killing. If we are to believe that testimony and there is no reason for Hamblin to lie, then the actual murder weapon of Dr. King has been enmired in the silt of the Mississippi river for 32 years. Hamblin testified that McCraw would never discuss the subject when he was sober and that when he did talk about it, the details were always the same.

Hamblin also testified that on one occasion when he and McCraw were renting rooms in a house on Peabody, owned by an FBI agent, named Purdy, he told the FBI landlord that he should talk to McCraw sometime because he had information about the killing of Dr. King. Promptly, after that conversation, he said, they were given their eviction notices, and during the 30-day grace period, the MPD harassed them on a number of occasions.

At the time of the assassination, Bill Hamblin was working in Memphis barbershop – the Cherokee barbershop and his boss was Vernon Jones. Mr. Jones just

happened to have as a client the same FBI agent Purdy who some years later would become Hamblin's and McCraw's landlord. The agent had apparently been having his hair cut by Mr. Jones for upwards of 10 years, and so they had a long-standing relationship. Hamblin testified that the agent came in for a haircut within two weeks after the killing, and after he had finished, as the agent was about to leave, Hamblin's boss pulled him aside and within earshot asked him who killed King. Hamblin said he did not hear the soft-spoken reply, but he asked his boss about the answer and was told "he said the C.I.A. ordered it done.

Birmingham, Alabama Probate Court Judge Arthur Hanes Jr., who, along with his father, was James Earl Ray's first lawyer, testified that in his preparation for trial, that they had no doubt would result in James Earl Ray's acquittal, he had interviewed Guy Canipe in the doorway of whose store the bundle of evidence including the evidence rifle was dropped. He said that Canipe told him in no uncertain terms that the rifle was dropped about 10 minutes before the shot was fired so it obviously could not have been the murder weapon. Judge Hanes testified that Canipe was prepared to testify for the defense at the trial.

Washington D.C. Attorney, James Lesar, who specializes in Freedom of Information Act legal actions, testified that in one such application, he obtained an FBI report concerning tests that they had conducted on the bathroom window sill or, more specifically, on a dent in the window sill which they suspected might have been caused by the assassin resting or pressing the barrel on the old wooden sill. Though a prosecutor had alleged to the contrary before the guilty plea jury on March 10, 1969, we introduced

into evidence the actual report issued by the laboratory in April, 1968. It stated that it would not be possible to tie the dent in the windowsill to the rifle in evidence.

In their testimonies, Dexter King and Andy Young said that the defendant himself had made it clear that the murder weapon was not the rifle in evidence, but the one he took from the shooter. Jowers also told them that he had tried to flush the spent shell down his toilet, but it stopped it up, and he had to remove it. The Mississippi River became its final resting place as well.

We explored the possibility of recovering the rifle from the river but gave up the idea when we learned that a train locomotive, tanks, barges, and cars had been lost in the enormous deep silt bottom, which was stirred continually by a strong current. It was frustrating to have to accept that even though we knew the location of the murder weapon, we would not be able to recover it. This disappointment, however, was alleviated by the realization that we had demonstrated through clear and convincing evidence that the rifle purchased by James, as instructed, was not the murder weapon.

### ***Raul***

Memphis private investigator John Billings provided the background information of how a photograph of the man we had come to know as Raul was obtained. Ironically he said, a Memphis Police Department officer, who had been assigned to the District Attorney General's task force, had obtained the Immigration and Naturalization Service photograph and turned it over to them in an effort to convince them that he was willing to cooperate and work with them in the search for the truth. Eventually, they learned that nothing could have been further from his true intentions, but, in the short run at least, it

gave them the photograph taken in 1961 when he emigrated to the United States from Portugal. Billing's colleague Ken Herman organized a spread of six photographs for exhibiting to witnesses. Billings testified that, in his presence, when he placed the spread in front of him, James Earl Ray readily identified the man in the spread (who we knew to be Raul) as being the person who had controlled his movements and given him money and who he had come to know as Raul. As mentioned earlier, James had seen the same photograph in 1978 and, at that time, identified it (with some media coverage), so this was not a surprising revelation.

Glenda Grabow had earlier, consistently identified the man in the photograph as the person, who she had known in Houston from 1963 onward and who, in or around 1974, in a fit of rage implicated himself in the assassination of Dr. King just before he raped her.

At the time of the trial, Glenda had injured ribs in an automobile accident and was suffering from internal bleeding preventing her from testifying. Husband Roy testified instead and confirmed that he had been present when she gave her earlier affidavit statements. Thus, the jury had access to Glenda's story including the details about her relationship with Percy Foreman, his admission that James Earl Ray, though innocent, had to be sacrificed and the fact that Foreman knew – or so he said – Raul.

After Roy confirmed its authenticity, I introduced into evidence a telephone bill for their home telephone which showed on April 20, 1996, a six minute telephone call to Raul's home telephone number. Under questioning, Roy stated that Glenda would not have stayed on the phone for six minutes with this person unless he was known to her. It

is hard to imagine anyone keeping a conversation going with a complete stranger for that period of time.

Glenda had some time previously provided me with notes of her conversation with Raul, written, however, after the conversation. Whilst I believe them to be an accurate account of the conversation, I did not think that in Glenda's absence, we should attempt to enter them into evidence. It is useful however to see them in the context of Raul's denials about even knowing Glenda. The conversation went as follows:

### QUOTE

Glenda: Raul

Raul: Yes

Glenda: This is Glenda Grabow

Raul: Olinda

Glenda: Yes. I was just calling to tell you I was supposed to come to New York.

Raul: Where you at?

Glenda: Houston

Raul: Houston?

Glenda: When I come to New York, I will call you.

Raul: When?

Glenda: I still don't know yet when. You sell wine now?

Raul: Ya.

Glenda: Do you still deal in guns?

Raul: Ya, I still deal in lots of guns.

Glenda: You do?

Raul: Ya.

Glenda: Have you heard from Jack Valenti Lately?

Raul: No, not for long time. Why you want to know? Why you call me?

Glenda: I will try and talk to you when I get there.

Raul: OK. O ya.

Glenda: I heard your daughter was getting married?

Raul: Ya, she get married. How many you have now?

Glenda: I just have the two girls and they are grown now. Time flies.  
Well I will call back later. When is the best time to call?

Raul: My wife get here, or (leave here) at 6:00

Glenda: OK, I will call you when I get there.

Raul: OK

Glenda: Bye.

### **UNQUOTE**

Glenda's brother, Royce Wilburn, an electrical contractor from Nashville, Tennessee, who had not discussed the case or his testimony with his sister, testified that the man, he knew as "Dago" and whose photograph he picked out of the spread, did indeed hang out, off and on, at a gas station near their home in Houston. He confirmed that his sister and he used to see and talk with the man because the gas station, where he hung out, was between their home and school.

British merchant seaman Sid Carthew, in a telephone deposition described how he had met Raul – whom he had under oath previously identified from the spread of photographs – late in the summer of 1967, in the Neptune Bar on West Commissioners



Street in the Montreal docks area. At that time, he said Raul appeared to be with another person who may well have been James Earl Ray. Carthew said at one point Raul came over and introduced himself (as Raul). Sid, who was identified with the British nationalists, said that the Neptune was a regular haunt of his and his mates when they came ashore following days at sea on the voyage from Liverpool. Someone in the bar must have told Raul about his politics because eventually the conversation came around to the question of whether Sid might want to buy some guns. Sid said he expressed interest, and they began to negotiate. Raul said that their guns were new army (US) issue, and the price reflected the money that had to be paid to a sergeant who was organizing the supply. (To my mind, this matched Warren's earlier account of guns being taken from Camp Shelby or other military installations, trucked to New Orleans, and delivered to Carlos Marcello who organized the sales, with, according to Glenda Grabow, deliveries from Houston.)

The negotiations broke down, and the deal fell apart according to Sid over the quantity. They were discussing the purchase of 9MM pistols. Sid said he would take four. Raul asked him how he was going to get them home. Sid, thinking about four pistols, said he would put them in his pockets or in a carrier bag. Raul, thinking of four boxes, suddenly realized that this was not the deal he thought it was and exploded in disappointment. From that day to this, Sid remembers those details and Raul's face.

Former UK Thames television producer, Jack Saltman, who had produced the 1993 Thames/HBO television trial of James Earl Ray, took the stand to testify that after the trial, when convinced that an egregious injustice had been done, he continued some investigating efforts on his own. He particularly focused on Raul. At one point, he took

the spread of photographs to Raul's front door. The jury heard the tape-recorded exchange between Saltman and Raul's daughter who was on the other side of the door. They heard her admit that the photograph was indeed of her father. Her words were effectively that "... anyone could get that picture of my father." It was a startling admission for now Raul's own daughter had joined the ranks of all of the others, who had confirmed that the critical photographic evidence was indeed her father.

Both Dexter King and Ambassador Young testified that the defendant Loyd Jowers had unhesitatingly identified the photograph as being that of the man who appeared in his grill to pick up the Liberto cash and leave the murder weapon a "package" for the actual assassin.

Barbara Reis was very uncomfortable on the stand. Reporters do not like to have to testify in court. She is the primary US correspondent of *Publico* the largest newspaper in Portugal, and because Raul was Portuguese, her paper was interested in the story. She was covering the trial and in attendance in court almost every day for the first two weeks. Some time earlier, however, she had gone to Raul's home and spoke with a member of his family ( who we agreed not to identify ) and that was why we believed that we had no choice but to issue a subpoena for her testimony. She was outraged, but I believed that her evidence was too valuable not to be put in front of the jury. So under oath, she reluctantly recounted what she had been told during the course of that interview.

She said that she was informed that though these allegations had greatly disrupted their lives and were terrible, nevertheless the family took great comfort from the fact that they were being protected and advised by government agents who had visited their home

on three occasions and who were monitoring their telephones. The government was helping them through those difficult days.

The fact that government was helping a retired automobile worker in such a fashion was not lost on the members of the jury. We could see them thinking – what is this all about? Everyone knows full well that the government does not become involved in such fashion on behalf of ordinary citizens. There clearly was something special about this person; some very good reason for the government to extend itself to such an extent. Ordinary private citizens are obviously not afforded these services. It is our contention, of course, that he was and will continue to be protected for services rendered to the national security interests of the state.

Don Wilson's resolve hardened, and he refused to testify at the trial, but his evidence was too important not to be placed before the jury. Early on, Don had told Dexter King about the events and given him copies of two of the pieces of paper he took away from James's abandoned Mustang. Dexter was, therefore, in a position to identify the materials, the originals of which had been with the Justice Department going through a process of authentication for several months. In the course of his testimony, Dexter recounted how Don Wilson originally explained how/when he opened the slightly ajar passenger door of James's car, an envelope fell on the ground, and he instinctively put his foot on it, bent over, picked it up, and put it in his pocket. The young agent was initially afraid that he had screwed up material criminal evidence by allowing it to become separated from the automobile possibly connected with a crime. Later, when he had an opportunity to consider the materials, he decided to hold on to them in part, no doubt, because he was in a difficult, if not impossible, position, for not having turned them in

straight away and also because he genuinely came to believe that the notes would be buried if he turned them over to his superiors at the Atlanta Field Office. So he retained them – for nearly 30 years, until he decided to come forward in an effort to support the King family and James Earl Ray.

The material – see Figs. # \_\_\_\_ and \_\_\_\_\_ , did in fact contain the name Raul as well as a list of what appeared to be a list of payments to be made. When shown a true copy of the torn page from a Dallas telephone directory with handwriting at the top, in his testimony, Dexter King identified the name Raul as he did for a second time on the payoff list.

There was also written at the top of the telephone directory page (which contained the listings of the family of H. L. Hunt) the letter “R” preceding a telephone number. As discussed earlier, when I learned that the phone number belonged to the Vegas Club owned by Jack Ruby pointing to a connection between Raul and Ruby, I went to Dallas to find and interview some of Jack Ruby’s strippers as well as Madeleine Brown – Lyndon Johnson’s mistress of 21 years. I saw Beverly Oliver, Chari Angel, and Madeleine Brown separately. In each instance, I placed the photographic spread in front of them and each time without hesitation, Raul was identified as a person seen in the company of Jack Ruby in 1963, usually at the Carousel, Ruby’s other Dallas Club. Beverly Oliver said that on one occasion, she remembered Raul giving Ruby \$20,000 in a Piggley Wiggley grocery store bag.

Glenda Grabow’s story about the connection between Raul and Ruby had, in my view, been corroborated, but I eventually decided against introducing evidence this connection and the link to the Kennedy assassination. I did not want to run the risk of

taking the jury down that road. It was, after all, surplusage to our main case, and there was always the possibility that the jury would refuse to accept the connection with the Kennedy assassination, and then begin to question the primary pillars of our evidence. I had Madeleine, Beverly, and Chari lined up to travel to Memphis and then did not call them. It was a temptation, which had to be resisted, but it was not easy because I believed these courageous women. Madelein Brown for example is very credible, and some aspect of her recollections of her life and genuine love for Johnson were compelling. The fact, that she gave birth to his only son I have seen and obtained a copy of Johnson's commitment (through his local lawyer Jerome Ragsdale) to provide support for his son Steven which continued even after the President's death). That she was able to provide such detail about their relationship, was impressive. Of particular note was her recollection of the events of Thursday evening November 21, 1963 – the night before the assassination. She said she attended a social gathering at Clint Murchison's home. Ostensibly, it was an event to honor J. Edgar Hoover who was a close friend of Murchison, H. L. Hunt and the other Texas oil giants. The guest list included John McCloy, Chairman of Chase Manhattan Bank, Richard Nixon, George Brown, of the Brown and Root Construction company, R. L. Thornton, President of the Mercantile Bank, and Dallas Mayor Earle Cabell, brother of General Charles Cabell, former Deputy Director of the CIA who was fired by President Kennedy after the Bay of Pigs.

Madeleine told me that near the end of the party, Johnson made an appearance and the group quickly went into Murchison's study behind closed doors. After a while, the meeting broke up, Johnson anxious and red faced came up, embraced her, and with a quiet grating sound, whispered a message, she would never forget, in her ear. "After

tomorrow, those goddamn Kennedys will never embarrass me again – that's no threat, that's a promise. She was stunned, but the next day she realized what he meant.

I decided not to take our case in this direction. It was tactical decision but, if, however, I am asked whether I believe that Raul and Ruby knew each other, were associates, and that the same forces were involved with both assassinations, I could only truthfully answer in the affirmative.

### ***The Broader Conspiracy***

We next turned to present the evidence that the conspiracy to kill Martin Luther King Jr. extended well beyond Memphis, Tennessee and, in fact, reached into the echelons of power in the nation's capitol.

Former Memphis Police Intelligence Officer, Jim Smith took the stand under subpoena. His testimony at the television trial resulted in him losing his security clearance, being put under surveillance, and eventually, being in fear for his life, leaving Memphis only to find that the FBI had permanently blocked him from ever again obtaining a position in law enforcement. Now six years later, he returned to Memphis having been transferred there in another line of work when an opening arose. He was uneasy and not willing to testify unless subpoenaed. We served him. He basically restated his earlier testimony that on March 18, 1968 he was assigned to assist a two men surveillance team parked in a van in the area of the Rivermont Hotel. The van contained audio surveillance equipment and the two agents – he did not know which federal agency they were from. I had earlier concluded that they were Army Security Agency Operatives and that they listened in on conversations and activities in the suite occupied

by Martin King. He did not, himself directly, participate in any of the surveillance but he observed it and understood what was going on. Back in 1992, I had been able to obtain a detailed description of the location of the microphone placements in the suite. It was so extensive that even if Dr. King went on to the balcony his conversation would be relayed to the tape recorders in the van below. In addition to the covert (non eye to eye) surveillance activities of the ASA agents, the court heard testimony from defense witness Eli Arkin, the MPD intelligence officer – that the 111<sup>th</sup> M.I.G. was on the scene conducting its own surveillance activities. He said that some of them were based in his office.

Military historian Doug Valentine, whose book *The Phoenix Program* included a mention of a rumor that photographs of the assassination were taken by army photographers, arousing my interest, took the stand to testify about the military affiliation of the man who provided the Memphis Police with the false assassination threat against Detective Redditt, justifying his removal from the surveillance detail at the rear of the fire station. Valentine said that when he interviewed the individual, Phillip Manuel, (who had been in Memphis on April 3 and 4, ostensibly pursuant to his position as a staff member of the McClellan committee) he learned that Manuel previously – and perhaps then as well – worked with the 902<sup>nd</sup> MIG. I had gradually come to believe that this little known unit coordinated the federal agency task force activity in Memphis and also liaised with the non military side of the operation.

Carthel Weeden, the former Fire Department Captain in charge of Fire Station number 2, testified in detail about how in the morning, of April 4, he was approached by two men in Civilian clothers who showed him army credentials and asked to be taken up

to the roof of the fire station where they would be in a position to photograph people and activity in the area. Though Carthel was not certain exactly how he carried them up to the roof, it must have been up the outside iron ladder which at the time was attached to the north side of the building near the side door and the fire hose tower. He said that he observed them taking their photographic equipment out of their bag. Carthel testified that he did not notice them again during that day and he just assumed that completed their various tasks. Carthel also testified that he had never been interviewed any local, state, or federal law enforcement official. The reason for this is obvious. Had he been interviewed, it is quite likely that the investigators would have become aware of the soldiers on the roof. They would then have the obligation to locate them and the photographs they took. This, of course, would be the path that any serious investigation would have to take. It would be anathema to those efforts which were only set up to conceal the truth for from all we understood as a result of meetings between Steve Tompkins and the photographers the actual assassin was caught on film powering the rifle right after firing the fatal shot.

In his testimony, Professor Clay Carson read into the record portions of documents which I had provided to the King Papers Project, which he directs, at Stanford University. One of the documents was a report from Steve Tompkins prepared for me after a meeting at the Hyatt Hotel in Chicago with one of the photographers. Amongst other details was the photographer's confirmation that the assassin was caught on film and that it was not James Earl Ray.



Professor Carson, also read the responses to questions I had asked Steve Tompkins to raise with the Green Beret I had referred to as Warren. The exchange, on the record went like this:

Direct Examination

By Dr. Pepper

Q. Dr. Carson, good afternoon - - barely afternoon. Thank you for joining us here. You've come some three thousand miles, and I know that time is precious in terms of your schedule, so I'd like to just move ahead. Would you please state your full name and address for the record.

A. Clayborne Carson, Palo Alto, California.

Q. And what is your profession?

A. I'm a professor of history at Stanford.

Q. And what do you - - what is your relationship to the works and life of Martin Luther King, Junior?

A. I'm the editor of Martin Luther King's papers, and I'm director of the Martin Luther King papers project at Stanford.

Q. And how long have you been in that position?

A. Fifteen years.

Q. And have you published various works on Doctor King's work and life?

A. Yes, I have. I've published, I think, edited or authored five - - I think five books on Martin Luther King.

Q. All right. And is the King papers project at Stanford University an ongoing project?

A. Yes, it is. It's a long-term project to publish all of the historically significant papers of Martin Luther King. It's been going on for fifteen years. It will probably go on as long as I go on.

Q. And in your capacity and as part of that project at Stanford, do you have the process of collecting documents and materials of all sorts of natures related to Doctor King's life, work and death even?

A. Yes, sir. The purpose of the paper is - - papers project is to assemble all of the historically significant papers from archives around the world. We've contacted probably some two hundred or more archives to make sure that we have all of the historically significant papers. Obviously, the largest collections are those at the King Center in Atlanta and at Boston University.

Q. Right. And as a part of that responsibility, did you receive from me certain documents, certain reports with respect to the assassination of Martin Luther King?

A. Yes, I did.

Q. And it should be clear to the Court and Jury that you are not in any way involved in attesting to the accuracy or the validity of this information, but you are simply reporting on what it is that you have received; is that correct?

A. That's right.

Q. So we're asking you to do that in a professional capacity and in line with your role as editor and director of the King papers project.

With that background, Professor Carson, I'd like you to move, please, to the first set of responses in the documentation that I've provided to you and of the project that I addressed to a resource who was traveling and providing me with information.

The Court and Jury have become aware with how that process worked so we just need to go into a question and answer mode here.

On Page 2 of - - well, on Page 2 of the questions and whatever page of the response, I'd ask you to turn to Paragraph 2.1.4, and the question that was asked to be answered was: Was the operation, in re, our target, a one op, or were there other similar operations? If others, any details possible. Please, at least learn if they were domestic, foreign or both.

What is the answer that you have?

A. Answer: Lots of other ops nationwide. These are the ones I was at, summer of 1967 - - parentheses, June 12<sup>th</sup> through 15<sup>th</sup>, 1967 - - Tampa, Florida. Two Alpha teams deployed during riots. Detroit, summer, July 23<sup>rd</sup>, riot. Washington, October 1967, riot. Chicago, just before Christmas, 1967, recon. February 1968, Los Angeles.

Q. Thank you. Question 2.1.5: When was the instant operation? The instant operation is the Memphis operation against Martin Luther King. When was the instant operation first raised with him, that is, the source.

A, where and by whom? Answer.

A. Answer: Date unknown. Place, Camp Shelby, Mississippi. Briefed by Captain Name. First, a recon-op - - not sure when killing King first mentioned.

Q. What - - 2.1.6: What were the first details of the operation scenario put to him? A: Was target named:

A. Yes, King. Another answer.

Q. Yes. Please continue.

A. Young added later.

Q. First answer, King. Young added later.

B: What was site:

A. Site not set. Depended on our intel and recon. We positioned at rooftop ascent across Lorraine motel about 1300 hours, 4 April. Don't know why or how intel came in.

At brief, 0430, reminded Doctor King was the leader of a movement to destroy American government and stop the war. We were shown CR, close range photos, of King and Young. Don't know - - don't remember anyone worrying about killing those sacks of shit.

One but - - buddy on Team 1, remember bragged about him, had him in center mass, parentheses, this is a sniper term meaning cross hairs and center of chest. During that big March in Alabama, should have done it then.

Parentheses, Bill, I did some checking from my files. There is a John Hill listed among the 20<sup>th</sup> special forces teams that was deployed in Selma, Alabama in 1965 for the beginning of the march to Montgomery.

I interviewed two of the team members who were there, and they said a sniper team had King in their scope until he turned left and crossed the bridge. This may be the same Hill on main team. None of the other names match.

Another Name - - parentheses, that's me - - asked about clothes. We were dressed as working stiff working on the docks. Parentheses, I believe this means their cover was day laborers on President's Island where the riverboat barge and the warehouses are located, end parentheses.

Equipment was stored in suitcases, moved along, came up in cars from Camp Shelby. Only place I remember eating in Memphis was a Howard Johnson's.

My spotter and I were met by a Name down near the train tracks where we

were let out. I remembered this guy because he looked a lot like a buddy - -

parentheses, buddy of mine. This guy got us to the building where we set up.

I always figured he was a spook.

From him, we got a detailed AO - - parentheses, area of operations map - - not the kind you'd buy in a gas station, pictures of cars the King group were driving, and the guy got us to the building where we set up. I always figured he was a spook.

From him, we got a detailed AO - - parentheses, area of operations map - - not the kind you'd buy in a gas station, pictures of the cars the King group was driving and the Memphis police tact - - parentheses, tactical radio frequencies. Maybe some other stuff, I just don't remember.

Q. C: Any explanation of reason?

A. Name gave none.

Q. D: Any indication of sanction by or involvement of others, one at federal, state or local levels?

A. Everybody but my brother was there. Spooks, the company - - parentheses, CIA - - Feebs - - parentheses, FBI - - police, you name it. The only person I remember talking to besides CO, Name, was some guy who was the head of the city - - parentheses, Memphis tact parentheses - - tactical squad. I think his first name was Sam.

Name put him on radio to describe to us what was in that hotel - - parentheses, Lorraine. I do remember he saying friendlies would not be wearing ties. Took that to mean that somebody inside the King group as informant.

Did meet in person one other guy. Met him on sidewalk down couple blocks from our perch. Directed by Name. This guy identified himself with the police intelligence. Said city was about to explode, and blacks would be murdering whites in the streets.

After a few minutes, I figured was asking me to sit tight and kill any rioters if things went to hell. He seemed to know something about us and said had met with Name before this day.

Q. E: Was operation pure military, any involvement of FBI, state police, local sheriff's, poster police, civilians, anyone in targets organization?

A. Our part military. Far as I know, we were coordinating with units at NAS. This would be Millington Naval Air Station.

Q. Okay. Move over to the response to Question 3, please. Was he aware of any support from inside Doctor King's organization, SCLC, or inside the local Memphis groups working with Doctor King? Details and names if possible.

- A. Scuttlebutt was 111<sup>th</sup> - - parentheses, military intelligence group out of Fort McPherson - - had guy inside King's group.
- Q. Moving to Number 7. Did he actually see anything at the time of the shooting? Where was he precisely?
- A. I thought Team 1 had fired early. I guess I still think they may have. After that day, I only saw Captain Name twice more, and both times, he refused to talk to me about what happened. After the shot, I keyed - - parentheses, radioed - - CO to ask for instructions, and after a wait - - parentheses, I think this means Name told him to wait - - was told to exit building and make our way to pick-up point. If this helps, I heard a lot of gunfire, and I think remembering - - I remember thinking it was an Army sniper shot. It surprised me later when I heard some wacko civilian had done it. Name described the shooting to me, and let me tell you this. Whoever fired that shot was a professional. Even from three hundred meters, there's no way just anyone could make that shot.
- Q. Eight: If the military unit did it, how does he explain the head shot, and their not waiting for the coordinated hits from the second target, A Y, Andrew Young?
- A. When you have everybody's hands in someone's pants, it's a cluster fuck. That's what happened in Nam - - what happened here.
- Q. What kind of weapons were they carrying?
- A. Standard forty-five caliber sidearms, M-16 sniper rifles and some K-bars - - parentheses, this is a military knife. We also had some frags - - parentheses, fragmentation grenades - - and two or three laws, light anti-air - - anti tank weapon rockets.
- Q. Ten: How did the two teams communicate with each other? When was the last contact prior to the killing?
- A. By radio. The shot was fired just after the TTR - - parentheses, top of the hour I guess this means, 1800, end parentheses - - sit rep - - parentheses, situation report.
- Q. Eleven: Set out details of their exiting Memphis, how - - where they went.
- A. Exit by foot to waiting boat.

- Q. Finishes the first section. Now the second - - second series of questions and answers. We'll just move through these. Number 1: Where was Young?
- A. Best I remember, a bunch of them had been upstairs. My spotter got Young when they all left. He went downstairs. He had come out of his room below and looked like to me was heading for the - - a car when the shot was fired. We were must getting ready to do the sit rep. He was definitely out of his room.
- Q. Second page, 2.15 and 2.16: What was the nature of the training - - real purpose training?
- A. This was a recon, slash, surveillance mission to support major Army element at Millington and possible deployment of other heavy units, dash, one of the dozens in cities with large black populations. We were walking the ground literally. We would walk city streets to identify possible sniper and ambush sites, anything that would help the guys coming into a riot to survive. Target reduction - - parentheses, Bill, he means killing Young and King, end parentheses - - was discussed as a option should the situation go in the toilet, and we had a riot on our hands in the AO - - parentheses, area of operations. Then and only then was that option briefed. You need to talk to him - - parentheses, he's referring here to you, end parentheses - - about how a military mission is done. Logistics, intelligence, communications which make up seven-eighths of a mission. What I'm saying is that target reduction was brief, but we had to get to a riot before it was authorized on the net. Do you want me to go on?
- Q. Yes.
- A. Here NAME digressed into an argument over radios. Said team had PRC 77's unreliable. Out of - - on that roof that evening, we were watching. I had Young targeted, but only to watch.
- Q. Then moving down - - Bill, I asked here about the psychological warfare photo recon stuff at this point. Continue.
- A. Big psy-ops (phonetic) plan to discredit King and his party using any means at hand. We weren't told much about this, but, again, SOP with fifth special forces was psy-ops included and everything. M-A-C-V-S-O-G had long time begged into this. We call this, quote, gray operations and spreading propaganda to newspapers and radio stations. This was done a lot against black pot-

heads. I wasn't involved in this, but I kept my ears open, and this was a big push.

Any intel we picked up to help this effort out was passed back up the chain. Not sure about reserved element of psy-ops. Most guys in Nam I knew worked for the fourth psy-ops group at Teng Sau Nu. I know there they ran their own newspaper, radio and TV operations.

Q. Yes. 2.1.7: When was Memphis first mentioned?

A. Not sure. Original brief of twentieth recon operations including - - included Memphis among cities where possible rioting was possible at Camp - - Camp Landing. Parentheses, Bill, this is in Florida, end parentheses.

Memphis was scouted 22 February by Alpha team for sniper communications and supply sites. We had a lot of stuff going in, but previous recon produced a lot more.

What we were doing is similar to Nam. Maps, terrain studies, readouts of infrared imagery from aerial recon blackbirds - - parentheses, Bill, he's referring to SR 71 blackbird over flights of Memphis and other potential riot cities, this mentioned in my series, end parentheses - - and anything else we could find, which we shipped to S2 and Nam Trang.

Here we shipped to Camp Shelby S2. Where intel went from there, I'm not sure.

Q. 2.1.8: Who was in charge of training?

A. NAME Captain.

Q. How long was the training period?

A. Can't remember. Too long ago. Too many missions before and after.

Q. During training - - 2.1.13: During training, who were you told were targets?

A. We were told these were recon missions whose purpose was to reverse the cluster fuck in Detroit where our guys didn't even have maps of city streets. Our mission was to walk the ground before the heavies - - parentheses, Bill, means tanks and APCs here - - got there.

Training was entirely based on identifying communications links, supply sites, places where troops could be quickly and safely inserted where the black community was, where black churches were, where black leaders congregated - - parentheses, restaurants, churches.

Q. 2.1.14: Other members of team involved other sites.

- A. Worked with Captain Name in Tampa.
- Q. 2.1.15. Were all those 9 – 0 second operations?
- A. Don't know and don't care. What I know is this. You start asking a lot of questions about the 9 – 0 second - - he pronounced ninety-deuce - - you'd better be digging a deep hole.  
Parentheses, Bill, he was very reluctant to discuss 9 – 0 second. I tried several times in this interview to broach subject. He refused to.
- Q. 2.1.16: Who controlled training and actual operations?
- A. Team leader and his exec. control.
- Q. 3.2: Who was on the February 22<sup>nd</sup> Memphis recon mission?
- A. I was on it. Will give other names if agreed they not be made public.
- Q. 3.3: Did entire unit go together to Memphis on 4 April or separate? Explain.
- A. No. We went in separate cars in two's.
- Q. 3.4: What time leave Camp Shelby for Memphis?
- A. Don't remember.
- Q. 3.8: You're referring to this Name fellow - - I'm sorry. 3.8: Who did spook on ground work for?
- A. You're referring to this Name fellow who met us down by railroad yards. Guy smelled like a company guy. We had maps, but this guy gave us a detailed map of the AO - - parentheses, area of operations - - not a regular service station map. This was like a grid map you got in the field with street and building names.  
Anyway, this Name, I think it was James reminded me of a friend. I got no proof though, but he was definitely a spool.
- Q. 3.9: Details of conversation.
- A. You got to be kidding. We just talked about the current situation, our location and radio net.
- Q. And then questions 3.9 to 3.14.1: No answers?
- A. parentheses, Bill, these questions, he simply could not remember.



Q. That finishes the second section. Lastly, Professor Carson, you have a one-page report of a meeting that took place in Chicago, also at plaintiffs' counsel's request, having to do with the location of some photographers on the roof of the fire station in Memphis.  
Would you read that report, please.

A. Trip to meet NAME, 1 December, 1994, Chicago. Location, Hyatt Regency, downtown off Michigan Avenue. Breakfast, slash, lunchroom off of lobby.  
Description, about five-foot-ten inches, one-sixty to one-seventy pounds. Gray, short chopped hair, nice suit - - parentheses, Brook Brothers style - - wing tipped shoes, erect, obviously ex military.  
Said in Vietnam assigned first SOG - - parentheses, special operation group - - base, Kan Tu, worked 525<sup>th</sup> psychological operations battalion. Refused to discuss place of birth, date of birth or other personal info. April 3, 4 weekend, 9-0 second operation. New Colonel Name, worked with him number of assignments. Two agents in Memphis day of killing. Therefore, routine photogs and surveillance copied to Name and Name - -

Q. Yes.

A. - - believed distributed to other agencies. Idea to pick up anyone in photos, might be identified as communist or national security threat - - such H-U-M-I-N-T-S-O-P in King's surveillance.  
When King came out on balcony, camera was filming. No photo moment King shot, but several of him falling.  
Second guy with Name watched approaching cars, heard shot and saw white man with rifle. Quickly snapped his picture several times as this guy left scene. Shooter was on the ground clearly visible. Name witnessed only his back as left scene. Said never got a visual face ID.  
Name and second guy rooftop of fire station, both armed with forty-five caliber automatics. Second guy carried small revolver in holster, small of back.  
Pictures hand delivered to Colonel Name, but second guy with Name kept negatives. Name has no copies. Said will approach second guy for two thousand dollars, give us name and address.

DR. PEPPER: Thank you very much, Professor Carson.

There is a final document, which is a chronology of important dates, that has been provided to us from January 17, 1967 to the 4<sup>th</sup> of April listing dates, times and places and subjects of meetings that took place in government agencies throughout that entire year.

We're not going to go through that here, but I am going to close that and move that that be admitted as a part of the total package of evidence.

Thank you for coming, and no further questions.

Thus, for the first time a jury heard the details of the investigative process Steve Tompkins and I employed in order to reveal the presence and the role of the eight man Alpha 184 unit in Memphis on April 4, 1968. It became abundantly clear that the team did not carry out the assassination but were in fact in position to do. Steve had always maintained that they were only going to be ordered to shoot in the event of a riot. As mentioned earlier that never made any sense to me, given the apparent absence of any possible riot at the time in the area of the Lorraine. However, the testimony of Invader Charles Cabbage made that possibility of violence breaking out late that afternoon, all too real. Cabbage acknowledged that the members of his group, who occupied two balcony rooms just south of Dr. King's room, were armed. When ordered to leave the hotel, shortly before the assassination (actually leaving within 11 minutes of the event) the Invaders might well have been expected to react violently disrupting the surface calm of the motel. If instead of leaving peacefully, the Invaders had reacted violently that could have created the required circumstances and cover for any military action deemed necessary. In the event the Invaders left peacefully and the killing was not carried out by the army snipers who were ordered to withdraw from their position promptly after the shooting. They left the city immediately.

Covert operative Jack Terrell who previously I had referred to as "Carson" desperately wanted to testify in person but his liver cancer became worse and he was not allowed to travel. We had to use his video deposition taken in Orlando, Florida on February 7, 1999. It stunned the court. After describing his previous covert activities on behalf of the Government he described his close friendship with the 20<sup>th</sup> SFG green beret J. D. Hill who he came to know in Columbus, Mississippi. He said that J. D. would train

for two weeks every summer at Shelby with his unit and that he used to return in excellent physical condition. He said that on one such occasion in 1975 J. D. seemed to want to unburden himself. It was then that he began to spell out the details of a mission for which he trained and which was to be carried out in Memphis. He said that his unit had trained for a considerable period of time to carry out an assassination against a target or targets who were to be in a moving automobile. He said that snipers were placed high above and a considerable distance away from the target vehicle. They were not told who was the target but suspected it might have been an Arab.

On April 4, Jack said that J. D. told him that he and his unit set out for Memphis, still not aware of who the target was to be. It is at this point that a whether or not it was a function of the progressively worsening of the disease affecting his recollection of detail, I am uncertain. In my first session with Jack in 1994, he had indicated that J. D. told him that the team was already in Memphis and had been on three occasions, in position – similar to Warren’s version – when they were told to withdraw. The discrepancy arose between his deposition account and the statement he originally gave to me in 1994. There, in fact, may be no discrepancy, at all. In his earlier account it was clear that the unit was staying somewhere in the area but outside of Memphis. They would travel to town and take up their positions – water tower, building roof, and window – and then leave at the end of the day. It may well be that when he testified that they were en route to Memphis when told to withdraw he was referring to the last trip in on April 4. When he heard about the assassination J. D. told Jack that his initial reaction was that another team was also involved and his unit did not get the call. What is incontrovertible, however, is that J. D. Hill was a member of a unit which trained to carry out an

assassination on American soil and the event was to take place in Memphis, Tennessee on or around April 4, 1968.

When, shortly afterward J. D. learned that Dr. King had been assassinated on the day of their mission, he realized that this was his unit's mission.

Terrell then described the suspicious circumstances of J. D.'s death in 1979 where his wife was alleged – though not indicted – to have put a neat semi circle of 357 Magnum bullets in his chest, after he returned home late at night. He was dead before he hit the floor, and Terrell said it was impossible for J. D.'s wife who weighted about 90 pounds to have handled the 357 magnum weapon with such precision.

He next went on to describe the three hour interview he gave to the ABC Turning Point Program at my request. After they produced the team leader, who I thought was dead, alive and well, – though without acknowledging his criminal conviction for negligent homicide – I believed that Terrell's corroboration of the military operation in Memphis would be helpful. ABC did not use one second of the interview but soon afterward he began to receive official calls which led him to believe that his life could be in danger. He left the country for several months. So, not only did ABC not use the interview, we came to believe that it was very possible that they had turned the tape or the information over to the Government. Terrell maintained that there was no reasonable excuse for them not using his interview. In fact, there was every reason for ABC to be aware of his credibility since he had been previously a source, interviewed by them on sensitive matters on more than one occasion. When Jack learned that they had blocked out his story in its entirety, he decided that he had to testify.

## ***The Cover Up***

A large number of witnesses testified to the extensive range of activities which caused the truth in this case to remain hidden and justice denied for nearly 32 years.

Incredibly, the chronicle of events and actions included murder, solicitation of murder, attempted bribing, suppression of evidence, alternation of the crime scene, and the control manipulation, and use of the media for propaganda purposes:

## ***Murder***

Former taxi driver and security officer Louie Ward testified about what he learned from the observation of Yellow taxi cab driver Buddy, who, when picking up passenger at the Lorraine at the time of shooting, saw a man came down over the wall, run north on Mulberry Street, get into a Memphis Police Department traffic car and be driven away. Louie Ward testified that he heard this account directly from Buddy, who was driving car number 58 on that day. He said that Buddy told him this story just before two police officers arrived and were told the same thing. Later that evening Ward said he saw a number of MPD cars parked at the Yellow cab offices. He was certain that they were taking a statement from Buddy.

Since he was only a part-time driver, Ward said he did not return to work as a driver for about two weeks. When he did, he entered the Yellow cab offices, after his first day behind the wheel and asked, the few people in the lounge where was “Buddy.” He said he was told that he was dead having been thrown out of a car on Route 55 – the Memphis – Arkansas bridge – on the night Martin Luther King Jr. was assassinated.

Ward said he learned that Buddy's cab No. 58 was found at the Yellow cab offices, and his body was found the next morning around 10:30 AM.

He said he watched the newspaper for an obituary or death notices, but there was none.

As noted earlier, Massachusetts Attorney Raymond Kohlman testified that he had enquired about any death records in Memphis and the neighboring states and found that there was no record of the death.

In his pre-trial deposition, the owner of the Yellow cab company, whose son runs the business today, testified that he no longer had any records dating back to 1968 and also that he did not recall hearing about any such incident involving this driver, who he believed actually left the company some time before 1968. Many of the drivers had died, and though we were never able to locate with certainty the dispatcher on duty that night, one person, who Ward believed also knew what happened and who may have been the dispatcher on duty on the evening of April 4, refused to discuss the matter. This same person apparently came into a substantial amount of money after the event and bought a very expensive house, which would have certainly been way beyond his means as a taxi driver or any apparent family resources.

So, at this writing, we are left only with the unwavering statement of Louie Ward who concerned about his own safety and that of his family kept it to himself for a quarter of a century. He said that he did call John Pierotti at one point and told him what he knew. He said that Pierotti then Shelby County District Attorney General gave him short shrift, and Word said he become so angry that he asked the district attorney if he was the person driving the police car that took the shooter away.

We had no doubt that Louie Ward was telling the truth. He had no reason to come forward at this point in time and lie. He never asked for anything, and our team concurred unanimously that he was one of the most credible witnesses we put before the jury.

The effectiveness of the cover up of this side murder event, however, was staggering. There was no police report or statement taken from the driver, in any file, and no death record or report existed. No driver alive, except Louie Ward, remembered or was willing to talk about the incident, although Hamilton Smythe IV the present manager of the Yellow cab company did acknowledge to Nathan Whitlock that he heard about such an event, but then quickly said only his father could comment. The father, Ham Smythe III, as noted earlier, stated that he did not believe it ever happened.

### *Alteration Of The Crime Scene*

Maynard Stiles, in 1968, was a senior administrator of the Memphis department of public works. In 1999, he had been retired for a number of years living outside of the city, but he readily agreed to testify about what he did early on the morning of April 5, 1968.

The day after the assassination began for Maynard Stiles at 7:00 AM when his phone rung. He said MPD inspector Sam Evans was on the other end of the phone, and he had an urgent request. He asked Stiles to send a team to completely clean up the area between the rooming house on South Main Street. The team would work under police supervision, but the basic job was to cut the thick brush and bushes to the ground, rake them into piles so they could be carted away. Stiles hung up and called Dutch Goodman,

who he instructed to pull a team together. Willie Crawford was recruited along with some others who began working that morning.

Stiles said that he checked on the progress in late morning, and he recalls that the job was so extensive that it took his men more than one day to complete.

So far as he was concerned, he was cooperating with the police. It was not his job to question the decision to clean up the area. For all, he knew they were looking for evidence. In fact, of course, a cardinal rule of criminal investigation was contravened. An area which was part of the crime scene was not only not sealed off preventing intrusion but also a clean up crew was brought in for the express purpose of drastically altering the entire physical setting itself so that it could never be examined, considered, and analyzed as it was at the time of the crime. All traces of the bushes and brush, which were in place at the time of the crime, were removed. Ordinarily, it is the routine responsibility of the police to ensure that the crime scene is preserved as it was at the time of the crime. In this instance, the Memphis police ensured just the opposite – that from the morning of April 5, 1968, the area would be completely altered and never again be as it at 6:01 PM on April 4, 1968, the evening before.

Not only was there – as Olivia Catling testified – no house to house investigation in area of the Lorraine Motel but also a considerable number of people in the area of Jim's Grill and the Lorraine Motel were never interviewed. At the time as Reverend Orange noted, many were told to shut up and stay out of the way. This and other omissions prompted Judge Joe Brown to declare that this was the sorriest excuse for an investigation that he had ever seen. The old adage if you didn't look for evidence, you won't find it held true in Memphis following the assassination.



Where potential evidence was stumbled upon or acquired it frequently was ignored or suppressed – this was the case with the two FBI 302 statements given by William Reed and Ray Hendrix, which we put into evidence. They were the two men who left Jim's Grill about 20 minutes, or so, before the killing and spent some time looking at James's Mustang before working north on South Main Street. Just as they reached Vance, about two blocks away, they saw the white Mustang, driven by a dark haired man, turn the corner in front of them. These observations, in fact, corroborated James's account of how he left the scene several minutes before the shooting in an effort to have the flat space tire repaired. In other words, they constituted an alibi but were kept from the defense and suppressed.

Also suppressed were critical scientific reports known to the prosecution at the time. First, that the dent in the bathroom windowsill, which the state contended had been made by murder weapon, could not have been proved to have been made by a rifle. Secondly, that the death slug removed from Dr. King's body could not be linked to or matched with the rifle in evidence, and that this alleged murder weapon had failed an accuracy test on the morning after the shooting because it had never been sighted in.

Though this evidence was noted earlier, it is important to focus on it here in terms of its suppression being integral to the cover up.

### ***Bribery***

Near the end of his tenure as James Earl Ray's lawyer – he was replaced by Mark Lane in 1977 – and during the early period of the investigation by the House Select Committee on Assassinations, Jack Kershaw testified that he was asked to attend a

meeting in the offices of a Nashville publishing company. The meeting was held in a large conference room, and those present included author William Bradford Huie. He didn't recognize any of the other persons, but he said that two of them appeared to be government types.

He was asked to take an offer to James Earl Ray. The offer consisted of a sum of money (in this instance \$50,000) a parole and an opportunity for a new life if James would finally admit that he was the killer. Kershaw said he listened, challenged Huie at one point in terms of the reason behind, and the feasibility of, the arrangements but agreed to take them to his client. He said James rejected the proposal out of hand.

James's brother Jerry took the stand and testified how, some time later, he was personally contacted by author Huie who basically made the same offer except that this time the amount on offer had increased to \$220,000. James was still having none of it.

Jerry tape-recorded this conversation and authenticated the transcript of that recording as being accurate and the one he caused to be made. It was entered into evidence.

### ***Murder Attempts***

The jury heard evidence of two other more sinister cover up efforts to put an end to James Earl Ray's protestations of innocence and request for a trial.

Former Congressman and HSCA King Subcommittee Chairman Walter Fauntroy testified that after James Earl Ray escaped (an escape that had "set up" written all over it) with a number of other inmates in 1976, they learned that the FBI had immediately and uninvited sent a SWAT team consisting of upwards of 30 snipers to the prison. Their

information was that this unit was there not to help capture Ray but to kill him. Fauntroy said that at his urging HSCA Chairman Stokes called Tennessee Governor Ray Blanton and asked him to intervene in order to save their main witness and Blanton's most famous prisoner. Blanton promptly took a helicopter to the prison and ordered the FBI out of the area, thus saving James's life for he was captured non violently shortly afterward.

April Ferguson who is now a federal public defender was, in 1978, Mark Lane's assistant. She testified that their office was contacted by an inmate at the Shelby County Jail named Tim Kirk. When she and an assistant went out to interview Kirk, he told them that he had been asked by a Memphis mob connected topless club owner Arthur Wayne Baldwin to put out a contract on James Earl Ray. Kirk, who had some lethal connections at the Brushy Mountain Penitentiary, could have organized the hit but he became suspicious. Baldwin did not reach him that first time, and he had to return the call. When he did call back, he realized that the number was to a suite of rooms in an hotel near the Memphis airport, where a suite of rooms was kept by the local US Attorney's office and the FBI and used to interview witnesses and for other purposes. He thought that he might have been set up, and so he decided to contact Ray's lawyer and another effort to silence James was aborted.

Baldwin had died, but as noted earlier, when I spoke with him in 1994 at the Shelby County Penal Farm, he basically confirmed Tim Kirk's story. Baldwin also mentioned another effort, in which he himself was actually to participate in the killing of James. He said James's continued presence at the time of the HSCA hearings was a source of serious concern and worry to Carlos Marcello and consequently to the

Memphis godfather, who he recalled had tongue lashed Liberto for not killing Ray at the time.

### ***The Media***

Half a day was occupied with the testimony of Attorney William Schapp, who we qualified as an expert on government use of the media for disinformation and propaganda purposes. After providing the jury with survey of these practices by governments throughout history in a detailed question and answer exchange, Schapp introduced the court to these practices of the United States Government in other cases or issues, where intelligence and/or national security interests were believed to be involved. A number of examples were cited. One, for example, involved a CIA propaganda story that was spread all over the world and widely believed for some four years, that Cuban troops fighting in Angola had:

- 1) raped Angolan women
- 2) were tried and convicted of these crimes
- 3) were executed by the victims

In fact none of the above was true. The story was revealed by the agent who promulgated it to be false and to have been totally concocted at the CIA station in Zaire and disseminated through the extensive world-wide agency network. Schapp revealed that the agency alone – not to mention its counterparts in the rest of the American intelligence community – owned or controlled some 2,500 media entities all over the world. In addition, it has its people ranging from stringers to highly visible journalists and editors in virtually every major media organization. As we have seen and were

indeed experiencing every day of the trial, this inevitably results in the suppression or distortion of sensitive stories and the planting and dissemination of disinformation.

He then turned to the coverage of the King assassination and examined the extraordinary universal media hostility against Dr. King when he came out against the Vietnam war, and the same reaction against his family when they decided to advocate a trial for James Earl Ray. Cited were specific examples of media distortion and blatant lies, which characterized the media coverage of the case and James Earl Ray's alleged role for over 30 years. Particular mention was made of the totally baseless *New York Times* front page column piece reporting on alleged investigations by the FBI, the HSCA, and the *Times* of the 1967 Alton Illinois bank robbery. This piece was far worse than distorted or slanted reporting, since the investigations did not take place and the Ray brothers were never even suspects as the *Times* article stated. It was a domestic example of the type of pure fabrication similar to the story about the Angolan rapes.

Schapp explained that a Harvard neurologist had helped him to understand the power of the neurological impact upon human cognizance, intellectual functioning, and reasoned decision making when the same story is told over and over again. That impact makes the story a knee jerk part of the people who are exposed to it. Even if they are convinced on one occasion, by powerful evidence to the contrary, the next day will usually find them reverting to the long held belief, which has become a part of themselves – often integral to their very identity. Nothing less than some sort of intense de-programming experience with ongoing reinforcement is required.

After analyzing the powerfully comprehensive control of the media by the forces who control American public policy and examining their identical policy and coverage in

terms of the assassination, the systematic brainwashing of Americans in respect of this case became abundantly clear to the court, jury, and those present. Bill Schapp's analysis and testimony highlighted the absence of the media in our courtroom. In effect by not being there, they proved his point. As noted earlier, only one local television journalist stayed. He was ordered away, and he refused. Probably, only his popularity as a local anchor saved his job for the time being. He was later fired. He – Wendell Stacey – said he was never more disgusted with his profession. He noted that *The New York Times* and the AP reporter spent much of their time in the hallway outside of the court. They and Court TV would be present when celebrities testified, but for them to remain and hear the evidence might mean that they would have to write about it, and this was surely not what their editors wanted to read.

Considering all of the aspects of the cover up in this case, the ongoing media role is the most sinister precisely because it, if not powerfully controverted, as was done with the trial, perpetuates the lies and disinformation from one generation to the next, for all time.

### ***The Defendant's Prior Admissions***

The defendant Loyd Jowers had made a number of admissions over the years, which, taken cumulatively, constituted powerful evidence of his knowing involvement in the assassination. A number of witnesses took the stand, each with a particular piece of the picture of Jowers's role.

Taxi diver James Millner, who met Jowers in the early 1970's, recounted how he came to work closely with Jowers during 1979 – 1980, seeing him about 8 hours a day.

On one occasion during this time some twenty years ago, he testified that Jowers told him that Dr. King was killed not by James Earl Ray but by a law enforcement officer and that he knew all about it.

Millner said that after Jowers told him that Dr. King was actually killed by a law enforcement officer, he added that “You can take that to the bank.” After that admission over 20 years ago, it was not until 1998 when Millner said that he carried on a long distance telephone relationship with his friend over a period of two and one half to three months. During these conversations, Millner testified that Jowers essentially told him what happened. He said he asked Jowers if he pulled the trigger, and the response was – “I was involved to a certain extent, but I did not pull the trigger.” He said Jowers stated that Frank Liberto sent him a large sum of money in a produce box. He took it and put it in an old stove. Then, the man he knew as Raul picked it up. Millner continued that Loyd told him that the assassination was planned over two days in meetings in his café attended by five men – only three of whom he knew. Millner testified that Jowers identified an old police buddy with whom he used to ride, inspector John Barger, a black MPD undercover officer, Marrell McCollough, introduced by Barger, and a hunting buddy, lieutenant Earl Clark. But he insisted that two other men were present that he didn’t know.

Millner said that Jowers told him that Frank Liberto instructed him to be at his back door around 6:00 PM where he would receive a “package.” He was there, heard a shot, and then took the “still smoking” rifle from his friend Earl Clark. Then, he tried to flush the cartridge shell down his toilet, but it stopped it up. When he retrieved it later

that night, he threw it in the Mississippi River. The next morning, Jowers said, Raul picked up the rifle.

As noted earlier, J. J. Isabel testified confirming his earlier statement that he and Jowers each drove a chartered bus to Cleveland, taking a group of Memphis bawlers to a tournament on St. Patrick's day in 1979 or 1980. They shared a hotel room, and after dinner and beers (with Jowers having more than a few) as they sat on their beds talking, Isabel said Jowers confirmed his knowledge about involvement in the assassination. Isabel said Jowers's response gave him pause. He dropped the subject and never raised it again.

The jury had, of course, previously heard from Bill Hamblin that his roommate James McCraw had maintained over a 15 year period that Jowers had given him the actual murder weapon on the day after the killing and told him to get rid of it, which he did by throwing it off the Memphis – Arkansas bridge into the Mississippi river. In his earlier deposition, McCraw only went so far as to admit that Jowers showed him the actual murder rifle on the morning after the shooting. It was hardly surprising that he concealed his true role and only discussed the extent of his involvement with his friend when he was drunk refusing to broach the subject when he was sober.

Also as discussed earlier, Bobbi Balfour, (Betty Spates sister, previously "Smith") one of Jowers's waitresses, testified that on the morning of the day of the assassination, Jowers instructed her not, as had been her daily practice, to bring food upstairs in the rooming house to Grace Stephens who was bedridden and recuperating from an illness. Grace and Charlie Stephens's room was right next to the one rented by James Earl Ray in mid afternoon, and which appears to have been used by Raul for staging activity with



James having been kept outside of it by instructions from Raul on one pretext or another for most of the time.

Ms. Balfour also testified that Jowers picked her up and drove her to work the next morning. On the way, she said that he told her that the police found the murder weapon out behind the café.

Betty Spates story, which first surfaced in 1992, was put into evidence as a rebuttal witness through her deposition and her earlier affidavits, in which stated that standing at the backdoor of the café's kitchen around 6:00 PM on April 4, 1964 when she saw Loyd, her boss and lover running from the bushes carrying a rifle. His face was white as a sheet, and the knees of his trousers were wet and muddied. Rushing by her, she said he broke down the rifle, then wrapping it in a cloth he carried it into the Grill, where he put it under the counter. For all of the intervening years, Betty Spates thought Loyd, himself, was the assassin because she didn't see anyone else out in the bushes.

Defense counsel Garrison attacked Spates credibility quoting from a statement she gave to the Shelby County District Attorney General's and FBI investigators, in which she denied seeing anything. She subsequently had told me that she felt threatened by the two official investigators. We intended to call defendant Jowers at this stage of the proceedings, but after the first week of the trial, his health deteriorated preventing his return to the courtroom. Consequently, we read portions of his deposition into evidence. That evidence included the statements discussed earlier that he confirmed he made in a December 16, 1993, television interview with Sam Donaldson on his *Prime Time Live* program, in which he admitted that he became involved in facilitating the assassination at the request of Memphis mobster Frank Liberto, to whom he owed a big favor. As noted

earlier, he was told that there would be no police around and that a patsy (James Earl Ray) was in place, who did not know what was going to happen.

The most critical testimony and in terms of evidence damning admissions by Loyd Jowers came from Ambassador Andrew Young and Dexter Scott King. Dexter participated in two separated meetings with Mr. Jowers. The first session was in my presence, and the second was with Ambassador Andrew Young at the table. On both occasions, Mr. Jowers was accompanied by his attorney Lewis Garrison.

Both Dexter and Andrew Young testified that Jowers, admitted being approached by Frank Liberto who told him that his assistance was required for the operation and that there would be no police around at the time and that they had a patsy lined up, would receive a lot of money, which he was to turn over to a person, named Raul, who would visit him and who would leave a rifle with him.

He said these events took place, and subsequently, there were meetings in his grill, where the assassination was actually planned. Attending those sessions were Jowers and MPD friend inspector John Barger, who Jowers said introduced Marrell McCollough, another senior MPD inspector, (whom he named) and MPD lieutenant Earl Clark.

The testimony revealed that Jowers said that on the day, Earl Clark collected the rifle from him within an hour of the killing. The next time he saw it was when he said, he took it from Clark when it was still smoking after the shot. Jowers said he tried to flush the shell casing down the toilet in the rear off the grill, but it stopped it up. Eventually, he said he threw it into the Mississippi river. According to Jowers's version, on this

occasion, the actual murder weapon was picked up the next day by one of Liberto's people.

Jowers insisted that he didn't know who was going to be killed and contended that he did not participate in the planning sessions. Both Dexter King and Andrew Young testified that on this point, they didn't believe him. They agreed that he appeared to be an old man waiting to relieve himself of a great burden, but that he didn't quite seem able to bring himself to be completely truthful as to his role and the extent of his knowledge in first of the victim's son.

This, of course, would explain why he would not admit being out in the bushes with the shooter or directing James McCraw to get rid of the murder weapon as is indicated by other evidence.

The interview session conducted by Dexter King and Andrew Young was tape-recorded, and that recording authenticated by Ambassador Young was introduced into evidence in its entirety.

It is interesting that while he told Millner that he did not know the other two men at the planning sessions in his café and that Raul picked up the rifle the day after the killing, in the King / Young interviews, he named a fourth man (an MPD inspector) who participated, and he said that one of Frank Liberto's people picked up the murder weapon on the morning of April 5.

### ***Damages***

The King family did not bring the action for the purpose of obtaining a large damage award against Loyd Jowers or his co-conspirator agents of the City of Memphis,

State of Tennessee, and the Federal Government. The family decided to request only nominal damages in the amount of \$100 toward the funeral expenses of their loved one. Three of the five family members testified with great dignity. Mrs. King, Dexter, and Yolanda, each in her or his own special way told the jury what it meant to lose Martin King as a husband and a father. From their perspectives, the jury and the court had a unique opportunity to focus on the personal loss to young children of a loving, caring, and playful father, as well as the sudden absence suffered by their mother as she was traumatically separated from her lifetime partner with whom as one she had experienced joy and sadness, success, and setbacks, tribulation, and adulation. One began to set a glimpse of the burden of being the close family of a man, a human being, who becomes a legendary, heroic figure in life, then mythologized, and perhaps beatified if not sainted on earth. (At this writing, Martin King has been declared a Martyr by the Vatican - the first step toward sainthood.)

### ***The Case For The Defense***

Defense counsel, Garrison, as experienced as any member of the Memphis bar called this case the most important litigation, he had tried in his 40 years of practice. He had been, however, placed in a most difficult position by his client's admissions driven by a desire, on the one hand to obtain immunity from prosecution (which began in 1993) and on the other to unburden his conscience in his waning years. The defense therefore took the position that Mr. Jowers had no liability, but if he did, it was minuscule compared with that of the co-conspirators who were agents of the city, state and federal

governments. The strategy was to minimize Jowers involvement, and consequently, it made little sense not to acknowledge the role played by the alleged co-conspirators.

Therefore, throughout the presentation of the plaintiff's case, defense focused on eliciting evidence from relevant witnesses on cross-examination, which tended to minimize his client's involvement though not that of the co-conspirators.

At the conclusion of the plaintiff's case, the defense moved for a dismissal on the grounds that the plaintiff's wrongful death action had been filed outside of the one year statute of limitations. We argued that the statute only began to run after Dexter King's first meeting with Loyd Jowers and actually heard for the first time the account of his personal involvement. The meeting was held on March 2, 1998, and the action filed on October 2, 1998 within the year. No proof was offered that the plaintiff's or any of them had access to reliable information about the defendant's role as well as any opportunity to test his credibility. Plaintiffs, for a considerable time, diligently sought an opportunity to learn the truth from the defendant, and as soon as the meeting with Dexter was agreed, it was held without delaying.

After extensive oral argument, the Judge denied the motion.

The most hotly disputed defense motion, and the last before Lewis Garrison opened his case, was for a mistrial based upon the inability of his client to attend the trial and assist with his defense due to his deteriorating health condition. A doctor's letter was provided in support. It was true that Jowers had been absent after the first week, and we had considered going to his home in order to take his deposition. We ultimately decided against doing this when he informed us through his attorney that he would invoke the fifth amendment throughout.

We argued that the mistrial was not timely or warranted since we at the outset had fully disclosed our witness list and the scope of their expected testimony to the defense, which had ample time to prepare. Since the defendant had made it clear that he was unwilling to testify in his own behalf either in front of the jury or by deposition, his presence or absence was irrelevant.

The Judge was also unhappy with the language of the doctor's letter noting that it did not explicitly state that Jowers was unable to attend court or testify.

The court denied the motion for a mistrial, and the defense moved on with its case.

First, he called the Reverend Samuel "Billy" Kyles. In response to questions put to him on direct examination, Reverend Kyles described his civil rights experiences in Tennessee and the events surrounding the sanitation workers strike and Dr. King's visit. He said that they were all under surveillance and he referred to the Redditt – Richmond surveillance operation which was conducted from the rear of the fire station. He said that he learned that one of the black officers (He was referring to Willie B. Richmond.) engaged in that activity was so troubled by it that he became an alcoholic, left the police force, and died, implying that he committed suicide. He gave his usual account of how he went into Dr. King's room about an hour before the assassination, spent the last hour of Dr. King's life with him. He described their conversation or "preacher talk." He gave an emotional statement of how he had come to believe that it was God's will that he had been there to be present when this great man died. He said, inexplicably, that Dr. King did not die using drugs or from engaging in some other criminal, activity but because he was there to help the garbage workers. He described how a little old lady came to one of

his speeches and told him how she just wanted to shake his hand because his hand had touched Dr. King. Thus, he considered himself blessed to have had this experience.

When Lewis Garrison surrendered the witness, he was riding high with his credibility intact. After cross-examination was completed, it was in tatters.

At the outset, I decided that my associate Juliet Hill-Akines would conduct the cross-examination of Reverend Kyles. I believed that the level of my personal hostility and disdain was so high that professionally it would be appropriate to ask Juliet to handle cross.

She focused on how he drew pleasure from women, such as the one he described, reaching out to him, and seeking to touch his hand. Then, her questions dealt with Willie B. Richmond indicating not only that he was alive but also that he had testified at this trial. Kyles was surprised. She then walked him through Kyles statement which, of course, refutes his claim to have been in Dr. King's room observing that he simply knocked on the door, had a few words with Dr. King who then closed the door, and Kyles walked over to the balcony some way down from the room.

Reverend Kyles said that statement was simply not true. He could not explain, however, why the officer would lie about these simple facts.

Then, Juliet played a videotape of a speech given him on the thirtieth anniversary of the assassination. In it, he described again how he spent Dr. King's last hour on earth with him and Reverend Abernathy in Room 306. Then, as he described how he and Dr. King stood together on the balcony at the railing, he seemed to get carried away and became transfixed as he said at one point: -

**“ . . . only as I moved away so he could have a clear shot, the shot rang out. . . ”**

The jury and the Judge looked stunned.

Juliet played the tape three times, so it became very clear that he had, in fact, somehow admitted stepping aside so that a shooter could get a clear shot.

When she asked him who he was thinking about getting a clear shot, he said, he supposed it would have been James Earl Ray.

At one point during cross-examination, Kyles mouthed silently to her “You should be ashamed of yourself.”

When he was dismissed, he walked behind the attorneys’ chairs and asked Garrison – “What did you get me into?” Garrison replied “I just called you as a witness.”

Yolanda King was in court that day and had the very uncomfortable experience of sitting through Reverend Kyles testimony.

Next, the defense called Frank Warren Young from the Shelby County Criminal Clerk’s office. He brought with him the original transcript of the record of the guilty plea hearing and authenticated it so that it could be placed in evidence and in the record. The defense thus ensured that James Earl Ray’s guilty plea was in evidence for the jury’s review.

On cross-examination, I asked the witness to focus on particular aspects of the transcript.

I asked him look at the first pages of the transcript and observe whether or not James Earl Ray had been put under oath by Judge Preston Battle. (Required practice during a guilty plea hearing) He had not been sworn. I next asked him to read James’s interruption of the proceedings when he stated that he had never agreed with Ramsey



Clark or J. Edger Hoover that there had been no conspiracy and he did not want to do so now.

Upon request, he read the state's representations about: The existence of the second Mustang, (which they falsely claimed at the time was the only Mustang); the eyewitness Charlie Stephens (who was actually too drunk to have seen anything); the dropping of the bundle in front of Canipes (the jury had already heard Judge Hanes testify about Canipes's statement); and the deliberative misrepresentation of the dent in the windowsill, about which it was stated that forensic evidence would conclusively establish ". . .will match the markings on the barrel of the rifle in evidence." (after Attorney Lesar had introduced a FBI laboratory report stating that this was not possible.)

As their next witness, the defense called former MPD lieutenant Eli Arkin. Arkin, who was a senior intelligence officer, confirmed that he had picked up detective Redditt at the fire station and eventually, after the meeting in the MPD Central Headquarters, on director Holloman's instructions, he took him to his home. Shortly after they arrived, there the assassination took place.

Lieutenant Arkin then confirmed that elements of the 111<sup>th</sup> Military Intelligence Group worked out of his office for some time during the sanitation workers strike.

On cross-examination, he denied ever meeting or talking with any of the Alpha 184, Special Forces team in Memphis on the day of the assassination. Eli Arkin's confirmation of the presence and activity of the 111<sup>th</sup> Military Intelligence Group in Memphis added to the defense's mitigating claim.

The first wife of lieutenant Earl Clark, Rebecca Clark, was called as the next defense witness. Prior to her testimony, she had asked for a copy of her deposition to

review and was provided with it. Mr. Garrison established that her husband kept a large collection of guns and that he was an expert shot. She said that she got off work at 4:00 PM that day and that it took her about 10 – 15 minutes to get home, so she arrived home around 4:15 PM. She then said she believed that her husband got home about an hour or so later and lay down for a nap which lasted 30 – 40 or 45 minutes until a report came over the police walkie talkie radio, which he left on the dining room table for her to monitor.

When the word of the assassination came through, she woke him up, and he told her to go and get his clean uniform from the cleaners before they closed. She set out for the cleaners which was about 15 minutes away, and he took a bath. When she returned, he left.

Attorney Garrison raised the fact that kind of walkie talkie, she was talking about, was not available during those times. She couldn't comment on that she said she only knew what she heard.

On cross-examination, I came back several times to the question of whether she was lying to protect not her dead divorced husband but her children and, of course, himself. She denied that she would lie for that purpose. One major problem with her alibi for her former husband was the timing of the events, which she described, and the conflict between her earlier recollections in her deposition of April, 1999 and her current story.

In her deposition, she clearly stated that she usually worked until 3:00 PM, but on that day, she worked until 4:00 PM. She also stated that her husband came home "fairly soon" after she had arrived. She set the time of his unannounced arrival at some 10 – 15

minutes after her own. She also indicated that he was not asleep very long when the announcement came on the radio. In court, she now remembers that he could have arrived as much as 45 minutes after her, putting it at or around 5:00 PM, and that his nap could have lasted for quite some time – an hour or more.

It clearly appeared to me that she was trying to cover up for an unexplained period of an hour, which may have meant both she and her husband Clark came home earlier and that he left earlier well before the assassination.

As discussed later, we subsequently learned that the cleaners would have been closed by the time she should arrived – around 6:30 PM. At that time, Mr. Dent the owner would be at home having dinner with his family. We would also learn that she did not go near the cleaners that afternoon but that her husband who was not home did go there himself. We would also confirm that the kind of Walkie Talkie radio which she said her husband brought home was definitely not in use at the time.

Attorney Garrison read portions of a “John Doe November 5, 1999, telephonic deposition into the record. The witness, who contacted Garrison, declared that he was involved in the assassination of Martin King present to a \$400,000 contract for the killing put out by Water Reuther the leader of the United Auto workers. He contended that Reuther was being pressed by Hubert Humphrey and Lyndon Johnson. Because of Dr. King’s anti war activity and that Carlo Marcello cooperated but was not directly involved, and James Earl Ray was not even there having left for Atlanta.

Attorney Garrison completed reading, his portions of the telephone deposition I advised a court that we had concluded that this witness was providing misinformation and

false evidence, and I referred to Page 56 of the deposition and read his response to my question on cross-examination with respect to him arriving at his position at the corner of the brush area near the wall. When I asked him how long he took to get there in his position from the time he entered the parking lot area, which was adjacent to the brush area behind the rooming house, he replied only a couple of minutes. When I asked him if he encountered any impediment as he passed through the area to his position, he said None except for the bushes, through which he had to make through his way. We then put up on the screen a photograph taken within a day or so of the assassination showing the area behind the rooming house. Very clearly visible on the photograph was fence which was at about five feet tall and which around east and west from the north side of the rooming house all the way down to the very edge of the wall. For the witness to have passed through this area and not having on countered, this fence was unimaginable. Since there were even some barbed wire strands across the top, it would have required some effort to climb over it.

Based upon this particular fact and other statements he made, which did not conform to facts we knew about the case including the Caliber bullet retrieved from Dr. King, we concluded that this witness was not credible.

The defense had subpoenaed Marvin Glankler, the investigator in charge of the Shelby County District Attorney General's last investigation, and Retired Judges James Beasley and Robert Dwyer who were Assistant Attorneys General in 1968, prepared the state's case against James Earl Ray and in Beasley's case actually presented the state's

evidence to the guilty plea jury. Garrison said that initially they told him they would be pleased to take the stand and defend their work and the case against James.

By early December close to the time they were due to take the stand, their positions had changed. A motion to quash the subpoena was filed on their behalf by the State Attorney General. Argued out of the presence of the jury, the Judge denied the motion and ordered the former Judges to appear. Meanwhile, Marvin Glankler, out of turn, arrived at the courthouse along with a representative of the anti-drug task force, which he now headed. The Judge's order required him to take the stand but with Glankler outside of the courtroom, the state's lawyer and the task force official argued in a bench conference that his testimony could destroy his cover and jeopardize the sensitive operation. It was finally agreed that Glankler would take the stand, but that the cameras would avoid showing or photographing his face. He was sworn in and began his testimony.

Garrison attempted repeatedly to draw information from Glankler on the Attorney General's investigative report, which was published in 1998. He was met with continual objections from the Assistant Attorney General who was there to represent the state, the Shelby County District Attorney General and, of course, investigator Glankler. The state lawyer was up and down like a jack in the box. His intention was clearly to limit Glankler's testimony to the maximum extent possible. He basically contended that the report should speak for itself, and since Glankler did not write it, he could not comment on it. Garrison was able to extract the facts that the District Attorney General's office began an investigation in 1993 and ended it in 1998. That he, Glankler, was the Chief

investigator, and that the investigation may have included statements taken from some 40 witnesses.

On cross-examination, I took a different tack. I asked Glankler if he had interviewed 25 named witnesses, the evidence from all of whom had already been heard by the jury. I asked him about each one in turn. Of the 25, he had interviewed only two. He had not even heard of most of the others. The negative impact on the credibility of the District Attorney General's investigation and report was evident in the expression of disbelief on the jurors' faces.

The defense next called LaVada Whitlock Addison, Nathan Whitlock's mother, and as noted earlier, she testified in detail about the time in her café when her regular customer, Memphis produce man Frank Liberto told her that he had arranged the killing of Martin Luther King. She said that she ran the little pizza parlor – which was between Liberto's home and his warehouse in the Scott Street market – between 1976 and 1982. She said that Liberto would stop in four or five times a week starting in 1977 and that they developed a good relationship, one in which he would often confide in her about various things. He trusted and liked her. On the day in question, she said they were sitting together at two tables pushed together, and something came on the television about Dr. King. (The congressional hearings were being televised in 1978.) He leaned forward toward her and said "I had Dr. Martin Luther King killed." She said, she recoiled and told him – "Don't be telling me anything like that. I don't want to hear it. I don't believe it anyway." She said that this was the only time he ever mentioned it to her though she saw him many times afterward.

Attorney Garrison read large portion of James Earl Ray's deposition into the record, which basically set out James's story and the history of his involvement from the time he escaped from prison in 1967.

After the Spates rebuttal evidence, discussed earlier, was concluded defense counsel Garrison renewed his motion for a mistrial, based upon his client's absence from court. This was denied promptly, and he then filed a motion for directed verdict, which he argued was justified because the plaintiffs did not meet the required burden of proof. I argued that the evidence adduced on behalf of the plaintiffs was overwhelming and that though we had met the standard we decided not to move for a directed verdict in the case because we wanted it to go to the jury.

The Judge denied the motion, and closing arguments began.

Meanwhile, the Attorney General appealed Judge Swearingen's denial of the motion to quash the subpoenas served upon Judges Beasley and Dwyer to the Court of Appeals and the Court promptly overturned the ruling and ordered the subpoena quashed. Judges Beasley and Dwyer were spared the inevitable uncomfortable task of defending the state's investigation and justifying certain representations made on March 10, 1969 to the guilty plea hearing jury.

### ***The Closing Arguments***

Over a period of nearly two hours, I took the jury through the evidence, step by step, reminding them that the King family had brought this trial because the initial investigation was badly flawed and had not been remedied by any subsequent official local or federal investigation. I reminded them that the truth had been covered up for 31

years but that in this courtroom, even though the media had been absent most of the time and the outside world had not learned about the evidence or even heard about the trial, the truth had been revealed. As Martin King after said “Truth crushed to earth shall rise again” – and so it did.

During the last half-hour with the use of computer graphics, we took the jury through the last 21 minutes of Dr. King’s life and the eleven minutes immediately following the killing.

Lewis Garrison contended that if his client had any liability, he was at worst only a small cog in the conspiracy, which took Martin Luther King’s life. He tried to focus the jury’s attention on the city, state, and federal government as well on James Earl Ray.

### ***The Jury Instructions***

By late morning, we were finished and the Judge instructed the jury. He gave the standard instructions, defining direct and circumstantial evidence, advising them that they and only they must decide questions of fact and how much weight to put on the various aspects of evidence, which had been laid before them, while he would determine the law. He reminded them that they must find for the plaintiffs if they found that the plaintiffs’ allegations were proved by a preponderance of the evidence, in other words if the allegations were more likely true than not. On the issue of damages, he reminded them that they were bound by the parties’s stipulation that the damages should no exceed \$100 – a payment toward the funeral expenses.



Finally, he told them that he had prepared a jury verdict sheet, which contained those questions to be answered.

1. Did the defendant Loyd Jowers participate in a conspiracy to do harm to Dr. Martin Luther King? If yes,
2. Did you also find that others including governmental agencies were parties to this conspiracy as alleged by the defendant?
3. What is the total amount of damages to be awarded to the plaintiffs?

The case went to the jury just before lunch.

### ***The Verdict***

It took the jury about one hour to decide. After nearly four weeks of trial and some 70 witnesses they found that:

1. **YES** – Loyd Jowers participated in a conspiracy to do harm to Martin Luther King.
2. **YES** – Others including governmental agencies were parties to this conspiracy as alleged by the defendant.
3. The total damages to be awarded to the plaintiffs are \$100.

### ***The Judgment***

The issue of comparative liability was agreed to rest with the Judge. Based on the evidence before him, Judge Swearingen apportioned liability as follows:

**30 PERCENT** – defendant Loyd Jowers

**70 PERCENT** – all other co-conspirators