

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

CORETTA SCOTT KING, et al,
Plaintiffs,
Vs. Case No. 97242
LOYD JOWERS, et al,
Defendants.

PROCEEDINGS
November 16th, 1999
VOLUME II

Before the Honorable James E. Swearngen,
Division 4, judge presiding.

- APPEARANCES -

For the Plaintiff: DR. WILLIAM PEPPER
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New York City, New York

For the Defendant:
MR. LEWIS GARRISON
Attorney at Law
Memphis, Tennessee

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November 16. p. 38 **Dr. Pepper's Opening Statement:**

On April 4, 1968, about 6:01 in the evening as he stood on a balcony overlooking the parking area of the Lorraine Motel. Dr. King was felled by a single bullet. He never regained consciousness and died shortly thereafter. A husband and a father, Dr. King was also a prophetic figure in American history. He had been a civil rights leader as a young man, but moved beyond that calling on behalf of the poor in the southern part of the country to become an international figure concerned with economic injustice and peace and war. This growth in his leadership won him the Nobel Peace Prize, making him an international figure. During his last year of life he strongly opposed the Vietnam War because he saw it destroying an ancient civilization and culture that had much in common with the plight of black people and poor people everywhere in the world. On behalf of growing numbers of poor people in the United States, he had put together a poor people's campaign that was to descend on Washington DC in the spring of 1968, the very spring in which he was assassinated. One encampment did come off, but without its leader, and so it lacked the impact it might have on Congress.

The defendant in this case, Mr. Loyd Jowers, owned Jim's Grill at the ground floor of a rooming house on South Main Street in Memphis. At that time, the backyard was a vacant lot covered with brush and bushes, and beyond it was the Lorraine Motel and the balcony on which Dr. King stood when he was assassinated. The defendant managed and owned that Grill, and his wrongful acts and conduct led to Dr. King's death from the bushes and brush behind his premises.

I was a friend and colleague of Dr. King during the last year of his life. Years later, I looked into the case and became convinced that the man accused was not guilty, and I was his lawyer for the last 10 years of his life. He died in prison, never having a trial on the evidence in the case. The plaintiff's family decided also that this man was innocent and they supported a trial for him a few years before he died.

p. 43 The case will be divided into sections:

One: general introductory background

Two: evidence that the fatal bullet was fired from the brush behind the rooming house, from bushes that were tall and thick, where a sniper fired the shot.

Three: dealing with the rifle in evidence that allegedly caused Dr. King's death, demonstrating that this rifle was not the murder weapon, and the murder weapon was disposed of in another way.

Four: proof that a number of other people were involved and, in particular, one individual critical to coordinating many of these activities in collaboration with Mr. Jowers has been invited to attend the trial.

Defendants have indicated that if liability attaches to Mr. Jowers, it should also attach to other agencies and individuals. Plaintiffs will advance evidence of the extent and scope of this conspiracy so you understand the total picture in which defendant carried out the wrongful acts which led to this death. One indication of this conspiracy is the cover-up, the suppression of the truth that has lasted 31 years.

p. 48 Dr. King often said that truth crushed to earth will rise again. Plaintiffs hope that the truth of the events of April 4, 1968, will be unearthed and resurrected in this courtroom. Some of the evidence may shake the foundations of this Republic. We seek a verdict of liability against the defendant because he played a critical role in these events, but the case goes well beyond him.

p. 49 **Mr. Garrison, Counsel for the Defense, representing Mr. Loyd Jowers
Opening Statement**

Dr. Pepper and I agree on probably 80% of the things that he is advocating and stating to you. In some areas we do not agree. On April 4, 1968, this city was racially divided. November 16, 1999, it is still racially divided. I hope this trial will bring out some things that have some bearing on that. Mr. Jowers has been around Memphis a long time. He is a former police officer. When this occurred in 1968, he was operating a small restaurant called Jim's Grill. Mr. Jowers has conferred with Mr. Dexter King and Ambassador Young and told them some of what he knew and heard, but he was a very small part, if any, in Dr. King's assassination. Anything that Mr. Jowers may have had to do with this was unknown to him. He was never told that the target of an assassination was Dr. King. Certainly he was in sympathy with Dr. King and for the things Dr. King sought. Ms. King and her family have suffered more than any family should have to go through. We've always been in sympathy with them and always been behind Dr. King and the things he sought. When I was growing up not far from here, we had separate restrooms, separate water fountains, separate schools. It doesn't seem very long ago. It has not always been the way it is now.

A police officer will testify here about the United States government sending in agents just before Dr. King's assassination. You'll hear a lady testify about a police officer, her husband, who was very prejudiced against nonwhite people. You'll hear from a gentleman who will tell you that Mr. James Earl Ray disclosed to him how he escaped from the Missouri prison, who helped him, and the purpose of it. You'll find that Mr. Jowers was a very, very small cog in a big wheel--if he was a party at all. He never knowingly did anything that would have caused the death of Dr. King or brought any hardship on Ms. King or her family. When you hear all the testimony and all the proof I'll ask you not only if you find that Mr. Jowers had anything to do with it, but are there others much more responsible than he was, others who knew what they were doing and who brought about the commission of this hate crime. They should be held liable instead of Mr. Jowers.

Page 54 **Testimony of Ms. Coretta Scott King.**
Direct examination by Dr. William Pepper

Martin came to Memphis to support the sanitation workers, who were striking for better wages and working conditions. He felt this was important because they were working poor people, and he wanted the nation to understand that people work full time for part-time pay and can't make a decent living. They would be invited to join the mobilization for the Washington campaign.

His support for the Memphis sanitation workers and his plans for the Poor People's March in Washington were to be covered by the umbrella of nonviolence at all times. His whole life was dedicated to nonviolent struggle; any kind of violence disturbed him. He disavowed it completely and at every opportunity. He dedicated his life to helping people understand the philosophy of nonviolence, which he lived as a way of life.

When he first came to Memphis on March 28, he got off a plane and went straight to the head of a march that his organization had little part in planning. When that broke out in violence, it was very upsetting to him because all of the marches he had led had always been mobilized with the support of the national Southern Christian Leadership Conference staff. They were aware of any controversies, any conflicts between and among groups.

After the violence, he felt it was important to return to lead a peaceful nonviolent march in Memphis before he could go forth to Washington. Dr. King believed that a local group of young people precipitated the violence, but there was suspicion that there were some forces behind them, that they were not just persons deciding to throw rocks at windows.

p. 58 Dr. King had wanted to speak out against the Vietnam War for many years before he actually did so. He understood that conflict from its inception, and recognized its injustice, that it was fought against people of color who were poor, and that wars create more problems than they solve. He felt we could not win--and history proved him right soon after he spoke out. He said his conscience demanded that he take a position and that perhaps doing so would help mobilize public opinion against the war.

At the time, civil rights leaders and other opinion makers all criticized him, both black and white. He expected that, but probably didn't expect some of his critics to speak out publicly. His nonviolent way was to disagree privately and talk with people having a disagreement. Public attacks were difficult for him. He also knew that speaking out would affect financial support for the SCLC, which it did, very profoundly.

There was talk about his running for office against President Johnson as a third-party candidate with Dr. Benjamin Spock. I never thought he would run because it would restrict his ability to speak his mind, and because he took his commitment as a Christian minister seriously—but at the same time he said that the media had stopped carrying his statements so his message wasn't being carried forth. There were critical articles and some critical cover stories. He had been TIME magazine's Man of the Year in 1964 after the Peace Prize, and in 1967 TIME did a very critical article. He said running for office would help get his message out.

I don't remember specific comments before his return to Memphis about possible dangers or the seriousness of the task that he faced, but the problem weighed on him--he wanted to unite his staff so he could help the sanitation workers. He came home late Tuesday and got up very early

Wednesday to go to Memphis. There was no time to talk, but I could sense that his anxiety was heavy on his mind. Some of the staff felt he should not have gone to Memphis in the first place.

He had been aware, ever since Montgomery, that his life might be in danger, but lately he had become more aware. He realized that he could be killed at any time, but his commitment to his beliefs and to a higher authority was such that he didn't mind giving his life for a cause he believed in. He used to say that the end of life is not to be happy, but to do God's will, come what may. I heard him say to a colleague on the telephone that "I was the happiest man in the world when I could come out personally against this evil and immoral [Vietnam] war, because I came to a point where I felt that silence was betrayal."

p. 65 The family decided to support Mr. James Earl Ray's efforts to get a trial because of new information we had received and seemingly reliable leads Dr. Pepper had developed. We wanted to know the truth. The truth was elusive. We felt that the only way we could go on with our lives was to take the position we took. The evidence pointed away from Mr. Ray, not that he might have been uninvolved, but he was not the person we felt that actually killed Dr. King. In reaction, there were several media articles negative toward the family over a period of months, and we feel it affected support financial support for the King Center.

The family is bringing this action now, 30 years later, against Mr. Jowers because we only recently realized the extent of his involvement. I've always felt that somehow the truth would be known. I hoped that I would live to see it. It is important for the sake of healing my family, other people, the nation. Martin Luther King, Junior was a servant of this nation. He willingly gave his life. We have never felt a sense of revenge and have no bitterness or hatred, but if we know the truth we can be free and go on with our lives.

p.68 This is not about money. We're concerned about having the truth coming out in a court of law, documented for all.

Page 68 Testimony of Ms. Coretta Scott King. Cross-examination by Mr. Garrison.

[[Page 70 the section from pp 55-70 is repeated---see if it's repeated in the original.

I was not a party to Mr. James Earl Ray's court hearing, and never before had an opportunity before this to have a jury decide the issues of this case in a court of law.

Over the years many threats had been made on Dr. King's life, and the morning he was to come to Memphis the second time, the last time, his plane was delayed because of threats. Usually when he went into towns, the local committee that invited him would handle security. I believe he said publicly that he intended to return to Memphis; how that understanding was reached, I don't know..

His agonizing over the return trip was not because of any threats but because he took his responsibility very seriously that the demonstration in Memphis should be nonviolent. He had to get past the injunction as well, and wanted to be clear that he was doing the right thing, and he knew the world was watching.

Mr. Jowers met with my son Dexter King on one occasion, and then again with Dexter and

Ambassador Young on another occasion. I was not involved in the conversation and can not speak to its details.

Page 76 **Testimony of Dr. Cobey Smith.**

educator and consultant
2240 Brown Ave. Memphis

Direct Examination by Dr. Pepper

At the time of the assassination of Dr. King, I was an active member of the Invaders, a group formed in 1967 by Charles Cabbage and John Smith and me. Its purpose was to provide an organizational format for young people in Memphis. As a result of the Meredith march in Mississippi, which is when I first met Dr. King, many of us who had attended became organizers and proponents of the Black power movement, and saw ourselves as agents for liberation of our people throughout the country. In 1966 to 1967 it was unsafe to walk the streets in cities like Memphis and southern cities and cities all over. We wanted to make people aware that we were a free people with all the rights and privileges of Americans, to operate and seek prosperity, equality and all the other things that were rightfully ours by law.

The Invaders were a local community-organizing group that received no real funding. We received one grant I wrote in 1967, and got some jobs from the War on Poverty Commission. Cab and I were hired as 30-dollar-a-week organizers in 1967, but were fired because of our affiliation with the Student Nonviolent Coordinating Committee (SNCC) and other organizations. SNCC was a national organization providing foot soldiers for the civil rights movement, the young people who desegregated lunch counters, students from all over the country, many from Memphis, who became cannon fodder for the movement. We would do the organizing, go to rural areas and cities, colleges, prisons, everywhere there was a need to let people know the things that Dr. King and others have talked about. We thought we were a chosen few on a mission. We saw ourselves as helping fulfill the American dream. We were mostly idealists born of desire to change the concept in America from its hatred for African-Americans to people who understood that we should enjoy the right to vote, the right to speak freely, the right to come and go as we please, to live where we wanted to, to seek an education, all those little things that people now seem to say we take for granted.

We did the basic street organizing for the events that led up to the sanitation workers' strike. We went out and we told grown men that they had a right to petition the government, to question police, to do all kinds of things. When the American Federation of State, County, Municipal Employees (AFSCME) started to organize, many of its leaders came to us and accepted our efforts to gain support in the communities. This was dangerous, and people were afraid. Few lawyers and judges would stand up to the abuse we were subjected to. So when the sanitation workers decided to organize, they wanted recognition for their union, they wanted the same pay as white employees, and other things that seem so mundane now. The platform that they used, we had been using for a few years. And when the union put itself together, the real hell broke loose in Memphis. The mayor decided that it would never be recognized. A group of ministers got together to support the union.

p. 82 Because the white community resisted this and many in the black community were threatened and afraid, the strike leadership invited Dr. King. He was not only the greatest leader that we've ever had, he was a person who by his bearing and presence brought a calm to the entire community, to those who were opposed to us. Some people were afraid of us because we would stop and ask questions or because we would resist being pushed around. Several days

after the strike began, the sanitation workers had a march down Main Street and the police took their cars and pushed them into the sidewalk. This would have been in February of 1967. A number of sanitation workers were injured.

Before that happened, two men were killed, crushed, in a garbage truck that automatically closed down and collected the garbage. That set off a fierce resistance. When they had to march down Main Street and the police attacked them, dogs, clubs, guns, beat the hell out of a lot of them, we asked for more militancy from the union. Before that the religious leaders did not want to approach this as it were a regular strike. Many of us have grown up with roots in the labor movement just as we had in the civil rights movement. We believed that AFSCME should operate its strike just like the AFL-CIO or the Teamsters or anyone else--stop the flow of trucks driven by strikebreakers, and end the garbage collection that was designed to break the strike.

We had a greatly divided strike effort. Many of the ministers and some of the black leaders were interested in compromising and going along with the city administration's edicts. We did not want that. We wanted a full and legitimate recognition of the union, we wanted the employees' rights protected. Most of these men were from rural west Tennessee, had been driven off the farm, had come in from places like Fayette County where they had been driven off the land in what we call the Tent City.

Originally when Dr. King's people got here, there was an uneasiness between the Invaders and the SCLC--a brief skirmish, some bad feelings it took Dr. King's arrival here to smooth over. We insisted on following the principles we had learned from Dr. King during the Meredith march in Mississippi. The Invaders played no active role in the March 28 march on behalf of the sanitation workers strike. The night before, Rev. Jim Lawson and Rev. H. Ralph Jackson came to the steering committee and presented a letter with some bullets in it and said the Invaders had threatened them. Consequently, I ordered our organization's members off the streets, not to participate. The letter with bullets was represented as having been sent by the Invaders. This was taken as a threat by more traditional civil rights groups, which were annoyed by our style. They didn't like the blue jeans, or the long hair. The Invaders did not send that threat.

The March 28 march was perhaps the only march that Dr. King ever led that turned violent. The Invaders have been blamed for causing that disruption, but we did not. Dr. King returned to Memphis to lead another march as a result of that violent march. I personally investigated the disruption to see if any of our people were involved. Once that letter with the bullets had been sent, we knew that we would receive the blame. Before the march our people started to report an influx of others coming in with Illinois license plates who were seen on Beale Street and were members of organizations such as the Black Egyptians from East St. Louis and some reported to have been Blackstone Rangers from Chicago. The Black Egyptians contacted us, Chuck Cohen and some others contacted our people appropriately. The ones we were concerned about were unidentified. This is unusual because in our movement, people relied on each other for housing, accommodations, transportation, information. It was a communal thing -- everybody helped everybody if we could.

p. 90 The march in my opinion was disrupted by police and by agents from parts unknown, who came here specifically to embarrass Dr. King and disrupt the march. Declassified FBI reports tell of plans to disrupt our activities, to single out individuals in my organization and several other organizations as fall guys to take the blame. Some indication was that the march was supposed to be turned south on Main St. instead of being allowed to turn north, where we were supposed to have a warehouse with weapons in it and we were going to start a race war.

p. 91 As a result of the violent disruption of the march, Dr. King decided to return to Memphis, and

the Invaders established a closer working relationship with him and were working closely in preparation of the next march. In the first march there were no marshals, no people to establish the parameters. In a disciplined march, you need to organize the flanks to keep the people separated from the pedestrians who would stand. You need disciplined people who will not break windows, not run, not panic, in case we met force. The marshals were instructed to protect people, to show them how not to panic and cause themselves injury. In the second march Dr. King agreed to that the Invaders would participate as marshals to protect individuals and make certain that we were not blamed for things that happened in the first march.

When the first march turned violent, Dr. King was taken to the Riverwalk Hotel, a Holiday Inn flagship. When our people went up there, they went straight to the room and were able to see him without anyone protecting him. He had no guards. We were very afraid for Dr. King at that time.

p. 94 In the planning for the second march, the one Dr. King never made, the one which became a memorial for his death, Dr. King's organization provided financial support for rooms for us at the Lorraine Motel, where Dr. King was assassinated. The Invaders had two rooms with from 10 to 20 people there from time to time. The arrangement was to be on-site with Dr. King to plan a march and assist SCLC's efforts as required.

On April 4, within a few hours before the assassination, when the Invaders were asked to leave the motel, they did so. People in the field said they were concerned about the lack of police presence. We did not know who was in charge. I could not get a clear answer about who gave the order to put the Invaders out. I was surprised to hear about the order to leave; this was inconsistent with the arrangements with Dr. King. He had chastised his people for making it difficult for the Invaders to operate with them.

Dr. King and James Lawson are the reasons I have spent almost 35 years of my life in the movement.

Page 96 **Testimony of Dr. Cobey Smith**, educator and consultant

Cross examination by Mr. Garrison.

I was not aware of any threats against Dr. King. After the first march became a riot, I was aware that Dr. King would be back. We were interested in making the march work, and seeing the sanitation workers strike succeed. Since Marrell McCullough had the only car, we made him Minister of Transportation. We should have been leery, but we were poor youngsters and didn't have anything. We got around the best we could, usually bumming a ride. Sometimes the police would have to give us a ride. The ones that were watching us would sometimes give us a ride.

McCullough was very accessible, and came to my home every day as he would go around all the Invaders. The Riverside Invaders brought him in. After Dr. King was assassinated, I was introduced to him by inspector types of the Memphis Police Department as Officer Marrell McCullough. I was surprised when I later learned that another officer brought him into Mr. Jowers's restaurant and introduced him as Officer Marrell McCullough. We felt people would infiltrate our group, but we did not have any idea that the infiltration was broader than the local police department. Many members of the police department, and the former police director who recently resigned, were undercover agents in our organization.

The day of the assassination, members of my organization were in two rooms at the Lorraine Hotel on the second floor. On that day, I had to leave to maintain the information center to receive

strategic information about the strike and plans for events in order to prepare for the strategy team meeting. I did not see anyone in the brushy area across from the hotel.

Page 96 **Testimony of Dr. Cobey Smith**, educator and consultant
Redirect examination by Dr. Pepper

I understand that Marrell McCullough today is employed at the Central Intelligence Agency in Langley, Virginia.

Page 102 **Testimony of Charles Cabbage**

1942 Florida Street #6, Memphis

Direct Examination by Dr. Pepper

p. 103 My organizational title was Executive Secretary, Black Organizing Project. This was one of the groups we organized. "The Invaders" was a name given us by the press, and it kind of stuck. In the BOP I trained street organizers, went to campuses, tried to set up groups, tried to empower black people and raise their consciousness, trying to make an impression on the power structure.

We'd tried to meet with Dr. King before the March 28 march, because there were many indications that there was going to be a serious problem, but we couldn't reach him. After that march broke up into a riot, probably the next day, members of the organization met at John's apartment in South Memphis and went to the Rivermont to try to talk to Dr. King. We went in the back door to try to avoid Dr. King's security and the door came right open. We walked directly upstairs and saw no one. There was no security in place outside or inside the room.

I believe Bernard Shaw answered the door, and Rev. Abernathy was there. Rev. Abernathy said Dr. King did not want to talk to us, but Dr. King called from the bathroom to tell him to let us in. We had brought some literature describing our organization and our positions, our goals. We wanted to show him that the rumors about us were not true, that we were not out to create disruption. Consciousness-raising about black power was almost a criminal offense at that time.

We also presented our prospective Community Unification Program. We were seeking funding at that time. I was expecting Dr. King to be hostile and defensive, because the information he had received was that we were opposed to everything that he stood for, and his first question was "Brother Cabbage, why did you do all this to me?" I explained that we did not do this to him. I explained that we had not wanted him there, because our organizing had not been around a non-violent theme, and for him to try to lead a non-violent demonstration in this situation was just walking into a tiger's jaws. He was positive all the way as I told him about the volatility of the situation and suggested that he bring in some people to teach non-violent discipline. He agreed that he would send some people in and put some of us on the staff. After Dr. King left, some SCLC organizers had come—Reverend Orange and Carl Reader and some others and we had workshops in the community and got along well.

When Dr. King returned we took two rooms at the Lorraine Motel on the top floor, balcony level, the right-hand side of the building, the same level on which Dr. King was assassinated. We had

two meetings downstairs in the dining room, and one in his room, to discuss the nonviolent march, and had decided that the Invaders should be marshals for the demonstration. The Invaders argued heatedly about this in their own room, but after the second meeting everyone eventually went along with it.

Then there was a third meeting in Dr. King's room to discuss some final points, five to ten minutes long. We went back to our rooms, and after a time there was a knock on the door. Izzy answered. As I recall, Izzy said one of the maids came by to clean the room and told him they had said we would have to leave. Nobody asked her why. Then Reverend Orange came in and explained we would have to leave. I asked him why. He said that Jesse Jackson said we had to go. We had not worked with Jesse, but he was handling the money. It made no sense. The room was paid for. Check-out time was the next day.

It took us about 20 minutes to get out, and we cleared the room about ten minutes before six, the day of the assassination. We only had one car, my car. We loaded up and drove up Mulberry and I heard the shot before I could make it to Main. As soon as I pulled off the lot and made a right turn the shot rang out. We all ducked. We didn't see any police presence or security at the motel at any time. There was never any security, never.

Testimony of Charles Cabbage

Cross-examination by Mr. Garrison

p. 122 Before April 4 there had been a knock on the front door to my mother's house. A gentleman came inside. He was from South Africa. He sat down, sirens wailing, fires going off all over the city, curfew on. He told me "Charles, they are going to kill Dr. King in Memphis." I can't recall the date. The Invaders generally felt it was unsafe for Dr. King to come to Memphis and did not want him to come because it was unsafe, because our political position made it such that if anything went wrong we would be blamed.

Marrell McCullough came to the organization because of our activities at Memphis State, organizing the Black Students Association. Marrell was I believe attending classes there. John B. Reddin brought him to an open meeting at the apartment where we met.

The day of the assassination, Marrell McCullough was not there. He was with Rev. Orange. They had gone out shopping or something. We knew that he was the police. We made him Minister of Transportation. He had a car.

When we began to work with SCLC he came along with the group, driving people around, some of the SCLC staff. We did not know he was as highly connected as he was.

We saw Rev. Jackson at the motel at the meeting during the day before we were ordered to leave. He was the last person we saw as we left the meeting. He was standing down by the pool on the lower level.

Our rooms were right over where the pool used to be. We had our own security, and I never heard any reports that we ever saw anything or anybody moving around in the bushes across the street. When we heard the shot, we immediately went to Riverside community. We were stopped by a young police officer. He was nervous. He talked to us and let us go. That took about five minutes. We went to my mother's house and as I pulled up she was rushing down crying, screaming at the top of her voice, "They just shot Dr. King." I immediately remembered the fellow

that had come to my house, telling us about the assassination plot. So I turned the car over to some others in the organization, sent it back down to the hotel to see if we could help with security in case anyone else would be targeted.

Testimony of Charles Cabbage Redirect by Dr. Pepper.

The man who said Dr. King was to be assassinated introduced himself as John Laue. LAUE. . There was another John Loue at the hotel, but this man was a totally different description: a middle eastern man with long brown hair. I never saw him again. I did not ask him how he knew of the assassination plot. He said he was a freelance photographer, a journalist from South Africa.

Some of the Invaders routinely carried weapons for protection. It was a hostile environment, and we had numerous confrontations with police. There were armed bands of white citizens riding around with high-powered rifles in their cars and some of us had been shot at before.

When we saw Rev. Jackson at the swimming pool he had his arms folded and was checking his watch, seeing how long it would take us to get out of the hotel.

A year prior to this we had occasion to go through personal documents of a white person who wanted to associate with the Invaders. We used to hang out at a place called the Log Cabin on South Parkway. He came in stumbling drunk into our meeting room. He was stopped, frisked, and robbed. Somebody took his wallet and we found a military intelligence ID and three dollars. That was in 1967.

p. 132 Testimony of John McFerren 7615 Highway 195 Somerville 38068 Direct Examination by Dr. Pepper

My granddaddy was a slave brought here in chains five years before the Civil War. In 1867 he gave 7-1/2 dollars for 400 acres of land. I met Gerald Estes at Camp Ellis, Illinois. I met him later again in 1957 when he was a young practicing attorney. He came to Somerville to defend Burton Dotson. In 1957, Mr. Estes and I formed the Fayette County Civic and Welfare League to register Negro voters. Before 1960 there were no Negro voters in the county. At that time, Negroes had no chance. The law would pick them up, sentence them, and put them out on the road. In 1959 we got a small majority of Negroes registered, and supported L. T. Redbanks in his campaign for sheriff against the local sheriff. The Democratic party refused to let us vote. So, on August 12, 1959, Gerald Estes filed a suit against the Democratic party asking for us to have the right to cast our ballot.

Early in 1960, the local editor of the Fayette Falcon was named Coaster, and the Commercial Appeal man here was a relative, also named Coaster. When we got this going, he put an ad in both papers that they were going to make 1000 Negroes move off the land in 1960, that winter. During that time, if you registered, you had to move. The leaders of the movement, the citizen council and the Ku Klux Klan, they had a list. We got a photostatic copy and the maid put it back in the safe and they never knew how we got it. Ebony magazine published that list. There was an embargo list, so no wholesale house would sell any products to anyone on the list at any price. My brother moved to Memphis, and Gulf Oil Company joined the squeeze. In 1960 no oil company would sell black farmers any gasoline or oil or seed.

A liberal at Eades named Ben Roafer told the farmers to come down to him and he'd sell them what they wanted. I had been run out of every wholesale house in Memphis but Malone & Hyde. The bread companies wouldn't sell to me. A young bread man said, meet me on Summer Avenue and he'd sell me bread off the truck. I picked up the bread in a 1955 Ford car. The Klan would come after me every night or two. We modified the forward axle so the Ford could take curves better. I'd use back roads and the new cars could not turn as well.

During the Eisenhower administration, we went to Washington. I worked with my attorney Carrie Porter Boyd and another guy. The Eisenhower administration filed an injunction against the landowners to stop them from making the tenant farmers move.

I've been running a grocery store and oil company since I took them over from my brother in 1960. Bought my merchandise all over Memphis. I bought from Frank Liberto's produce, from the Morrell and Fineberg meat houses. I knew everyone in Memphis. I sell produce and meats, fuel oil and gasoline. In 1968 I bought my produce on Market Street, the banana house, the tomato house, and Frank Liberto sold most of the produce. Around 1960 I got to know him very well.

In 1968 I'd start my produce runs at 5:15 on Thursdays. I started with Malone & Hyde on South Parkway, the dry grocery run. Meat and produce would be my last pickups, and Liberto's warehouse was the final one. April 4, a Thursday, I got to Liberto's at 5:15. The gate was on the south side, and I drove around to a big door on the north side. There's a little office on the right hand side. Mr. Latch was standing up. He had a scar around his neck and was a handyman. I was always scared of him. He was always mean. Mr. Liberto was always friendly. I'd stay away from Latch, if I could.

I was 10 or 15 feet from the office when the phone rang, and Latch picked it up. And he said, "That's him again" and gave the phone to Mr. Liberto. Mr. Liberto said "Shoot the son of a bitch on the balcony." This is about 5:25, not quite 5:30. Then he looked around and saw me. They said "Go on and get your merchandise." When I was coming out from the locker the phone rang again. Mr. Liberto told the caller to go to his brother in New Orleans and get his \$5000. This was a Thursday.

It was no later than Saturday morning that I called Mr. Baxton Bryant, a white Baptist minister I knew in Nashville, and told him what I heard. He said he would meet with me about four o'clock tomorrow evening. We talked it over and he had contacted Mr. Lucius Burch's son-in-law to meet with me and him and the FBI in Memphis. That Sunday evening we met with the FBI. They questioned me two or three hours.

On Monday two young FBI guys came to the store for half a day to question me. On Tuesday, Robert Powell from New Orleans came by. He used to run a store on Highway 64. Robert Powell came out to the house. At that time he had a big Gulf station in New Orleans tied up with the Mafia. The only question he asked me with all this that had happened was how to get to my house from the back roads. I thought that was curious.

In the meantime, Hal Flannery, he was in the Justice Department, he'd been working with us on the landowners case. I called him on Tuesday and told him that Robert Powell had been there and I was scared of him.

As a result of my statements to the officials, the Dean Milk Company caught my mama on the road and ran her down, ran over the truck. Then they hired Marion Yancey and Rue Grady hired the Andersons to beat me to death. Gave a 1961 Pontiac and \$350 to do it. They got out at the

courthouse and run me in Ms. Fair Theater's yard. When we were fighting in the yard, she come out with a gun, said, if you all don't quit beating him, I'm going to kill you.

p. 154 Gene Johnson came down investigating for the House Select Committee on Assassinations. We went over all the records. And when the time came for me to go to Washington to testify, he came out with papers for me to sign and he had gotten hostile. Somebody had got to him had changed his attitude. Then two or three days before I was supposed to go he said they didn't need me. I was not called to testify.

p. 156 Cross Examination by Mr. Garrison.

I knew Frank Liberto from 1968 up until 1996. I was in his business once or twice a week. I never did see him personally after Dr. King was assassinated.

During the time that I would see Mr. Liberto, I never heard him mention the name of Loyd Jowers.

I've lived in Somerville all my life. I was only away when I was in the Army. When the assassination committee was meeting in Washington, getting ready to go on, Mr. Liberto regularly visited John Wilder's office on the east side of the courthouse in Somerville. Some of our underground were watching. 2 to 3 weeks before James Earl Ray broke out of Brushy Mountain [prison], I told the Select Committee that they were going to kill Mr. James Earl Ray or that something was going to happen to him. I talked to Gene Johnson and had correspondence with Mr. Flanders and Mr. Dole. The Justice Department covered it all up. I talked one time to the assistant to the United States Atty. General. This was under the Nixon administration. Mitchell was his name. I said, I know Dr. King's killings, who is in it, they're trying to set me up to get me killed.

I've been shot, have been beat up twice. The citizen council and the KKK hired a man named Benefield, gave him \$1800 to kill me. He got chicken and sent word to me by Rev. Frank Jones. He came to my brother's house. He made an affidavit and sent it to the Justice Department that he was hired to kill me. Nothing came of it.

p. 159 Redirect Examination by Dr. Pepper

Almost 31 years ago I told the same story that I have told this jury and this court. This is my first opportunity to tell this before a court of law.

p. 161 James Nathan Whitlock Taxi driver. Professional musician. Guitar player, singer-songwriter. Examination by Dr. Pepper.

I've played in Las Vegas, Canada, California, the Bahamas. I received Tennessee's outstanding achievement award from Gov. McWhorter. I received an aide-de-camp award from the heavy-set governor, and commendation from the city from Mayor Harrington, letters from VP Gore, another letter from Jim Sasser, US Sen. These awards pertain to an incident I had when my taxi passenger tried to commit suicide. I radioed for the police. The officer and the passenger tussled and fell off the building, and I climbed down and pulled them both in.

Then one of my neighbors got his throat cut in a fight and I kept him from bleeding to death. I captured his assailant, too.

I came to know Mr. Liberto around 1978, '79, '80. We were friends. He would come to my mother's restaurant every day early in the morning, and late in the evening he would come back. I spent most of my time with him in the evening. Occasionally he would come at lunch. We had an Italian pizza restaurant, and he would come and eat breakfast with my mother and spend the rest of the day with me occasionally. The Scott Street market was about a mile from the restaurant and Mr. Frank lived off Graham somewhere and we were kind of in between. He had a produce house at Scott Street market. Mr. Frank would come in and drink beer. I would play the Italian song Malaguena for him and he would tip me. He would lay his head back and say "Yeah, it is just like I was in the old country, that's the way they would play it, I like that song." He would get me jobs for my three-piece combo. I reminded him of when he was young.

He told me he had come from New Orleans. I asked him if he was in the Mafia, and he didn't say yes or no. His answer was that he'd pushed a vegetable cart in the French quarter with Carlo Marcello when he was a boy. That went over my head. Years later I saw Oliver Stone's movie about JFK and it said Carlos Marcello was the kingpin of the Mafia in New Orleans. I asked Mr. Frank, what is the Mafia? He said it's a bunch of businessmen that take care of business.

On the day Martin Luther King was assassinated a conversation Mr. Frank had with my mother upset me because he talked directly to my mother about gangsterism. I asked Mr. Frank: did you kill Martin Luther King? He told mama that he had Martin Luther King killed. I thought he was out of line talking with her about that. At that time I was 18 years old.

He glared at me and said you've been talking to your mother haven't you? I said yes. He said, are you wired? I didn't even know what he meant. I thought he meant taking amphetamine pills. He said, I didn't kill the n****r, but I had it done.

I said, what about that other son of a bitch up there taking credit for it? He says he was nothing but a troublemaker from Missouri, he was a front man. A setup man.

I said well why did you kill the preacher for? He said it was about the draft. Then the phone rang. I answered and was busy with pizza stuff. I looked up, and he was gone. He left his beer sitting there on the table half full. This was in 1979.

Right after that, he called on the phone and said he had a job for me. About a week or two before this a big redneck came in drinking a beer. My mama said you can't bring a beer in here but I'll sell you one. He made a foul-mouthed remark and backhanded my mama, and I walked around from the counter with a nightstick and knocked him through the front door, busted his eyes open, busted his head, knocked him out. A man working there, Luis Boncella, said no more Nate, you're going to kill him. Some other guy ran out the door and said "Come on, Red. They're going to kill us." So I hit him. So these two knuckleheads were dragging each other down the sidewalk. Mama called the cops and filed a report on the guy causing a disturbance. The lieutenant showed up and said you are going to start a war. Mr. Frank said it's a good thing you didn't kill him. You would have been in a whole lot of trouble. He asked me would you do it again?

I said, If somebody hit mama, I'll tear them up.

He says, no, would you do it just in general. I said, to who? He said, mostly dopers around Hollywood over Plough Boulevard. Could you do it for money?

I said how much money?

He said five or ten.

I said, who is it? He says, these black dopers get these white girls over there, the families still care, the police can't or won't do anything about it. There is always some n****r around here needs to be killed.

So after we had this conversation about Martin Luther King, he called and said I've got a job for you, Nate. I wondered, was he going to want me to kill some dope idiot. He was talking about a music job at the Cook Convention Center, playing for Sheriff Bill Morris's Christmas party. Then he's back at the pizza parlor.

At some point I wrote a letter about these issues to the Gov. of Tennessee with a copy to the Lieut. Gov. John Wilder and one to the person at the Board of Responsibility and to another Memphis attorney. After that an undercover car with a bunch of antennas on it followed my taxi around for two days. Down at Poplar and Cleveland I called my ex-mother-in-law on the phone in Shelby Forest. A bunch of cops rolled down, and I said heck, there is a robbery, and I'd better get out of here. I took off. I got round the corner and I'm pulled over. Three squad cars, loads of police, guns to my head. They hit me in the groin twice, smashed my face against the back of the car, stretch me out. They were smashing my face down on the hood, and I was just taking it, and then one of the cops recognized me from my wrestling days, a couple of years before at the Coliseum. He said, Nate, what is this about? I said, I don't know, man. My ex-wife or something.

The top cop put me in his squad car and said, Nate, have you been making phone calls to Nashville, making bomb threats? I said, I can't even set my VCR, much less make a bomb. He says, have you been trying to embezzle money out of some government guy? Then suddenly the unmarked car pulls up real quick and the guy says you've got the wrong person here. He blocked his face so he can't see me and walks by the car and said, "Here is the number he is calling." I call him a lying SOB because I hadn't called anybody in Nashville.

Downtown they read me my Miranda rights. I said am I under arrest? He said, boy, you are in a lot of trouble. You can't get no lawyer, can't get no bond. He said, why does the Secret Service have a hold on a cab driver? This is that cop named Johnstone, 11th floor, bomb unit. I said, I can't tell you. I said, I'll talk to the AG about it because he told me not to say a word to anybody.

I made a statement. I'm not sure if I'm under arrest or not. I said, the reason they are doing this to me is there are entities within the United States government that don't want me to say what I know about the assassination of Martin Luther King. He almost fainted. He walked out of the room. He was working the fax machine. I read the heading of the paper and it said something about Washington. Him and Larkin said "get the hell out". I was arrested with guns to my head, hit in the groin, read my Miranda, then un-arrested and kicked loose all at the same time.

p. 184 **James Nathan Whitlock**
Cross-examination by Mr. Garrison

I have known Mr. Loyd Jowers since 1985. Haven't been around him the last ten years or so. He never said anything about the assassination of Martin Luther King to me.

p. 185 **Thomas H. Smith.** Memphis Police Department.

2997 Knight Road, Memphis

Direct examination by Dr. Pepper.

I worked for the Memphis Police Department for 33 years and was at one time Captain in charge of homicide. I've been retired for 11 years. I was assigned to homicide in 1960 and was involved in the investigation of the assassination of Martin Luther King in 1968. My partner Roy Davis and I were the first ones on the scene of the assassination. Investigating, I went around looking for witnesses and visited the rooming house across Mulberry Street and, at the second floor, visited a room occupied by Charles Stephens and his common-law wife Grace Stephens. It was not long after the killing, still daylight. Mrs. Stephens was passed out drunk on the bed. Mr. Stephens was leaning up against the door. He had been drinking heavily and talked with me briefly. He was intoxicated.

At some time, I became aware that Mr. Stephens's identification of Mr. Ray had been used in extradition proceedings bringing James Earl Ray back from London. In my opinion, at the time when I interviewed him, within minutes of the killing, he would not have been capable of making such an identification because of his intoxication. I wrote in my arrest report that he was intoxicated to the point that there was no sense in bringing him downtown for an interview.

p. 191 I was in the hospital when the body of Martin Luther King was in the morgue. I put my hand on the back of Dr. King, under his lower left shoulder blade and felt an object that felt to me like the lead jacket of a bullet. It felt as though it were one piece.

Mr. Charles Hurley. Division manager, Save-a-Lot food stores.

2595 Cedar Ridge Dr., Germantown, TN.

Direct examination by Dr. Pepper

In 1968 I worked as advertising manager for National Food Stores on S. Florida St. in Memphis. Normally I got off work at 4:30 and drove to pick up my wife by 4:50 at Seabrook Paint Company (she worked as a buyer) on S. Main St. immediately across the street from the rooming house in question and Jim's Grill. That day she was still upstairs, and I parked facing north, on the east side of S. Main St. and waited for her. Parked immediately in front of me right there at Jim's Grill was a white Mustang with an Arkansas license plate—red numerals on a white background. I later heard that James Earl Ray was driving a white Mustang in Memphis that day. Someone told me, maybe the FBI, they believed he had an Alabama license plate. I believe the car I saw had Arkansas plates. One person was sitting in the car. When my wife and I drove away that person was still sitting in the car. I could only see the back of his head and could not identify him,

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