

Page 1942

**December 7, 1999 Volume XIII**

1944

**- INDEX -**

**WITNESS: PAGE/LINE NUMBER**

**JAMES EARL RAY  
DEPOSITION EXCERPTS READ.....1945, 10**

**BETTY JEAN SPATES  
DEPOSITION EXCERPTS READ.....2105, 10**

**MOTION FOR DIRECTED  
VERDICT..... 2131, 1**

**EXHIBIT PAGE/LINE  
Exhibit 37..... 2103, 12  
Exhibit 38..... 2104, 19  
Exhibit 39..... 2130, 6**

**(Mr. Garrison explains that his team would like to read the latter part of Mr. James Earl Ray's deposition. Mr. Bledsoe reads. A summary follows.)**

*I have never used the alias Gerry Ray. That's my brother's name.  
I have never used the alias George Ray. That's my father's name.  
I have never used the alias Gerry Rayn. That's my brothers alias.  
I have never heard of Gerry Raynes.  
I have never used the alias Gerry Raines.  
I have never used the Gerry Ryan alias.*

*I came through Selma, Alabama from New Orleans. Spent the night there at the Mango motel. It was on a road. It wasn't in a city or town. Dr. King was not there at the same time. I have checked the records and he was hundred miles from there, or somewhere. From Selma I went on to Birmingham. Raoul had told me he would meet me at the Starlight in Birmingham. I'd been told to meet him in New Orleans, but when I got there and called his contact number, I was told that he had gone to Birmingham and I should meet him there.*

*I did meet him at the Starlight and then we went to Atlanta. At this point he had*

*previously mentioned guns to me but I don't know just when. I know he mentioned them in New Orleans, maybe in December 1967 and maybe before that. I don't know why we went to Atlanta and then back to Birmingham to buy a gun. He wanted to go to Atlanta. I didn't ask him why. He rode with me from Birmingham to Atlanta. I met him at the Starlight and we left probably 15 minutes after I got there to go to Atlanta.*

*In Atlanta at the place I was staying, the person who was intoxicated saw me with Raoul there. Other than that gentleman, probably the barmaid at the Starlight lounge saw us together because we were in there several times, and also there were some people at this place where the intoxicated landlord was in Atlanta. These documents are all classified.*

*Somebody apparently gave a statement to the FBI that they saw me with someone else. But I gave that document to a reporter named McClellan, WSM Television in about 1979. and I never did get it back.*

*(Mr. Garrison states that according to the FBI report, the gentleman who operated the rooming house in Atlanta says he never saw Mr. Ray with anyone else.)*

*He stayed drunk all the time, so it's difficult as to what he saw and did not see.*

*When I got to the Aeromarine Supply, must have been between 11 and 1 o'clock.. This apparently was March 28 or 29<sup>th</sup>. It was a Friday. I went in there and the salesman asked me what he could do for me. There was a salesman and I think also a co--owner, but I can't recall the name of either of them. I think I told him I wanted a large bore deer rifle. I don't recall where he got the gun. It was a fairly big place. Probably he handed it to me. I wanted to make it appear like I knew something about it. Probably in a couple of minutes I decided to purchase it. I did not look at any mechanism to see how it operated. I looked at some foreign made rifles on the rack I believe they were Mausers. I may have touched one of them but I don't believe I handled them. Can't recall how much I paid for the gun, probably around \$200.*

*Raoul rode back with me from Atlanta to Birmingham. I'm Inclined to think he waited in the Starlight Club while I rented the motel, the Five Points, and I think I picked him up. I think he had something to do or something.*

*When I had purchased the gun, I went back to meet him. He looked it over, I don't know how close, but he said it was the wrong type or the wrong bore or something. I had the brochure, and I just told him to pick one out and I would exchange it.*

*When I was in New Orleans I never went to where Raoul lived. I don't know where he lived. I contacted him by telephone.*

*I think Raoul gave me somewhere around \$700, but that was not just for the gun. It was also for other things, he didn't specify what. I had already purchased the camera equipment, all in Birmingham, except one item I couldn't get. I think they ordered it from Chicago but I had to leave Birmingham before it arrived.*

*I had been to Birmingham just one time for when I was there in late August 1967.*

*My visit to Atlanta was the only time I had ever been there except I went with my uncle to Florida in 1955 and we may have gone through then.*

*I have never been in Memphis before 1968 other than just coming through.*

*There was a map found in Atlanta after the assassination. It had some circles on. (He's asked if he ever circled anything on a map of New Orleans.) I circled some maps and made marks on some maps, but I don't know which ones. I think Attorney Pepper has some of the maps. I can't recall if I circled any locations on a map of Birmingham. I don't think I had a map of Memphis.*

*I took the gun back to Raoul, he said he wasn't satisfied with it, I called the Aeromarine Supply, and said I wanted to exchange it. I took the rifle back the same day. They said to come back the next morning and pick up the new rifle. I stayed at the Five Points that evening. Raoul did not stay with me. I don't know where he stayed. That would've been Friday, about 3 or 4 o'clock that I took him down to the Post Office. That was right across the street from the Starlight. I don't know where he went.*

*Raoul gave me an address in Memphis, the New Rebel Motel. He said he was going somewhere else.*

*He did not see the second gun before I arrived in Memphis ..He did not see it after that. [ambiguous]*

*I left Birmingham the day after I got the rifle, which would've been the 29th or 30th of March. I drove toward Memphis, and I'm almost certain I stopped in Decatur, staying one night. I was to meet Raoul on April 3. The next place I stayed would've been the town on the left-hand side among Tusculumbia, Florence, and Mussel Shoals. I stayed there one night. I was driving the Mustang. The gun was in the trunk.*

*I had another gun, but not with me. I had the .38 that I had purchased in Birmingham, but I left it in the rooming house. I had it buried downstairs. I arrived*

*in Birmingham in the latter part of August and must have purchased the gun sometime in September. There was a classified want ad, I believe I paid \$75 to a private party.*

*I next went to Corinth, Mississippi. I thought I stayed at the Southern Motel but we haven't been able to establish that one way or another. Some records have been destroyed after we started checking on them, the hotel registration cards.*

*Raoul told me to meet him in Memphis at the Rebel on April 3. He didn't give me a time. He just told me to check in there and he would meet me. He didn't tell me any particular name to use. I assumed it would be Eric Galt because I never check in at a motel under a different name because the police usually check your license plates at the motels. The car I was driving was registered to Eric Galt and I had an Alabama drivers license. I left Corinth, Mississippi on April 2 and drove to the DeSoto motel, which is right across the line from Memphis. I spent the night of April 2 there. I had no specific reason to choose that motel in Mississippi. I didn't want to stay downtown. The New Rebel was not downtown, but at that time I didn't know where it was. I think I found the address the next day. Probably I had a map of Mississippi and Alabama. I don't know if I had a map of Memphis. I had 20 or 30 maps. There is a list of all the maps I had, and the FBI has them.*

*I guess I found out on April 4 about 6:30 that Dr. King was in Memphis. On April 3 and April 2 I did not know anything about him being there. The FBI found that I had a Memphis paper with a detailed account of where he was going to be. I always buy a paper when I go to town.*

*(Mr. Garrison states that in the days before April 4 there were headlines every day, news, TV-- everybody knew where Dr. King was going to be.)*

*I didn't know he was going to be there. Headlines don't particularly interest me. I had no idea about the trouble they had in Memphis and that everybody knew he was going to be there. Probably I knew about it if I read the paper, but it didn't stick in my mind. If the President would have been there, I wouldn't have been interested. I did not know about the riots they were having downtown. I did not know that everybody knew it was kind of dangerous to be downtown. I had just come in to town. I may have known about it, but it didn't stick in my memory.*

*I have never stayed in the Pontotoc hotel in Memphis.*

*I would've arrived at the DeSoto sometime in the afternoon because I was driving real slow from Birmingham to Memphis. Apparently I took Highway 72 from Corinth toward Memphis. I did drive into the outskirts of Memphis before I went to the DeSoto. I would have checked out of there whenever you have to leave,*

*probably 12 or 1 o'clock, and then proceeded to the New Rebel Motel out on Lamar. I got there maybe 1 or 2 o'clock and he appeared some time that night. It was raining and it must have been 9 o'clock. I had a room there and my car parked right in front of it. He just appeared, he just came in, it had been raining, I think he had a raincoat on, and we started talking. He asked if I had brought the rifle out. I said yes. I don't remember the small talk. He then told me he wanted me to meet him at Jim's Grill the next day, I think at 3 o'clock. He wrote down the name and the street.*

*The gun was in the motel, and he took it with him. He had never seen it before that time. I assumed that he wanted to show it to someone, because he was supposed to meet some gun dealers. He did not say who he was going show it to. I don't know how he got to the New Rebel. I don't think he stayed more than 15 minutes. I don't know how he left. It was raining.*

*As to Raul's comings and goings, his domiciles, I just never made any inquiries. I never saw him with anyone except the individual in Nuevo Laredo. I have had experience with criminals, and usually if they're paying you, you don't make inquiries.*

*I would estimate that I checked out of the New Rebel Motel at noon or 1 o'clock the following day. I drove around the edge of town near the Mississippi line or even across it until 3 o'clock or 3:30. Along the edge of Memphis I had a flat tire. It might have been across the line of Mississippi. It was not a residential district. I took the wheel off and put another one on. From there I intended to meet with Raoul at Jim's Grill. I drove to a commercial parking lot 10 or 12 blocks from downtown.*

*I started walking toward the tall buildings downtown. I think the sun was shining. I asked a policeman for directions and when I was going south on Main St. I stopped in some kind of bar on the right-hand side of Main Street and asked the barmaid where Jim's Grill was. I ordered beer and she told me it was a block and a half down the street on the other side and I saw two individuals there who seemed maybe to be watching me. I had a dark suit, white shirt, tie, no overcoat. Other customers were in there too. I stayed four or five minutes. Apparently these individuals left before I did. I stayed for five minutes and then went to Jim's Grill. It was maybe a block and a half or two blocks away. I was not carrying anything*

*I walked in and Raoul was not there and the two spooky individuals were there. I think I ordered a beer. My recollection was that the bar was on the left side and on the right-hand side there were booths, but later I learned that the bar was on the right-hand side and the booths were on the left. I think the back part of the bar might have been lower than the front part and I think they might have served*

*food back there. I was at the bar up in front. A young lady served me, I can't remember whether she was black or white. I think this would have been soon after 3 o'clock.*

*There appeared to be few customers. The two individuals were down the bar, they were white, they glanced up. I recall nothing about one of them. The other one had a coat on and seemed to be out of place. He was about five foot eight or nine and had a fairly strong build, 170 pounds. After two or three minutes I left my beer sitting there and left, intending to pick up the Mustang and park in the general area of Jim's Grill.*

*It was at least 7 or 8 blocks away. I parked it 15 or 20 feet from Jim's Grill, not right in front of the place, facing north on Main. I went back in Jim's Grill and Raoul was there sitting at the bar. He had a shirt on and no tie. I sat at the bar and may have ordered a beer. I did not see any male employees of the grill either time I was in there. I don't usually pay much attention to people in bars. Raoul asked me if I had the Mustang. If he had ever driven it before that time, I didn't know about it. He had given me the money to buy it, so I didn't consider it strange that he inquired about it and possibly wanted to use it. I had some equity in it because I had sold the Plymouth. He had a set of keys.*

*Raoul wanted me to rent a room upstairs at the rooming house over Jim's Grill. I don't believe I had noticed the rooming house before this. I had checked out of the New Rebel Motel taking all my belongings not knowing where I would stay that night, but it was no problem finding a place to stay. Raoul did not tell me to check out, and I had no idea if I would be leaving Memphis that day.*

*Raoul told me to rent a room in the rooming house over Jim's Grill. He did not give me money. I proceeded to do that. He may have pointed out the stairway that led up there. I went up there alone. I don't know where he was when I rented the room. We went out the door at the same time, both turned left, walked south toward the car. There was a door to go to the stairs. I went to the stairs, then turned right down a slight incline, then up some more stairs, and the office is there. Raoul was either in Jim's Grill or in the car.*

*At the top of the stairs I talked to the landlady, and she showed me two rooms. One was a sleeping room and one had cooking facilities. I said I just wanted the sleeping. I think I gave her \$10 or \$20 and she gave me some change. I think I used the name John Willard at that place. Probably I had used that alias before, I don't know. When I go to a motel I use the alias that matches my car registration because the police drive by and check your license plates. In a hotel or rooming house the police don't check license plates. I didn't know how long I would be in this rooming house. Raoul said we might be there two or three days and suggested that I bring my clothing.*

*I don't recall where I got the name John Willard. If I heard of someone, sometimes I'll use the name. In Atlanta I was under the name of Eric Galt. That was not in a motel. I was receiving criminal correspondence there.*

*It's difficult to estimate what time I went upstairs to get the room. Maybe 4 o'clock or 4:15. I was supposed to have been there at 3:30, and it took me some time to walk to pick up the Mustang and drive back. I may have driven down from the north and turned around to park in front of Jim's Grill. It seems to me like I came in from the south. I know the fire station a short distance from Jim's Grill, but don't recall passing it.*

*Page 2002*

*After I rented the room I had been up there less than four minutes when Raoul came in. She had shown me two rooms, a sleeping room and a cooking. They were not close together. I think one was on one side of the building, one on the other. You had to walk in one direction to go in one and another direction for the other. My room had a bed, a dresser, and I think it had a chair. I did not at first have my personal belongings with me. They were in my car. Later Raoul suggested that I bring my clothing in there.*

*I think there were two windows. I don't have a clear recollection of looking out the window to see which direction they were facing or what kind of view there was. I always look out the back window in case the police run in and I need an exit. The window would've been facing East. I don't recall seeing the Lorraine motel from it. I have subsequently seen diagrams of the place and it would have been easy to see. I don't recall seeing any vegetation, such as trees, immediately behind the place.*

*Raoul came and we had a brief conversation said we might be there a couple of days or three, and suggested that I bring my clothing. I didn't want to do that because of the type of place it was. It was a winos' place, and they come in and carry off your things. But subsequently I did bring an overnight case about the size of the large attaché case, and some shaving gear. I don't know if Raoul had been to the room before I had or not. I don't know if he had the rifle with him. He did not have it with him when he came into the room. I think he had a coat on, and I thought he had a small transistor radio in his pocket.*

*I thought we were there to do something about displaying guns. He said he was going to meet gun dealers in Memphis, but he was never specific about anything and didn't provide any names. He told me he thought I should bring my personal belongings to the room and said I might be there two three days. I don't think I got my things right at that time. I may have, I think I got them the next time.*

*He had me running an errand to purchase binoculars with infrared attachments and he gave me general directions to a sporting goods store. At this time after he gave me \$700 and I purchased the rifle I probably had \$1500 or \$1600. I used to tell him I was running low on money when I wasn't, but I don't think I have testified here that I was running low on money. I didn't ask him for money when I bought the rifle. He volunteered it. I did ask him for money in New Orleans. I had the \$1600 because he had given it to me and I had saved it. I had not been committing robberies at that time. The motels and gasoline would've been less than \$100.*

*He came up to the room and he wanted me to check on the infrared attachments on the binoculars. I had heard of these things but wasn't familiar with them. I believe they use them to see in the night. He gave me directions to a sporting goods store on the right hand side of the street going north on Main Street, and apparently I didn't go far enough. I couldn't find it. I probably went three or four blocks, and may have walked past it, but I'm inclined to think I didn't go far enough. I went back and explained to him that I couldn't locate the place (York Arms) and he gave me more specific directions. The second time I found it. That would've been about a quarter til five in the afternoon on April 4, 1968.*

*Raoul I didn't tell me how much money to spend for the binoculars. I went back and the salesman said his binoculars were not infrared and I would have to check with Army Surplus for that. He did not tell me where Army surplus was located. I can't describe these binoculars. I think he handed them to me and asked me if they were alright and I handed them back and purchased them. I would guess they cost \$30 or \$35. I went back to the rooming house and Raoul was still up there and I told him I couldn't get the infrared attachments and he would have to get them at an Army facility. I threw the binoculars down on the bed and that was it. We had a brief conversation. So now it was 5 PM or 5:15 roughly. I don't recall what Raoul was doing in the room. Nothing unusual. I still haven't seen any rifle at that point. I don't know if he had a room up there. I assumed that he did, but I don't know for certain.*

*I stayed in the room 5 or 10 minutes, then went out for lunch at a drug store that sold sandwiches. I didn't know the name of this place. I described it to the policeman in the Memphis jail, and he told me the name--the Chickasaw. I believe he said underneath the hotel on the corner was the Chickasaw bar or restaurant or something. I walked north on Main from Jim's Grill a couple or three blocks to this place. I think I got some ice cream. I was sitting near the cash register and the manager was telling the young lady how to operate it. I was interested in the money angle. I was there maybe 10 minutes.*

*At some point I was sitting in the Mustang just thinking, but I'm not certain whether it was that time or when I left the rooming house the next time.*



*I went back to the rooming house above Jim's Grill. Raoul was there and we had another brief conversation. He said he was going to meet some dealers there in my room that evening, and asked me if I would go to a movie or something for two or three hours. He asked me to leave the car out front. This would have been about 5:40 or 5:45. I had not seen the gun. I didn't have it in my possession. I didn't look under the bed or in the closet. It could've been in the other room, but I didn't see it. The last time I saw it was at the New Rebel motel.*

*I left the room. I may have sat in the Mustang for five or 10 minutes. I don't think it was 10 minutes. I went across the street and walked a couple of blocks and went into a place, I think it was a bar and they had tables and chairs. I was sitting there thinking and were getting close to 6 p.m. I may have ordered a beer. I may have ordered a sandwich and not ate it. I was wondering what to do for two or three hours, and then I remembered the flat tire from that morning. I went and got the Mustang, intending to fix the flat and then park again in front of Jim's Grill. It was never again parked in front of Jim's Grill.*

*(Mr. Garrison states that several witnesses said they saw the Mustang parked right in front of the door to Jim's Grill and there were two cars parked bumper to bumper, one in front and one in back. Mr. Jowers drove up and parked right behind your car bumper to bumper. You were in his parking place there.)*

*I believe you have different witnesses testifying to different things. Mr. Jowers did not park right behind my Mustang. I don't believe it was ever parked directly in front of the door. I didn't have no intention of trying to remember subsequently just where I parked it, but I know it was very close to the Grill. I believe it was 10 to 15 feet south of the front door of the Grill. I don't recall having had any problems getting out of the space. I traveled north on Main Street three blocks or maybe six. I turned right and went one or two blocks at most and turned right again. I found a service station and asked if they could fix the tire and the attendant said they were busy. This would have been about 6 o'clock.*

*I had clothing in the car. Because I didn't want anything stolen, the only thing I took to the room was an overnight case and I took something to cover the bed with, maybe a bedspread or sheet. I don't know where the bedspread came from or how long I'd had it.*

*I didn't see anyone else walking around upstairs at the rooming house or any residents during all the time I was up there. After paying for the room I may have gone into the bathroom, but I don't remember it. Subsequently I discovered that it was on the same side of the building as my room across the hall and further back down the hall. I can't describe the bathroom except from what I've seen in pictures. The pictures show a bathtub and windows and a toilet bowl. I never*

*looked out the window that was in the bathroom and don't know if I was in the bathroom. I may have been in it but don't have any recollection.*

*After I paid the rent for the room I was in there probably less than five minutes before Raoul came up. He suggested that I bring my clothing up there and suggested that I go get the binoculars. He mentioned that early on. He mentioned that we might be there two or three days. I did not tell him that I had registered under the name Willard. At the New Rebel motel he suggested that I check in under the name of Galt, but I didn't want to do that. I thought it would be a mistake if there were to be guns around. I had registered at the New Rebel motel using the Galt name, but when we talked about renting a room at Jim's Grill and using my name--I can't recall exactly when it was. I just used the name Willard.*

*I was up there five minutes when Raoul came up and suggested I get my personal articles out of the car. I did that, but I don't know when. I brought the overnight case up there and a sheet or a bedspread. I don't know just when I brought them up or whether it was before I brought the binoculars up there.*

*When I rented the room it would have been between 4 o'clock and 4:30.*

*The attendant at the service station was busy and I wanted the tire fixed right away. There was another service station nearby but I don't think I stopped there. I kept on going south and then turned right (west) toward Main Street. At the intersection I looked north and there appeared to be policeman or people running around. I saw a squad car and it looked like he was blocking off the street. So instead of turning right and going back in front of Jim's Grill, I turned left, out of town.*

*The neighborhood was run down, a black neighborhood, and I drove slow. I finally got on one of the main streets. I think I was veering off to the left to get on one of those main streets, and when I did, I kept driving slow.*

*I intended to call Raoul's phone number and talk to his intermediary in New Orleans and ask him what, if anything, was going on. I didn't want to room at a place the police had just raided. I did not know the intermediary's name. I imagine this would have been a little after 6 o'clock. I did not call him because after 10 or 15 minutes there was a report on the radio that Martin Luther King had been shot and subsequently another report saying they were looking for a white man in a white Mustang and, you know, there are not many white men in white Mustangs driving around town. I assume there were not many white Mustangs around that were involved in crimes. The car fit my description. I would have to assume that they would probably be looking for me.*

*I do know there was a report that there were two white Mustangs parked out there that day. I don't recall seeing another white Mustang. I recall several white cars were parked along there in that general area across the street.*

*After the report about the white man in the white Mustang I decided not to contact Raoul's number. By that time I was probably in Mississippi and as soon as I got the chance I turned left and got on the highway toward Birmingham area. I never had any more contacts with Raoul or anyone else after that. I wouldn't want to contact him if a major crime had taken place. I assumed I had been had. The report was out on the police radios to look for a white man in a white Mustang as a suspect in the shooting of some individual. I'd had 20 years in the Missouri prison and didn't want to get stopped for anything.*

*On the way to Birmingham it started raining slightly. Raoul never did pick up the camera equipment in Mexico and I threw it all in a ditch and wiped my prints off the Mustang and drove on to Atlanta*

*Because I heard that Dr. King had been shot and they were looking for a white man in a white Mustang, I assumed there was a strong possibility that they were looking for me based on what I heard on the radio. I don't think that they were looking for me because I actually did it.*

2044

*I wound up in Birmingham sometime during the night, maybe 1 or 2 o'clock. Once I left Memphis I had no further contact with Raoul or his intermediary or anyone else. I never tried to contact him. I had contacted him pretty regularly the last few months before that, but now the situation had changed. Before, there were no indications that any crimes had been committed. The radio report changed that altogether.*

*I knew he was engaged in criminal activities, but that was a different situation. If you get away with the crime more or less, taking something across the border, there is no reason then to cut off contacts with some individual. But if you are involved in something and the police are going to connect you with some serious crime, my thinking is that you should get away from them. I didn't know if Raoul had committed this crime. I think it's a possibility. Of course someone had been up there with him. I didn't know. I didn't necessarily think he committed it, but he was up there and he was interested in the rifle and you had to come to the conclusion.*

*I didn't know anything about Dr. King.*

*I just drove through Birmingham and went on to Atlanta, arriving there at daylight,*

*7 or 8 o'clock, and caught a bus out about 4 o'clock. I believe I went to Indianapolis, I'm not certain. I think we got there about 2 or 3 in the morning. It was a layover. From there I went on to Detroit.*

*I left the Mustang in a private parking lot in Atlanta. At that time I thought it was possible that I was a suspect in the assassination. Beyond the fact that I was a white man in a white Mustang I suspected it because of our actions before that--our criminal activities and drug smuggling and Raoul's request that I purchase the rifle. Based on my situation at the time I had to assume that the police were after me on other charges and that I could very well have been indirectly involved in the murder of Dr. King. Probably I was directly involved. I was hauling Raoul around the country and doing things for him. I didn't necessarily know what he was doing.*

*Raoul never mentioned Dr. King to me. I never saw him reading any newspaper, except when, I think, we were looking for the Aeromarine Supply when we were trying to purchase the rifle*

*(Mr. Garrison states that Mr. Ray earlier said he had not listened to news, because he knew nothing about Dr. King's accounts.)*

*I always leave the radio on when I'm driving, because it's kind of boring. I took note of the news this night, though I hadn't taken the news of the events before that.*

*(Mr. Garrison points out that there were riots in Memphis and people were killed, that Dr. King was there, and Mr. Ray claims he did not know anything about this--and yet 10 minutes after Dr. King was assassinated, Mr. Ray knew about it.)*

*Dr. King's assassination was on the radio and there were riots all over the United States at that time. If I was just driving down the street and there was something about Martin Luther King or anyone else, I wouldn't have thought anything about it, but they were talking about a white man in a white Mustang, and I was kind of hyped up anyway because I saw the police in that area, so naturally I took notice.*

*I don't recall seeing plenty of police officers at the fire station a block away from Jim's Grill when I first went there and moved the Mustang and parked it 20 feet away. I don't recall them seeing me there. My understanding is that all these police were called off a couple of hours before Dr. King was shot, so I think the only police there were in the fire house.*

*I traveled through Indianapolis and from Detroit went into Canada. I arrived probably April 6, and stayed until I got a passport. The first time I went to*

*Canada I called a travel agency and they told me I needed a guarantor, someone who knew me for two years, before I could get a passport. The second time, I went to the travel agency in person and talked to the travel agent. I used a name I got out of a newspaper, Raymon George Sneyd. I told the lady I was a used car salesman from Sudbury in North Canada and said I was having trouble getting identification. I had previously gone through Toronto in, I believe, 1959, on the way to Montréal. She told me another clause the passport law allowed that if you would sign a sworn affidavit saying who you were representing yourself as, you could get a passport. At the time I believe I did not have any identification, just the guy's name. Subsequently I think I got his birth certificate, sent in two dollars to the Registrar General's office and found out how to get research. I had three different names, and I called these individuals and found out that Raymon George Sneyd never had a passport, so I assumed that his photograph would not be on record. I got a passport in his name.*

*I had to wait for the passport, I guess it arrived sometime in May, and then I bought a round-trip ticket to London. I think I paid about \$350. I did not get any more money from any source. In Memphis I had \$1500 or \$1600. I stayed in Toronto at two addresses. I was living on Ossington Avenue, told the lady I worked days. I rented another room a couple of blocks from there owned by some Chinese lady, and told her I worked nights. Rooms cost \$10 or \$12 week. I was not working. I did not pull any robberies.*

*It was probably the 8<sup>th</sup> or 9<sup>th</sup> or 10<sup>th</sup> of May that I flew to London. I believe the airline was BOA. I had the one passport when I first arrived there. I exchanged the round trip ticket that same day for a ticket to Portugal. I wanted to catch a ship to some English-speaking country in Africa, not necessarily Rhodesia. First I was going to try to Nigeria and Biafra. I think I arrived in London in the morning and left that first night, flying on to Portugal. I stayed there 10 or 12 days. I was getting kind of low on money and was going to try to catch a ship. In Portugal I stayed at The Hotel of Portugal. I saw some individuals that worked in the government there, but did not see anyone that I knew.*

*I was having problems getting a visa, so when I left Portugal, I went back to London.*

*I went to Portugal initially because it's a seaport and I assumed you could probably catch a ship out of there. I did not try to contact Raoul. I asked a Portuguese official in the Foreign Ministry about going to Biafra and he recommended some private organization, and I checked with it. That's the only contacts I had Portugal.*

*After the assassination of Dr. King, I did not contact Raoul again. He would have been the last person I'd contact. I did not know who he was. He'd been in the*

*rooming house. He might have tried to kill me. I was concerned about surviving. I wasn't concerned about contacting him or what he might do for me. I had done a lot of things for him previously, even gave him a gun, and he didn't try to kill me. But he wasn't involved in any murder charge then, either. I assumed he was involved in it because he was in the rooming house. I never knew his last name, never knew where he was from, never knew anything about him.*

*He could have killed 10 people for all I knew, but I wasn't afraid of him before the assassination. I had no reason to be afraid of him. I had been connected with lots of criminals. I wasn't afraid of them, but you get one where they're involved in a murder or something and you have to be a little cautious. What was the point in calling him on the phone unless I was going to meet him or have him send me money or something? I had called him several times from Los Angeles and other cities over the several months, but there was no reason to call after that. I certainly didn't want to meet with him. I was moving pretty fast. The police were after me, and I had no interest in contacting anyone I knew. I didn't even contact my brothers.*

*Initially I thought the police were after me because I was a white man in white Mustang. But I got to hear more newspaper reports and things. I used to buy a newspaper every morning and read it if there was something interesting. Riots in Memphis, Tennessee would not have been interesting to me. I didn't care about riots. After being a white man in a white Mustang I had a personal interest.*

*When I went back to London the second time I was arrested.*

*I was never behind Jim's Grill at any time. I have no recollection of ever seeing the Lorraine motel. I may have seen it, but I don't know. I have seen Dr. Martin Luther King on television, but never in person.*

*In the late 1970s I identified a photograph of someone that I thought was Raoul. I was almost certain it was he. The photo was of his face. I should reserve my answer on other photos because we are checking into things.*

*(Mr. Garrison states: you can reserve it if you want to. I already know what you were supposed to have said.)*

*I keep records of all this, but sometimes your records get mixed up. So I want to keep these as specific as I can when I start testifying, because I have always had a lot of problems with news media and if you're wrong on a date or time or something they'll say I lied. These people have been very hostile, and they look on someone with my background as vermin. I don't want to give them any excuse to make a big issue out of a small matter. I want to get all the details straightened out. Within the last few days I was shown a photograph of some*

*person purporting to be Raoul.*

*I think I was in Jim's Grill only twice. I thought I was in there a third time, but probably I wasn't.*

*I had gotten a passport in Toronto. At Kennedy Travel Agency the lady explained to me the procedure to obtain one. When I was there before, I made a mistake. Instead of going directly to the travel agency I tried to get the information on the telephone and did not get the information about signing a sworn affidavit.*

*I don't believe I was ever in Houston, Texas. I know people have been investigating Raoul and Percy Foreman, but I don't know about these investigations. Mr. Foreman did not say whether he knew Raoul. There was a picture in, I think it was Life Magazine, and three bums were arrested on the Kennedy assassination, and he wanted to know -- if the prosecution would arrest him and bring him to Memphis, would I identify him as Raoul. I said no because the individual in the picture was not Raoul. That was the last time he ever mentioned anyone named Raoul.*

*I have no recollection of ever having seen Mr. Jowers face-to-face before yesterday. I have no direct knowledge of any involvement he had in the assassination of Dr. King, only what I have heard through the news media. The lawyer discussed this lawsuit with me, but the only information I have about Mr. Jowers's possible involvement was what I have read in the newspapers. The attorneys don't go into all the details.*

*I have been in prison now for 26 years of my life. I pled guilty in 1969. I did not assassinate Dr. Martin Luther King, I never shot at him, I don't know who did. I wrote that book but I'm not responsible for everything in it. Initially that book was published by Tupper Saussy.*

(Mr. Bledsoe, reading the transcript, comments that he is skipping from page 285, line 13 to page 292, line 14.)

(After lunch break, Mr. Bledsoe continues his reading at page 296, line 6.)

*I never knew a Frank Liberto. I have heard that name. I don't know the first time. I believe the Congressional committee investigating the Martin Luther King case referred to Frank Liberto. If that's the Memphis produce person you are talking about, I have heard it from some other source, but can't recall just what all sources I have heard from. I think the first time I heard it was 1977 or 1978. I have never been at the L & L & L produce company in Memphis.*

*I was never in a bar in Memphis that I can remember except the bars I*

*mentioned earlier. The ones on Main Street are the only ones I recall. I had no contact with other persons in Memphis than Raoul when I was there. I have only been in Memphis one time, other than passing through, the time I spoke about on April 3rd and 4th.*

*I have never heard of Joe Cacamecei, or Larry Mann.*

*I don't believe that Raoul smoked. Our conversation was business, no social conversation generally. I don't pay too much attention to males unless I'm concerned about violence.*

*I met with Raoul in New Orleans back in December 1967 at the Le Bunny Lounge on Canal Street just that one time, probably 30 minutes. We drove together for at least two or three hours from Atlanta to Birmingham. I don't believe I noticed whether he was right-handed or left-handed or had any scars. I don't believe he smoked.*

*I believe that when I left the Mustang in Atlanta it was locked. I don't know how ashes alleged by the FBI report to have been in the ashtray might have gotten there. They claim there were cigarette butts, but I never did look in the ashtray because I don't smoke and there would have been no point in me checking. I don't know how they got there.*

*(Mr. Garrison states that Mr. Ray has a lawsuit pending against Mr. Jowers in the Supreme Court.)*

*I am currently involved in other litigation. I have two lawsuits in District Court in Nashville. One of them is trying to get a file on ex-Governor Ed McWherter from when he was under investigation for criminal activities several years ago. Several of his aides were under investigation for corruption, and two of them committed suicide. I've been trying to get copies of those records. McWherter has been very hostile towards my interests, and I want to see what his motive is.*

*My second lawsuit in District Court in Nashville is pro se. Both of these are Freedom of Information Act lawsuits. I also have a suit in Washington DC for the classified records of the Martin Luther King case. That's in the United States District Court for the District of Columbia and that is pro se. I also have one against the Tennessee Board of Paroles in the circuit court in Nashville. Apparently the parole board decided beforehand not to give me parole. They had a hearing beforehand which would've been in violation of the Open Records Act, the Sunshine Law. My attorney representing me on that is named Andrew Hall in Wartburg, Tennessee. I may have other pending litigation but I think that's it. I have filed quite a number of lawsuits in the past for libel.*



*(Mr. Garrison terminates his examination of Mr. Ray, and Dr. Pepper initiates his cross examination.)*

*(Mr Bledsoe continues to read from the earlier transcript.)*

*I don't recall seeing a fire plug by or around Jim's Grill when I parked the car near there on April 4. I could have seen it. I would not have parked around a fire plug. If there was one south of Jim's Grill I would not park around it. I wouldn't do anything to get a traffic violation and maybe get arrested.*

*If I were parking away from the fire plug I suppose I would park north of the plug unless it was right in front of Jim's Grill-- if there was a space there. I don't remember seeing that plug.*

*In my testimony I mentioned an FBI informant named Jack Gawron with whom I had some contact.*

*(Dr. Pepper states that Mr. Gawron did time did with Mr. Ray's brother.)*

*Mr. Gawron is dead. Neither I nor anyone associated with me as far as I know had any communication with Mr. Gawron about the Martin Luther King case in recent years before he died. I have no reason to think that Mr. Gawron had any communication or contact with the FBI at the time I knew him and I was on the run. The first I knew he was an informant was when he testified against my brother on bank robbery charges in 1971.*

*I don't have any proof that he was in contact with the FBI at the time I saw him when I was a fugitive from Jefferson Penitentiary, but subsequently he told them that I had robbed a bank in Illinois, so he must've been in contact with them in 1968.*

*I probably took the room at Cherpes' Boarding House in Birmingham after getting the name out of the newspaper. I'm not certain.*

*My Alabama drivers license was under the name of Eric S. Galt, Eric Starvo Galt. I don't know why I used that middle name. I probably heard about it or read about it or something. Nobody ever told me that I needed a full middle name for an Alabama drivers license but generally everyone has a middle name. I got the name Galt before I ever thought about applying for an Alabama drivers license. I came by that name Starvo myself. I believe that's the only time I ever used that name.*

*Raoul did not suggest to me when we were in Mexico that I go to Los Angeles. He asked me where I was going at I told him probably Los Angeles to try to get*

*out on a merchant seamanship. I don't know what I told him. He said okay, when you get there check the General Delivery.*

*As to markings on maps, usually when I go into a large city if I think I'm going to be there any length of time I'll put markings on maps to get bearings on where I came in and where downtown is.*

*In Birmingham I mentioned several times being at the Starlight Lounge. I don't remember being at the Gulas Lounge away from the downtown area. I was in a lounge, it might have had that name, but it was not far from the train station. It wouldn't have been outside of town*

*During the period of my fugitivity, April 23, 1967, until I fled to Canada, it was my general practice to buy a newspaper every day. I was not looking at anything in particular. I would read it in general, read the sports page, and just got in the habit of doing it.*

*During the time after my escape in late August 1967 until Martin Luther King was killed April 4, 1968, I never took note of where Dr. King was in the United States, what he was doing, where he was speaking, or anything at all about his movements. When I left Los Angeles and came to Atlanta I did not know anything about him.*

*I have no idea why Raoul wanted me to go to Atlanta. He didn't say. Once we got there he said he wanted me to drive him to Miami three or four days, but he didn't explain why, or what the deal was.*

*(Dr. Pepper states that Mr. Ray has testified that when Raoul stretched at one point Mr. Ray's saw in his back pocket as his jacket raised up something that looked like a transmitter radio.)*

*Subsequently I thought maybe that device was a walkie-talkie, but I didn't pay much attention to it.*

*When I described the bathroom, it was not from present recollection but from the photographs. I saw photographs with a bath and a palm print. I have no present recollection of how that bathroom looked.*

*During all of the time I was wandering around the United States taking instructions from Raoul I never had any indication or sense myself that I would be involved in an assassination conspiracy against Martin Luther King. It was just common crimes--smuggling and selling guns and such. There was never any hint or indication that I was getting involved in a conspiracy to kill Dr. King.*

*The first time I saw I might have been involved, however unknowingly or implicated or set up, was after I heard the report that Martin Luther King had been shot. I can't exactly remember my thought process, but soon after that I assume that I might be subject to a murder charge.*

*At some time I came to believe that Arthur William Bradford Huie was relaying information to the FBI. He was publishing all this information in the magazine, and that one time Percy Foreman told me that Huie could get information from the FBI in a few hours that would take him a couple of weeks. I don't know why Foreman told me this, but in my experience the police don't give you information without you giving them information. So I assume that he was cooperating the FBI. And subsequently I learned through books that he wrote, that he would work with the authorities in racial cases. One of those books was, I think, *Three Lives In Mississippi*.*

2098

*William Bradford Huie at one time promoted an offer to me to admit guilt in this crime in exchange for money and a pardon. When the Congressional committee was investigating the case, I think it was 1977, maybe 1978, he contacted my brother, Jerry Ray. This was during a time when Gov. Ray Blanton of Tennessee was having some problems with the authorities. Huie told Jerry on the phone that if I would go in front of the committee and admit to shooting Martin Luther King or words to that effect, he would give us \$250,000 and he could get a pardon from Gov. Blanton. I think my brother asked him how he would do it, and he said he could work it out some way based on problems that Blanton had on his own. My brother told Mark Lane about this, he was then representing me, and Lane advised my brother to contact Huie again and asked him to say the same thing on the phone. Lane gave him a phone tap device and Huie told Jerry the same thing--he would give us two hundred and something thousand dollars if we went in front of the committee and took full responsibility for the Martin Luther King murder. Mark Lane then sent the transcript and the tape recording to the Select Committee investigating the MLK case*

*A previous attorney of mine, Jack Kershaw, also communicated a similar offer from Mr. Huie to me. I can't remember the details and don't have a clear recollection. That would be hearsay more or less. He contacted my brother on the phone and I have heard the tape recording of it and read the transcript.*

*As of 1967 or 1968 I assumed that Raoul was between 35 and 40 years old.*

**(Redirect examination by Mr. Garrison.)**

*(Mr. Garrison states that he's having problems with some of Mr. Ray's testimony. He states that Mr. Ray has just testified that he had a habit of getting maps when he entered large cities. He asks if Mr. Ray had maps for those cities showing markings.)*

*In Memphis I didn't think I would be there long, and after Raoul told me I would be there three or four days, I was running errands for him, I left that same day, and had no time to buy maps.*

*I may have a map of Birmingham. I don't know what all I have. There is a list. Birmingham is not really a large town like Atlanta.*

2102

*I understand that a palm print was found in the bathroom at this rooming house. I think I have seen a picture of it. I think that William Bradford Huie claimed it was mine, but subsequently they found it belonged to a policeman.*

(Mr. Bledsoe announces that this is the end of the deposition reading, and the document is marked Exhibit 37.)

**(Mr. Garrison announces that the defendant rests.)**

(**Dr. Pepper** states that he has a few pieces of rebuttal evidence, starting with three newspaper articles published at the time. One deals with the existence of a second white Mustang. The other two deal with the presence of someone in the bushes.)

(Dr. Pepper states that in an article dated 4/5/1968 in the Commercial Appeal, a journalist, **Robert Samsut**, reports "After the shot, Solomon Jones--who was Dr. King's chauffeur--said he saw a man with something white on his face creep from a thicket across the street.")

(Dr. Pepper states that an article dated 4/5/1968 in the Memphis Press Scimitar by attorney and then-journalist **Wayne Chastain**, Solomon Jones is quoted as saying "he looked over his shoulder and about 25 feet away he saw a man jump out of some bushes and run. He had something white on his face.")

(The above documents are marked as collective Exhibit 38)

(**Dr. Pepper** reads from the deposition of **Betty Jean Spates** taken November 3, 1994 starting at page 11. A summary follows.)

*When I worked at Jim's Grill I was there every day. Sometimes I would go in at 4 o'clock in the morning, and stay until closing-- but not straight through. I would leave and come back. Usually closing would be around 3 o'clock in the morning. The place was almost open 24 hours a day. At the same time I was working also at Seabrook Wallpaper, 421 S. Main, across the street from Jim's Grill, working both those two jobs. I guess I would have been a full-time employee at Seabrook's, a shipping clerk.*

*When I started working at Jim's Grill, one of the things I did was wait on tables. Mr. Jowers sold beer, but I did not serve beer to the customers. Sometimes I operated the cash register. I did not do any cooking. Mr. Jowers was in and out. The restaurant was open seven days a week.*

*I worked continuously at Jim's Grill from the summer of 1967 on.*

*(Page 41, line 19)*

*With reference to an affidavit, I remember saying "I vividly recall that Lloyd was once again nowhere in sight inside the grill at about 6 PM. So again I went back into the kitchen for him." I don't remember the times.*

*I remember saying "While I remember hearing a sound like a firecracker going off, and within seconds, Lloyd came running through the back door carrying another different rifle." I don't remember it exactly like that. The statement is essentially correct.*

*I remember saying "He was white as a ghost and very excited and wearing black trousers, a white shirt, and a black bow tie as usual. The gun he was carrying had a shorter barrel than the first one, and the handle was a darker shade of brown. Full stop. It also had a scope and something screwed on to the end of the barrel."*

*I remember saying "He looked like a wild man. His hair was all messed up and he had obviously been on his knees on the damp ground because the knees of his trousers were wet and muddy. He looked at me and saw me looking at him and he said words to the effect, you would never say anything to hurt me, would you? And I said, no, of course I wouldn't."*

*I do not understand this statement: "only twice did he refer to the incident, once as it happened and he saw me watching him and then sometime later when he said to me some words to the effect, you would never say anything to hurt me, would you?"*

*I remember saying "Only twice did he refer to the incident, once as it happened and he saw me watching him and then sometime later when he again said to me words to the effect, you would never say anything to hurt me, would you?"*

*(Reading from deposition page 46)*

*It's true what I said, "I finally told the details of this story to Dr. William Pepper, the attorney for James Earl Ray, in 1992 and was going to testify at the HBO tele-trial of James Earl Ray but did not testify because I was too frightened."*

*I don't understand this statement: "Recently I was interviewed by investigators from the TBI--the Tennessee Bureau of investigation--who I understand have been looking into Loyd Jowers's story at the request of Shelby County Attorney General." It's true that I was interviewed by an investigator. It's true that I recall that he did not ask me what I knew about the killing of Dr. King or what I saw but only asked me to answer yes or no to various statements contained in Mr. Kenneth Herman's affidavit of 25th January, 1994. They also asked me if I had been offered money for my actual story. I said no. It's true that Mr. Herman's statement was basically correct as to what I saw, and I told them so.*

*I remember saying that I was surprised to be shown an article in the Tennessean newspaper on Thursday, February 10, 1994 which stated that the Shelby County Atty. Gen. said that three witnesses, including myself, who had tied Jowers to the assassination now said nothing about Jowers's involvement, full stop.*

*It's true that I said no such thing to the TBI investigators and resent any statement that I did. It's true that I said I will not retract the truthful account of the events which I witnessed around 6 PM on Thursday, April 4, 1968, which confirm Mr. Jowers's involvement.*

*I remember making the following true statement: "I confirmed that no one has paid or offered to pay me any money for relating what I saw. Based on everything I know, James Earl Ray was not the person who shot Dr. King. Other persons have tried to get me to change my story, saying that if I did so, I would benefit financially. I refused to do so and will continue to refuse. I resent any attempt by the Atty. Gen. or his TBI investigators to imply that I am telling lies for money. The story I told is actually against my interest, but nevertheless I tell it because it is the truth and I believe that an innocent man is in prison."*

(Reading from page 83)

***(Redirect Examination in the deposition by Mr. Garrison.)***

*I remember seeing money on the day before this occurred. It was in the kitchen stove to the left of the door. There were a lot of bills, not coins, at the front. I don't know if they went all the way to the back. They were stacked very neat. I couldn't tell the denomination. It was a large stack; it was packed from the bottom to the top.*

(Reading from page 21)

*Mr. Jowers and I engaged in a sexual relationship many times in 1967, 1968 and on into the 1970s. That would've been at 418 S. Main. I'm not sure about 990 Oakview. There would not have been any other place other than 418 S. Main. That would have been it, mostly. I don't recall any other person being present when I and Mr. Jowers engaged in any type of sexual activity.*

(Mr. Garrison reads from page 5 of Ms. Spates's deposition. Summary follows.)

*I believe I met you, Mr. Garrison, one time before this. I'm here under subpoena and understand it is in effect a court order for me to appear and testify under oath, the same as if I were in a courtroom with the same oath.*

*My full name is Betty Spates.*

(Reading from page 7)

*I remember meeting with you in your office one day, but don't remember when. That is the only time we ever met before today. In this previous meeting we never discussed any payment to me about any kind of statement or any facts of this case or anything about how I would make any amount of money. We never discussed any amount of money in this case that would be paid or promised or anything.*

(Reading from page 25)

*I have seen Mr. Jowers with a rifle. I have seen Mr. Jowers with a pistol. I've seen him with one since I've known him. I've seen him with a rifle at some time since I've known him. I don't remember if the rifles I saw him with had a scope on them.*

*Mr. Garrison asks: "on April 4, 1968, do you recall any incidents that day, that afternoon, in the area of the range around 6 PM where you heard something, a*

*noise in the back of the grill?"*

*I can't remember the time or whether it was that date*

(Reading from page 27)

*It sounded kind of like a loud backfire. I have no idea where it appeared to come from. I was in the kitchen alone. I don't remember where Mr. Jowers was. I don't remember whether I saw Mr. Jowers with a gun, a rifle, at or about the time or after the time I heard this noise that sounded like a car backfiring.*

(Reading from page 31, a question from Dr. Pepper.)

*The TBI then came to my house, they were recording what I said and they also wrote out some statements and answers. I didn't read it. They asked me to sign it and to swear that I was telling them what I remember about it. I understood all the questions they asked me.*

(Mr. Garrison reads from page 52)

*Before the assassination of Dr. King I had never seen Mr. James Earl Ray. I first saw him on TV and that was the first time I ever heard his name called. I did not recognize him as someone I had ever seen previously at any time, and had never seen him in the rooming house near Jim's Grill, in Jim's Grill, or anyplace nearby.*

(Mr. Garrison reads from exhibit taken by the Tennessee Bureau of investigation, statements which were marked as an exhibit to Ms. Spates's testimony. Summary follows.)

*It wasn't unusual to see Lloyd with a handgun but not a rifle. As to Kenneth Herman's statement that I said James Earl Ray is innocent, that is false. I have no information that James Earl Ray is innocent of the murder of Dr. Martin Luther King. I also didn't see Lloyd Jowers come into the rear of Jim's Grill at 6 PM. I was at Seabrooks working when some of the girls started crying and saying Dr. King had been shot. I ran across the street Jim's Grill to be with my sister Bobbi. The policeman came in and told us to go to the kitchen area of the Grill. We were locked in the Grill for about an hour with other patrons. Maybe a week before the murder of Dr. King, my sister Alda showed me a lot of money in the kitchen of Jim's Grill in a broken stove. We were going to get some, but Lloyd put a German Shepherd in the back there so we couldn't get it.*

*I am familiar with William Pepper, Kenneth Herman, and Lloyd Jowers. I'm not familiar with Wayne Chastain. Originally I lost my job at the Arcade Restaurant*



*due to publicity associated with the death of Dr. Martin Luther King. I did not see Lloyd Jowers come in the rear, come into the restaurant on 4/4/68 with a rifle or gun of any kind around 6 PM. I did see him come in the grill between 11 and 12 noon on that day. I went over there to talk to my sister Bobbi. I was a shipping clerk at Seabrook. From 11 AM to 3 PM I did see Lloyd coming to the rear of the Grill with a rifle. I asked him what he was going to do with the rifle.*

*Kenneth Herman, Loyd Jowers, and reporters from London wanted me to say I saw Lloyd on 4/4/68 with a rifle at 6 PM rather than between 11 and 12 noon.*

*I don't remember the names of any of the people I worked with at Seabrook. I do not recall meeting or seeing James Earl Ray at Seabrook buying wrapping paper on "4/4/94".*

*I have no information to offer which may reveal that James Earl Ray is innocent of the murder of Dr. King.*

*I did not give my mother or my brother, Essie White, a rifle to keep for me which may or may not have been used to kill Dr. King which I got from Loyd Jowers.*

(The above document is marked as Exhibit 39.)

(Dr. Pepper asks that the entire deposition text be placed in evidence.)

(The jury is excluded and Mr. Garrison states his desire to renew his motion for a mistrial, saying that if his client had been there, he would be testifying at this point, but he is not able to be there.)

**(Mr. Garrison moves for a directed verdict in the case based on three grounds. Summary follows.)**

There has been no proof of any damages, no proof anyone had been damaged, no pain and suffering, no expenses, nothing proven as far as damages.

There has been no proof that Mr. Jowers was involved in a conspiracy.

The statute of limitations expired on this case many years ago, long before the suit was filed. I've provided several applicable cases.

The only thing Mr. Jowers has been accused of is taking in a box and taking in some money and coming out the back door, which now the witness has refuted and said she didn't say that. There has been only one witness. Even Mr. King, when he testified, and also the other witness, said that Mr. Jowers simply said I did what I had done previously--take in some money from Mr. Liberto. He said he

had no knowledge that this would be to assassinate Dr. King. He said they told him a box it would be delivered, he didn't know what it was. He took it and was told to be at the back door, not knowing what he would be given, but he was given a smoking gun. He might be guilty of not reporting a crime, but that's after the fact.

Here he is charged with conspiracy. There is nothing to indicate that he was part of any plan to assassinate Dr. King, nothing to indicate that he took any action in that regard knowingly, knowingly taking any action as part of the conspiracy to assassinate Dr. King. No proof has been offered that he did anything except what he had done previously, take in some money from Mr. Liberto, bringing a box into his place not knowing what was in the box or what it would be used for, told to be at the back door and accept something. That is all that has been offered here.

With respect to the statute of limitations, back in 1993 Mr. Jowers was questioned by all of the newspapers, television, Prime Time, and back then it was known what he claimed his involvement was. Numerous cases which I've cited here would indicate this case would bar the statute of limitations. Mr. King and Amb. Young never stated the dates (which would bring it within one year) that they met with Mr. Jowers. Even assuming they had no earlier knowledge of Mr. Jowers's involvement, they would have to say they met with him on a certain date and filed suit within 12 months. That's what the cases say. There's been no proof to that effect.

In the case of Gosnell versus National Chemical, cited as 674 Southwest 2nd 26 Series, the Supreme Court says "we point out that this finding," which they had previously said the one year rule applies to wrongful death statute, "has no bearing on the burden of proof at trial which in this case would require the plaintiff to prove that she acted with reasonable diligence to discover what had happened." There has been no proof here that anything was done to discover what Mr. Jowers's involvement was, if any, in this case. There is no way in the world that the jury could even presume that the suit was filed within the statute of limitations period, even if you go back to 1993.

In Brasswell versus Carruthers, the court holds very stiffly that the one-year statute of limitations for personal injury claims alleged applies to a suit alleging conspiracy.

In this case there has been no proof of damages, no proof of conspiracy, no proof that there is any effort made to discover anything that Mr. Jowers did or had any part in this. There has been no explanation as to what efforts were made, which burden certainly rests on the plaintiff. There should be a directed verdict for the defendant.

**Dr. Pepper responds to Mr. Garrison's motions for a mistrial and for a directed verdict.** Summary follows.

Plaintiffs have been hit with this motion virtually at the midnight hour. It seems that the defendant is determined at all costs to keep this matter from going to a jury and the facts of the case from being decided by a jury after all the proof has been in. With respect to damages, three members of the King family have testified in clear language as to what the loss of Dr. King as a husband and father meant to them as a family. It should not be incumbent upon that family to appear here and justify the pain and suffering they have felt all these years.

I thought we had agreed on a stipulation as to damages. The damages Dexter King testified to as having accepted following our stipulation was that the family would seek only \$100 for funeral expenses.

There has been such an overwhelming amount of evidence in this case as to the involvement of the defendant in a conspiracy that the only reason the plaintiffs have not moved for a directed verdict before this is because the plaintiff wishes these issues to go before a jury for a jury verdict rather than imposing the burden on the court. The testimony and evidence is overwhelming and indicates a conspiracy. It is from the defendant's own mouth and his own experiences and his own admissions that are now in evidence here and that clearly indicate he was involved, although he said he was unknowingly involved. Plaintiffs have provided evidence that the claim is not credible.

With respect to statute of limitations, the evidence is the tape of the meeting. It was put into evidence and testified to by Amb. Young and Dexter King. Clearly on this tape, the date is March 2, 1998. The action was filed on October 2, 1998, well within the one year statute of limitations. Plaintiffs maintain that it was not until the meeting took place with the defendant that plaintiffs knew, had notice, that this man was involved. There were rumors, reports, but plaintiffs sought a meeting with the defendant to clarify the issue. It was not that they didn't attempt to learn as a matter of their own concern and understanding, but they were not able to have that meeting until March 2. The plaintiffs submit that it was only at that point in time that they really did know about it.

Further on the statute of limitation issue, Judge Lanier ruled in *Steve Realty versus Ovasco*, 823 Southwest 2nd, 195 Tennessee, 1991 that the statute of limitations has to be pleaded in the proper time and manner and if it is not raised in the proper time and manner it can be deemed at the discretion of the court to have been waived and could not be relied upon by the defendants. We submit that this is not the proper time and manner for this issue as we are about to close and go to a jury. It is a matter of discretion for the court as to whether or not the court will allow it.

In *Kakamecee* (phonetic) versus *Thurmond*, 282 Southwest 2nd, 633, the court also refused to allow the statute of limitations to be applied because it was not done with promptness. It cannot be used for dismissal unless it is clearly within the court's discretion to exercise it. In the *Gosnell* case that the defendant cited, the court held that "Reasonable care and diligence in discovering a compensatory injury is a question of fact for the jury unless under the facts in the light most favorable to the appellant there exists no genuine issue of fact." So even in *Gosnell* the statute of limitations is a matter for the court.

The issue of damages, that has been agreed to. It has been stipulated.

With respect to conspiracy, the overwhelming amount of evidence even from the defendant himself indicates that he was involved in the conspiracy. The extent of the involvement is admittedly something to be determined yet.

The statute of limitations issue is entirely in the court's discretion, but in our view it is out of time and should not be raised at this moment. We respectfully request that Your Honor allow this case to go to the jury.

(The Court asks who initiated the meeting between the Kings and Mr. Jowers.  
**Dr. Pepper** responds. Summary follows)

Plaintiffs had been wanting this meeting for quite a period of time and had attempted through defendant's counsel to cause the meeting to take place. For various logistical reasons on both sides the date it finally took place was March 2, 1998.

#### **Mr. Garrison responds**

There has to be proof from the witness stand that the plaintiffs have taken steps to reasonably discover the cause of action. This happened 31 years ago. In the first response to this lawsuit that we filed months and months ago, we set out that this lawsuit is barred by the statute of limitations. Of course it is the plaintiff that has the burden of moving that they either filed it within the time or that they used reasonable diligence in discovery that they had a cause of action.

Anyone that watches the news and reads the newspaper knows that back in 1993 Mr. Jowers was on Prime Time and made certain allegations. Even then, the only thing he ever said was, I took in some money from Mr. Liberto, which I had done previously, he told me he would be sending a package. I didn't know what it was, didn't have anything on the box, and he told me to be at the back door. Is that evidence of conspiracy?

"Unknowingly" is not enough. The law says a person must be knowingly part of a conspiracy, that they take some activity in it, and the act be carried out. He says he unknowingly did the things he did previously for Mr. Liberto. I don't think there is anything close to enough to require a person to be charged and held liable for a conspiracy. There has to be proof from the witness stand as far as the statute of limitations that the plaintiffs have taken due diligence or exercised due diligence in trying to find out if they have a cause of action. There has been no proof here.

The only thing Mr. King said, was that we met with Mr. Jowers. There is no indication of time. There was no indication that they tried to meet with him earlier. In fact Mr. King did meet with Mr. Jowers earlier, months earlier. That was long before as to what Mr. Jowers's statement was to him about his involvement.

As the Gosnell case says, the plaintiff has the burden of proving that they filed it within the time or took reasonable steps to discover. There is no proof here. There is no jury question because there is no proof for the jury to decide that they took reasonable steps.

I don't believe that the King family were lying to the fact that Mr. Jowers had come forth. It was in all the news media. I guess everybody around the world knew that he had made some statement. That would have been the time to investigate it, not years later. At this point it is too late. We alleged this in our first defense in this lawsuit months ago. There is no proof of damages here because we had an agreement that if the funeral bill was presented, but it wasn't presented. They've done nothing to prove damages.

The suit should be dismissed and the jury directed to find a verdict for the defendant. The statute of limitations has expired. There has been no proof of damages. There has been no proof that Mr. Jowers was involved in a conspiracy. I can't think of anyone's testimony that would qualify him to be part of a conspiracy knowingly. Even if you put him in the light of the best thing the plaintiff has to offer, there is no proof of a conspiracy.

**Dr. Pepper responds to Mr. Garrison.** Summary follows.

If we had known we were to provide a funeral bill for the cost of Dr. King's funeral, we would have done that. We didn't think this was required. We thought it was agreed that there would be \$100 damage claim as an offset to what the bill was.

In terms of conspiracy, the evidence bears out that Mr. Jowers has said, and he said in the meeting with Amb. Young and Mr. King, that he knew somebody was going to be killed. He didn't know who was going to be killed. He knew something

clearly illegal was going on, and he was part of it. What he has attempted to say is he didn't know it was going to be Martin Luther King. Both Amb. Young and Dexter King found that not believable and so testified on the stand here.

With respect to the statute of limitations, it is within the sound discretion of this court. If that had been a viable issue, why were we arguing for weeks in the case? Why wasn't that issue argued at the very beginning to save the state of Tennessee and the plaintiffs and everyone else concerned with all the costs of these proceedings, not to mention the jury's time and the disruption of their personal lives? That's when the issue should have been raised if it is a real issue and not an afterthought as were about to go to the jury. I submit that it is within Your Honor's discretion to rule on that issue as well.

**Mr. Garrison responds to Dr. Pepper.** Summary follows.

The defendant can raise an issue of defense at any point during the trial. It was the burden to prove this on the part of the plaintiff and there has been no proof as far as the statute of limitations. Had proof been offered the point would be moot. There's been no proof regarding it such that the plaintiffs have taken proper steps to determine that they had a claim against Mr. Jowers. There is nothing the jury can decide as far as the statute of limitations.

**The Court responds.** Summary follows.

I'll reaffirm my judgment on the mistrial and deny the motion.

As to damages, we discussed them in my chambers and I thought that the parties were going to stipulate that if the jury reached a verdict for plaintiffs, that plaintiffs were not attempting to recover a lot of money and it was their purpose to have the truth come out and be sanctified, more or less, by a jury verdict and were only seeking nominal damages. Plaintiffs presented proof that they were asking not for the complete funeral expenses but for something in the area of a hundred dollars.

As far as damages, I believe there was proof of damages in the case. Plaintiffs made it clear that they didn't intend to recover all the damages, that they could never recover from the emotional distress and pain and suffering that they have experienced, but in the course of the necessity to prove some damages, they were only going to ask for nominal damages in the case.

As to conspiracy, Mr. Jowers himself said that he knew something illegal was going on and that he would have done anything to satisfy his obligation to Mr. Liberto, even if it required him to do something more than just hold money and receive a rifle. The proof in this case is overwhelming that he was aware that

some illegal action was going to be committed, and under our theory of conspiracy it is not necessary that he knows who the victim will be. As long as he is part of the scheme and knowingly participates and it causes injury to anyone, he would be part that conspiracy.

As to statute of limitations, it is not that I consider Judge Lanier an authority on the question, but I think that long before when the argument first began I had written "waiver" on my notes because, as I recall, this is the first time that the question of the statute of limitations has been raised before me, and too much has been invested in this case to wait until the 11th hour to raise that issue. The statute of limitations is the burden of the defendant to prove, not the plaintiff, and if the original interview by the Kings and Mr. Jowers occurred at a time that would invoke the statute of limitations, that would have been the defendant's duty to prove. At this point, after all the proof is in, not even deciding whether or not the statute of limitations was a legitimate defense, I believe it is improperly raised at this time.

For all these reasons, I'm going to deny the motions. We will go ahead with our arguments and our instructions and jury deliberations.

.p. 2154

###