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p. 360 **Reverend James M. Lawson, Jr.** Pastor retired after 45 years

### **Direct Examination by Dr. Pepper**

Recently retired from Holeman United Methodist Church in Los Angeles, 12 years Pastor at Centenary United Methodist Church in Memphis. After college work at Bolden Wallace College I did theological work at Olin Graduate School of Theology at Vanderbilt, and at Boston University.

I first met Martin Luther King about February 6 or 7 in 1957. He came to spend a day talking to the university community. I was in a luncheon at noon time with him. He had just finished the Montgomery bus boycott, which had begun in December 1, 1955. It had just finished in January of 1957 and it was the first major nonviolent direct action movement in the 1950s and one of the most powerful. I was then serving as a coach and campus minister in Nog Por, India, and saw the story on the front pages of newspapers. It was on BBC and all the radio stations in India. It was a worldwide story. I had studied nonviolent practice and worked on issues against racism in the United States as a college student and as a graduate student so I have a background of practical experience and theory.

In India, I had followed the work of Mahatma Gandhi at length, and I told Martin King of this experience. That linked us closely. In college at the end of the 1940s I had decided that there was a clear call for me to work in the South to apply creative nonviolence to the eradication of racism and segregation. Dr. King said, we need you right now. So I sped up my calendar to finish my schooling and go south.

Between 1957 and 1968 Dr. King changed. He had planned to become a preacher and then president of a college or university. That's why he did a PhD in theology at Boston University. He expected to follow in the path of some friends of his father, Benjamin Mayes of Moorehouse

College and Howard Thurman of Howard University. Those were his models.

The Montgomery bus boycott during his first pastorate in Montgomery shook his vocational understanding of his course. He wrestled with that. He had not anticipated that he would overnight become a spokesperson for liberty and justice. He had an excellent mind and he recognized that racism and segregation were not a limited issue, they affected economics, not only human relations, but the politics of the nation. It's a violent institution, and still is in the USA.

He was a deep reader and thinker. Exposure to radio and television interviews sharpened his intellectual ability not only to analyze situations but to respond to challenges. Threats on his life that began in Montgomery made him aware of its fragility, but also aware of how dangerous the struggle was and how he needed the spiritual and moral fortitude to work through and live through it. He had a broad sense of the whole world and a commitment to nonviolence.

My workshops on nonviolence for the SCLC and the Fellowship of Reconciliation always included discussion of events in 1960 in Angola and Mozambique. I had colleagues in the Methodist Church who were pastors from those countries, and they were thrown in jail by the Portuguese government with the good wishes of the CIA and the connivance of the State Department. So I brought those things in. Mondo Mondo Laney was a PhD from Northwestern University and a Methodist, and one of the organizers of the self-determination movement in Mozambique. I brought these movements into the picture in my workshops.

We watched Vietnam escalate in 1960. In our staff conferences, meetings, retreats, we talked about these matters steadily. Hardly anyone in SCLC thought the escalation in Vietnam was justified, either from the point of view of Christian faith or from the point of view of Christian nonviolence.

In 1965 an international team of religious leaders decided to see the Southeast Asia situation for themselves. This included people like Martin Niemöller, a German war hero of World War I. He was a submarine commander and a Lutheran pastor after World War I, who then resisted Hitler and was thrown in jail. This international team was formed and the Fellowship of Reconciliation decided to sponsor, and they invited Dr. King to join the team. He could not go, and he asked me to take his place and report to him. The Centenary Church in Memphis gave me extra vacation time so I could do it.

Dr. King spoke about Vietnam in a number of settings, but the one that reached national awareness was the Riverside Church speech of April 4, 1967, one year to the day before his assassination. The speech was given under the auspices of clergy and laity concerned for the Vietnam War, with people like William M. Sloane Coffin and Rabbi Abraham Heschel and some of the best known Protestant, Jewish, and Catholic people in the country. This was his most important and creative speech from the point of view of spiritual understanding, his most prophetic speech.

The reaction in the press and in Washington was intense hostility. The reaction was intensified both in the White House and in the FBI, I think probably also in the military. He was called a traitor. Some black leaders in the movement castigated him. Some people who lacked his theological and spiritual vision felt he was getting out his field. He was a pastor, a prophet, a preacher, a teacher. He was not out of his field. They said no, you are confined to civil rights. Martin Luther King always spoke on much more than civil rights.

In the Bible, justice is an important concept. Liberty is a big word in the Bible and one of his big words in the movement. Our movement was far more than a "civil rights movement". We were

concerned for helping the nation purge itself of a nightmarish part of its history.

He did express concern about the opposition. Around August of 1967 we had a several-day movement retreat at Penn Center, owned by the AFSC South Carolina. He and I went off one afternoon for a long walk in the forest to talk. He talked at length about the full heat he was getting from the FBI and the full animosity of Pres. Johnson. He'd been to the White House several times and had phone conversations with Johnson, but now communications stopped. He was a non-person in the White House.

Behind the scenes there was a deliberate effort to inhibit financial donations. Many of our donations were spontaneous. In the sanitation strike after Bayard Rustin was on television we must have received received dozens of mailbags from New England and New York and in almost every note was at check for the strike, ranging from \$5-\$200. He said that death threats at home and office multiplied.

In 1967 the number of cities burned and the huge one was in August in Detroit. He felt that a lot of it was being promoted by provocateurs and though he did not name them, he suspected that the FBI was often provoking enmity against him.

On April 4, 1967, he said that the war against poverty is being struck down in the rice paddies of Southeast Asia. He was trying to call the nation's attention to poverty, talking about materialism, militarism, greed, and poverty. You could not deal with racism if you did not deal with poverty, and you could not deal with poverty if you did not deal with militarism. Back at least to 1966, the notion began of a Poor People's Campaign to bring a nonviolent movement to the nation's capital to indicate the extent to which economic issues, the violence of racism and the violence of the society could be pulled together. In the fall of 1967 this campaign became his preoccupation.

So many folks in SCLC said this could not be done, that it would be catastrophe. Bayard Rustin and other players called for a moratorium, fearing a catastrophe because the movement was so divided. The Black Power group, the Panthers in Oakland and Kansas City and Chicago, were critical of King's denunciation of the escalation in Vietnam. You always had folk who thought direct action was not important and we should leave it to the lawyers. This was certainly the view of the NAACP Legal Defense Fund.

The confirmation came in December of 1967. We had a retreat of the executive staff and board of SCLC. Long and intense conversations took place and King was convinced that he would move forward with the Poor People's Campaign. There was much opposition from the board. Some had no awareness of the people's struggle for liberty, and some thought Dr. King should say nothing about Vietnam. There was lots of intense verbal struggle in the SCLC.

The movement up to this time was mostly in the Southeast. In 1966 and early 67 we had the Chicago movement. There was intense opposition to SCLC going to Chicago. Some board and staff members felt we had no business moving beyond our Southeastern area of strength. King recognized our need to become a national movement, and our need for confrontation to help the nation recognize its problem. He thought we should go to Washington and stay until Congress and the president decide that they will eradicate poverty in the United States. He also said we will pull together the peace movement and shut down the Pentagon in the summer of 1967. He was going there believing that it would be possible to paralyze Washington and paralyze the government until it faced up to the issue of poverty. I have no doubt that such statements heightened the anxiety of those in power. During this period, J. Edgar Hoover was saying that King was the one number one enemy of the nation.

After Dr. King's death, the movement in Washington was without the numbers, the power, and strength that he represented. But Resurrection City did not turn violent. King had replaced the Gandhi figure in the world. His name was known everywhere at this moment. In the context of urban violence in 1967 those in power could have so dreaded the people's campaign that they might have resorted to any means to make sure he did not lead it.

In 1993, Memphis was rather startled when the front pages of the Commercial Appeal newspaper reported that Martin King had been under surveillance of military intelligence night and day through his entire life. Not just Martin King, but his father and grandfather, since 1917, 75 years of military intelligence surveillance. This country has never been informed what military intelligence was doing looking at his father and his father, A. D. King, during World War I, because they thought that black people would side with Kaiser Wilhelm. Then in World War II, they said black folks would go with the Nazis.

When I picked up Dr. King on his first visit, March 17 or 18th at the airport, one of the first things he said was Jim, you are doing in Memphis what I hope to do in the Poor People's Campaign. He went on about linking economic issues to racism and poverty. He spoke in Memphis because he recognized that these 1300 workers laboring for poverty wages were at the heart of racism. Slavery was working for nothing—subsistence, food, at best—an economic situation that does not want to pay ordinary people their due for their good and essential labor.

Dr. King saw the Poor People's Campaign as a way to show America that it needed to make a decision that we didn't need to have that kind of poverty because we had more than enough wealth, and we have more than enough work and that work should allow people to meet their basic necessities.

The sanitation workers were city employees, but never received just remuneration or opportunity for advancement, and the segregation in the department was rampant. Often the men were humiliated and harassed in the workplace. T.O. Jones and a handful of people had been trying for about six years to organize these 1300 workers into an effective union. On February 12, 1968, all 1300 workers walked off the job, fed up. They were provoked at the time by the death of two other colleagues who sat in one of the huge trucks in a storm and the mechanism failed and they were crushed. Part of the complaint was that when it rained or snowed they had to work in the snow or go home without pay. They needed every hour of work they could obtain. White supervisors would go back and drink coffee and play cards in the barns and get paid for the entire day, but the people lifting the cans on the trucks did not, and had no health benefits. The hazardous job conditions and the deaths of the two men stirred great anger and courage, and they acted without planning or talking to the international union.

You don't have a sanitation strike in February. You do it in July. Mayor Henry Loeb immediately declared it illegal and said they had to go back to work. I immediately began to produce offerings in my congregation to support them and other clergy did so also. There were meetings with City Council members and with businessman and clergy. There was a big meeting at the Civic Auditorium with perhaps 1200 people there. Some of the city council people announced that the council had decided to leave the matter in the hands of Mayor Loeb and then the lights were turned off. And they as much as said the meeting was over. There were angry cries in the crowd and a few of the clergy and some of the international union leaders tried to calm people down. We requested the lights back on and a microphone so we can have a meeting. We decided to walk en masse from the Civic Auditorium down Main Street past City Hall to Mason Temple. Some of the leaders got permission from Commissioner of Fire and Police Holloman to have a nonviolent march.

We got about two blocks south on Main when we a whole line of police cars appeared, rolling

along the side of us. Some of the cars were coming over the yellow line and trying to intimidate the marchers. When some of the sanitation workers put their hands on the police car as though to push it back, then all the police cars stopped. They had planned to do it. These officers poured out and maced everybody they could mace. They had some targets. They dragged some people off. They maced me in the face. I don't think Holloman planned it. The officers in the field decided we were not going to march down to Mason Temple.

About 50 of us stayed together and walked down the sidewalks to Mason Temple. Clergy were descending on it from all directions. We had a major community meeting, and we organized resistance. A strategy committee was appointed, made up of community representatives and union people. We decided to have a mass meeting that week. We wanted national spokespeople, we talked about Roy Wilkins, Bayard Rustin, Martin King. I talked to Martin, and eventually I got the date of March 17 or 18th from Ralph Abernathy. The SCLC executive staff was opposed to Martin changing his schedule to come, but he insisted, and scheduled an SCLC executive committee meeting in Memphis. They decided that Memphis would become the starting point for the Poor People's Caravan that would go to Washington.

On March 17 Martin stayed at the Rivermont Hotel. He'd been in Memphis before for the national Baptist convention, for SCLC board meetings. In June, 1966 James Meredith started his march against fear into Mississippi. He was the first black man to be enrolled in the law school at Ole Miss University. So to help break the fear in Mississippi among black people registering to vote or participating in trying to change their situation, he decided on this one man march. But he was shot just outside of Memphis in Hernando, Mississippi. I was in my office in the church and immediately had a call from Martin King, who asked me to visit Meredith and tell him some of us would pick up where he was shot and continue the march.

I told Meredith that King would come to see him the next day. The next morning as I pulled up at the airport to pick up Martin King in my Dodge station wagon, two well-dressed black men on the patio there walked up and said Rev. Lawson, you can park the car here. They said the Commissioner of Fire & Police, Claude Armour, had detailed some of homicide detectives and robbery detectives to handle Dr. King's security. So from then on, whenever Dr. King came to Memphis, that group of homicide and other detectives gave him 24 hour surveillance. Mostly he stayed at the Admiral Benbow and at the Rivermont at their suggestion. This team protected Dr. King more than once. It was not assigned to his April 3 visit to Memphis.

Dr. King's speech on Monday night the 17th or 18th was the largest mass meeting that had occurred in the movement up to that point in the Southeast. Our meetings were exclusively in black churches, and we did not have sizable sanctuaries. In Birmingham in 1963, we would have mass meetings the same evening in five or seven churches all around the city, and Dr. King and Dr. Abernathy would have to go and speak and all of those places. They would finish at one or two o'clock in the morning. I told Dr. King that in Memphis we had the Mason Temple which would seat 8000 with 5000 more standing. That night we had probably 25,000 people. After his speech, members of the SCLC executive committee said we should come back to march with them..

The march on the 28th was supposed to start at 10. Dr. King and his group didn't get there until 11. We started without him. As we proceeded down Hernando Street the march was not orderly. We turned on Beale and then just before we reached Main I heard what I thought to be windows shattering behind me. I was at the front. Assistant Chief of Police Lux got me a bullhorn. As I turned onto Main I again heard what I thought was windows shattering behind me, but up forward, two blocks ahead I saw people breaking windows, and also a phalanx of police officers with helmets, face shields, all across Main. They were doing nothing to stop those breaking windows, right next to them. I said to myself, well, they are there to break up the march again. Their target

will be Dr. King.

I ran up a block ahead and told our marshals I wanted to turn the march around, and go back to the church, Dr. King was in the first line of marchers and I told him the police would target him and I wanted him to leave. The clergyman with him agreed with me. I asked Henry Starks to take Bishop Smith and Dr. King to McCall Street and back to the Rivermont Hotel.

I walked back through the crowd announcing that we were turning around. We had an orderly return to the church. On Beale Street and Main Street I could see havoc and mayhem—people breaking windows and the police beating people up. The police used it as a pretense. They beat up Vietnam veterans who were having breakfast five blocks away. They beat up Harold Whalum, a well-known insurance businessman who was some blocks away. They broke his skull. He was just walking to his car.

It was police violence that provoked this. There were probably provocateurs that did the looting. We learned later from photographs that many of the looters were Beale Street professionals who told our people that they have been prevented from picking pockets downtown. One young man I'd never seen before was rabblerousing before the march began, and I asked him to stop. I said if he had a different theory he should take it somewhere else.

Dr. King came back to Memphis after this disruption because the principle of the nonviolent movement was to absorb injury to break the cycle of violence. And because we cannot permit violence to stop us. Dr. King was determined to show that the movement could have a non-violent movement.

One of the major issues when he returned in April was that the city had an injunction against our march. We had decided to fight injunctions in federal court and, if that effort failed, we would march anyway. When he came into town, one of his first meetings was with the lawyers. By mid-afternoon of April 3 a steady downpour began. Martin King and Ralph Abernathy were to speak in Mason Temple, but Martin felt that no one would show up with all that rain and he stayed in the motel. Ralph and I went to the meeting and 4000 or 5000 people were there. So Ralph phoned Martin and asked him to come, and Martin delivered that last speech.

March 4 I met with Martin briefly before going to court at nine o'clock for the hearing against the injunction. That was the last time I saw him. I was in court until about around two and then went back to the movement office to check phone calls.

Almost immediately after the assassination I learned things that troubled me. Within the next 24 hours I learned that his normal security group from the police department had not been assigned. I learned that one or two black firemen in the fire station nearby had been transferred in ways that they considered unusual. They contacted me and Ralph Jackson and one or two others about this removal. I learned that Ed Redditt, who was on surveillance from the fire station, was moved hour before. I learned that patrol cars that were patrolling on Mulberry and Main had suddenly disappeared.

I discovered that on April 4, the police band had notice of a white Mustang fleeing the city to the north that got away. There was never any explanation of how that call got on the police band. And now I know that there were two white Mustangs. I've met the drivers of both of them. One was James Earl Ray. I visited him in prison. I sat in the airport in Nashville two or three years ago with the driver of the second white Mustang, and he told me who he was and why he was in Memphis and who owned this car.

I wondered why, when Martin Luther King stayed more often in the Admiral Benbow and in the Rivermont, where this newspaper report came from about why is this civil rights leader not staying in the perfectly good Negro hotel; why is he staying in a white hotel?

I wondered how they had two or three different names for whoever they were seeking, what that was about? And when they captured James Earl Ray, and had him in the county jail in a special cell with 24 hour surveillance, no privacy, 24-hour lights. I kick myself now that I did not go down to the county jail and talk to William Morris about this. It reminded me of the brainwashing that our GIs had in the Korean War. If they've got the evidence about him, why not just simply go to trial? This treatment was keeping him from properly pursuing his defense, and I fault myself that I did not help him at the time.

Then when they had the plea bargain business, I said to myself: here is the most important American aside from the president when he was killed, they are going to have a plea-bargain instead of a trial with a transcript of what the murder is about.

I followed the congressional hearings in the late 1970s and talked with Congressman Walter Fountroy, who chaired the King investigation. I talked to some of their investigators by phone and was called before that Congressional committee. But when they were putting my session in executive session (no public, no newspapers) I declined, because I felt that such important hearings should be public.

In the 1970s, when I visited James Earl Ray in prison, I could not discern that it was racist any more than any of us are racist. The FBI scenarios said he was a racist. I think that as a black man I can discern when people are in trouble from their bigotries. I did not catch any of that from James Earl Ray. Ralph Abernathy, Jesse Jackson, and Dick Gregory Alston, they all said they could not discern that he was a racist. I think they know better than the FBI who's a racist. I visited James for about an hour and a half within the last couple of weeks before his death. I was convinced that he was not a racist.

In the 1960s Dr. King was the Moses of this generation and for America. He was a prophet for the nation, the centerpiece of an emerging movement that had not yet matured. He was the central voice for the black people of America. 98% of black people in America said that King represents us. He was the architect of the movement and the movement was at a critical place. The plan was that after the Poor People's Campaign the movement was going to take a few months off and reorganize. The Civil Rights Bill of 1964 and the Voters' Rights Bill of 1965 and the anti-poverty program had been achieved, but the structures of injustice and cruelty had not yet been challenged and had not begun to change—and they still have not changed.

[440] The assassinations of the 1960s, including that of Malcolm X, prevented the movement from going to the next stage. Young men like King and Malcolm X and others represented emerging leadership that would've aided major reform. That leadership has never been replaced and these assassinations changed the nation forever. Today we have nearly 40 million impoverished people in our country. 200 babies die every day before they're one year old because they can't get the nourishment they need to live—white, black, latino. America has never been able to deal with slavery, the oppression of women, the notion that many huge businesspeople have that a lot of people ought to work and not make living wages. They've not been able to deal with the violence with which we maintain the status quo that hurts and maims many souls. King's motto, the SCLC motto was not civil rights. It was redeem the soul of America. So you can see right away, that is much larger than getting a hamburger at a lunch counter.

### **Cross-Examination by Mr. Garrison**

Dr. King received threats on his life almost daily. Rumors in Memphis were rampant about death threats. I had calls from people afterward. I won't name the businessman whose housekeeper said that while she was serving him supper they were talking about the imminent assassination of Martin Luther King in Memphis, maybe a week before Martin was killed.

I was not at the motel at the time of the assassination. There were five or six people on the grounds at the time that the FBI and the local police never interrogated. Jesse Jackson was on the ground floor and he was never interrogated.

Jim Orange, one of our field directors, claims he saw a figure and smoke in the brush outside-- this side of Main Street. He was never interrogated.

There is a New York Times reporter who was on the same floor balcony. He has written this in his book now, that he was never interrogated. He saw smoke or a figure in the brush above the motel. A number of people who were on the scene are not to be found in the Congressional record or any official police reports.

#### **p. 445 Maynard Stiles**

Retired since 1989. Served the City of Memphis as Director of Fire Services, Director of Public Works, Director of Sanitation Services, Purchasing Agent, Director of Credit.

#### **Direct Examination by Dr. Pepper.**

In 1968 I was a superintendent within Sanitation for about 1/3 of the city. Garbage collection was our primary duty, but we had other duties such as street cleaning, operating landfills, and administration. When the strike began, everything was combined and one of my duties was to liaison with Police Department. I believe my PD contact was Inspector Sam Evans.

The morning of April 5, I received a call from Inspector Evans at about 7 AM requesting assistance in clearing brush and debris from a vacant lot in the vicinity of the assassination, behind the rooming house. I called another superintendent of sanitation, Dutch Goodwin, and he assembled a crew working under a foreman, Willie Crawford. They cleaned the place up in a slow, methodical, meticulous manner. Probably they started no earlier than 10 AM.

#### **p. 451 Maynard Stiles**

#### **Cross-examination by Mr. Garrison.**

I believe I saw someone taking pictures at the site, but I don't know whether he was with the police or was a civilian.

#### **p. 452 Maynard Stiles**

#### **Redirect by Dr. Pepper,**

No researcher or book writer has interviewed me about this cleanup. I've had contacts from the Justice Department.

#### **p. 453 Olivia Catling**



375 Mulberry

### **Direct Examination by Dr. Pepper.**

I have come to share some burdensome information that I have never shared before, except with my family. My house is between Huling and Talbot just off Main at the west side of Mulberry. On April 4, 1968 just before six o'clock. I was at home cooking some chicken, and I heard a shot. Clearly. The kids were out in front of the house. I turned off the stove and we all ran to the corner of Huling and Mulberry. I said oh my God, Dr. King is at that hotel.

I stood on the north corner. Squad cars were coming from South Main Street, coming east down Huling toward Mulberry. They stopped across Mulberry, barricading the street. There was a car parked on the right-hand side of Huling just below a driveway, a 1965 Chevy. It was green. I can't forget it. Then someone came out of the driveway. He had a checkered shirt, khaki pants, a light-colored hat. He got in the car he made a left turn on Mulberry and went down and turned right on Vance going east. He was going so fast I said, it is going to take us six months to pay for the rubber he is burning.

The alley is a dead end. He had to come down that wall. The police saw him do this and they did nothing. That seems strange to me. This was within minutes of the killing.

Also while standing on the corner I saw a fireman standing near the wall and the brushy area. He was in regular fireman clothes, white shirt, standing alone. The others were behind the fire department. I imagine he had been trying to get a glimpse of Dr. King, but it happened before he did. He told the police "That shot came from that clump of bushes." I've got good hearing. From that clump of bushes. And he pointed to them. The police then stepped across the street toward the bushes with their guns drawn, nothing more.

I stood on the corner 'til the ambulance came and took Dr. King away. And also Mrs. Bailey, because both of them died at the same time. She collapsed.

### **Cross-examination by Mr. Garrison**

I was in the kitchen when I heard the shot. The sound was as if it were on my street. When you're going south my house is on the left. The green Chevrolet was a standard-sized two-door. The man had nothing in his hands except the car keys. He unlocked the car and he started it and took off. It was facing Mulberry, so he made an easy left on Mulberry. He burned a lot of rubber in getting away and turned off Mulberry onto Vance and that's the last I saw of him.

There were about four squad cars parked on Mulberry to block it off. They did not block Huling. The nearest police car was 1 to 3 car lengths from where the green Chevy was parked. There were many uniformed police officers there, standing with guns in their hands. I did not volunteer to the police that this man had run out of the alley. They never came and asked. There were many neighbors. The police should have come and said, "What did you see?"

The trees and brush had always been in that lot and hadn't been cut in a long time. The fireman who spoke about where the shot came from was on the west side of Mulberry, just across from the hotel. We were all same side of Mulberry, the fireman was in uniform and he was white. The man who got in the Chevrolet was white, maybe late 30s, 185 to 190 pounds, 5 foot 10. A little shorter than my husband.

At the time I lived there I had never seen anybody walking in that brush area.

**p. 477 Redirect by Dr. Pepper**

The man who ran from the alley/driveway I had never seen before and haven't seen since.

The fireman who said the shot came from the bushes I had not seen on my part of Mulberry, and I have never seen him since. Two of my children were with me when we saw this. They were 11 and 13. They saw the same thing I saw.

To my knowledge no police investigators ever knocked on doors and asked residents what they had seen.

**Recross by Mr. Garrison.**

I cannot say if the man with the green Chevy had anything to do with the assassination.

**p. 480 reading of Statement of Hasel D. Huckaby in 1993**  
5396 Lochenvar Victory, Memphis.

Hasel D. Huckaby is now deceased. Retired from South Central Bell After 36 years.

On April 4, 1968, I was working for Southern (South Central) Bell at Talbot and the East side of S. Main St. at the Fred B. Gattis warehouse across the street from the Fred B. Gattis store. I was doing telephone installation work.

That day I saw an unusual man sitting on the steps. He appeared to be intoxicated, but I didn't believe him because he was sharply dressed, fresh-shaven and clean cut and didn't appear to be one of those people on that end of town that I'd seen there on previous work. He appeared to be on foot and I don't remember any automobiles in the area. I spoke to him and he said something like "I've got to go home." Some six or eight years later this occurrence was brought to my attention again when I met the police officer, Lieutenant Hamby, that took my statement at the police records, and he told me that he remembered.

Some three to five months after, I received a package in the mail about 6 inches square: half a pack of cigarettes, a half box of penny matches and a rattlesnake rattle with six or seven or eight rattlers. I was uneasy enough that I went to the Post Office. I went to the Police Department, but nobody could tell me what it meant. They told me to forget about it.

**p. 487, Mr. Edward A. Atkinson, 1752 Fenton Ave., Memphis**

retired since 1975 after 25 years with Memphis Police Department.

### **Direct Examination by Dr. Pepper**

When I retired, I was in the larceny squad at police headquarters. I started out riding squad cars 4 or 5 years, then went to traffic division, then moved into personnel, background investigations, and then larceny squad. In 1968 I was in the traffic division, generally escorting the paint truck as they striped the lines. When not working with them I worked on the cars. In the evenings I would drive the three wheel motorcycle and turn off the lane lights on Union Avenue. My base was at central headquarters.

I remember a discussion in the spring of 1968 among three or four of us about the crime scene of the assassination. I can't remember the name of the Sergeant who was speaking about this to us. I've heard it discussed several times, and can't remember who all was talking. Captain Earl Clark may have been present at one of these, and I've heard two or three people remark about the line of fire from the bathroom window. I can't remember when Earl Clark was present.

Someone commented that they found a hand print in one of the rooms, but they didn't think the shot was fired from there, and someone said there was a Sycamore tree there such that the shot could not have been fired from that room and had to be fired from another. They didn't say what room this was. Such remarks were made at several different times, and most people who made it didn't know any more than I would because they weren't there and neither was I.

Someone said that Sycamore tree was cut down. I don't know, I've never been to the area. I do recall Capt. Clark being present for some discussion. The remark had been made. Whether Capt. Clark made it or someone else did I don't know. [Note: Dr. Pepper asks him about testimony he gave six years before under oath about Captain Clark. Witness is very evasive.]

### **p. 496 James H. Lesar**

7313 Lynnhurst St., Chevy Chase, MD,

Lawyer practicing in Washington DC specializing in Freedom of Information Act litigation.

### **Direct Examination by Dr. Pepper**

I represented James Earl Ray Ray from approximately June or July of 1970 until 1976, and served as associate counsel at Federal Court proceedings held in Memphis. We had filed a writ of habeas corpus claiming that James Earl Ray was being held illegally and, after four years proceeding through state and federal courts, we got a two week evidentiary hearing in October, 1974 in Federal District Court here in Memphis.

Some of the evidence had to do with the origin of the shot. related to the windowsill in the bathroom of the rooming house. At James Earl Ray's guilty plea hearing on March 10, 1969, the District Attorney for the State of Tennessee, James Beasley, had represented to the Court that the State would have proved by expert testimony that markings on the windowsill from which the shot was allegedly fired were consistent with the markings on the underside of the barrel of the rifle that was the alleged murder weapon, the rifle found in front of Canipe's Amusement Store at 422-1/2 S. Main St.

We felt that statement was a misrepresentation by the State's Attorney. In fact, nearly a year before, the FBI had conducted tests on the windowsill and found that they could not match the alleged murder weapon to the dent in the sill.

Second, we put on an expert witness, Prof. Herbert Leon McDonnell, whose own tests of the window sill led him to conclude that one could not even determine the class of object that made the dent in the sill. Not only could you not link it to a particular rifle, you couldn't even tell that it was made by a rifle.

Then third, also relative to whether or not the rifle was fired from that window, I subsequently represented Harold Wiseberg in a Freedom of Information Act (FOIA) lawsuit, which went on about a decade and ultimately obtained about 60,000 pages of FBI records. Among these were reports by the FBI on their examination of the windowsill, including a statement that no powder residues were found on the windowsill.

Two documents, dated April 7, 1968 and April 11, 1968, are documents obtained under my Freedom of Information Act application. They are documents from the FBI file on Dr. King's assassination, called the MURKIN investigation, MURKIN being an FBI acronym standing for murder of King. They report lab test results and were obtained by me for my client, Mr. Wiseberg, in the FOIA lawsuit we filed in 1976.

The April 11, 1968 document refers to the windowsill as exhibit Q-71 and states "The Q-71 board bears a recent dent which could have been produced by a light blow from the muzzle of a weapon such as the Remington rifle, serial number 461475, previously submitted in this case. The dent contains microscopic marks of the type which could be produced by the side of the barrel at the muzzle, but insufficient marks for identification were left on the board due to the physical nature of the wood." The document also says "No gunpowder or gunpowder residues were found on the Q-71 board."

(The documents are marked as Exhibits 2 and 3.)

These documents from the FBI are clearly inconsistent with District Attorney General Beasley's representation to the court at the guilty plea hearing on March 10, 1969.

#### p. 503 **Cross-examination by Mr. Garrison**

District Attorney General Beasley must have been referring to the FBI experts. The documents in question came from FBI headquarters and are directed to the FBI local office in Memphis. To the best of my knowledge no other testing was done.

My recollection is that in this hearing, we offered evidence that the shot was fired from some location other than the window sill. I think that, among other things, Prof. McDonnell testified that it was not possible to fire the rifle from the bathroom window. His explanation was based on the mathematics, the size of the rifle. In front of the window was a bathtub, and you would have to be a contortionist to be able to fire a shot from that bathroom through the window standing with at least one foot and maybe both feet on the rim of that. He said you couldn't even fit the rifle in the required space because you had a right angle. The bathtub is up against this wall, the window is right in front of it and the rifle couldn't fit in.

Prof. McDonnell made a microscopic examination of the bullet--which by that time had become three bullet fragments. His examination concluded that, contrary to FBI representations, it should be possible to identify whether or not that rifle fired that shot. We did no tests at that time to indicate that the shot came from the brushy area. Subsequently, the House Select Committee on Assassinations did a two-year investigation of the King assassination and concluded that the

rooming house bathroom and the area of the bushes were both consistent with the ballistic evidence as to the angle of the shot.

**p. 507 Ambassador Andrew Young**

1088 Veltra Cir., Atlanta.

**Direct Examination by Dr. Pepper**

Currently chairman of a consulting firm called Good Works International trying to help American businesses share in African development. In the 1960s I was Executive Vice President of the Southern Christian Leadership Conference (SCLC) and a member of Congress from the State of Georgia from 1970 to 1977, Ambassador to the United Nations from 1977 to 80, Mayor of Atlanta from 1981 to 1990.

In 1968. I was Executive Vice President of the SCLC generally responsible to do organizing, fund-raising and serve as Chief Administrator. I started training most of our staff through a citizenship education program, but by 1968 I was largely serving as Executive Secretary to Dr. King. I was much involved in the planning of the Poor People's March on Washington. Dr. King felt that America was plagued by the triple evils of racism and war and poverty. We had been dealing with the problem of race relations, and he was trying to end the Vietnam war and get America to see that we could not exist with people isolated on lonely islands of poverty amid this ocean of material wealth.

The Memphis situation was typical of that problem: you had men working all week long making less than poverty wage. They were trying to organize a union so they could get up to the poverty wage, and they asked Dr. King to support them. The situation of the striking sanitation workers was compatible with the Poor People's Campaign projected for later in the spring, but most of us felt we shouldn't get bogged down in local issues and we should work at the national level.

There had always been a great deal of enmity against Dr. King, starting when he won the Nobel Prize and J. Edgar Hoover said he was the world's most notorious liar. We went to see Mr. Hoover and had what we thought was a very successful and satisfactory meeting, but after we left Mr. Hoover reported it quite differently than what we thought had taken place. There was an effort to undercut us behind our backs, though when we talked with them personally they were polite and even agreeable.

There had always been threats, but we thought they were just from kooks. We did not see an increase in threats against Dr. King's life between 1967 and 68. Only when we were actually on the way to Memphis did they emerge again. Leaving Atlanta, the plane stopped, and they said there was a bomb threat and everybody had to get off the plane. We haven't had that for years, not since the days of Selma and Birmingham in 1964 and 65.

I think I traveled to Memphis before Dr. King because I had to testify in court on the injunction. I saw him the afternoon of April 3<sup>rd</sup> when he arrived. He had a bad cold. I didn't realize it at the time, but I think he was probably upset by the emergence of a threat. He didn't want to do the mass meeting. But we ended up going to Mason Temple. I think it seats about 11,000, and it was jam packed and people all out in the streets. So we told him that Ralph Abernathy would make the main speech but Dr. King needed to show his face and greet the crowd. Ralph introduced him eloquently and Dr. King then went on to give one of the greatest speeches of his life.

The next day, April 4 I went to the courtroom early and stayed all day. I returned to the motel after

the court adjourned about four, and went to his room to report. Much to my surprise he was feeling as jovial and happy as I had ever seen him. When I walked in he threw a pillow at me, said where you been all day long? I said I've been in Court. He said, oh don't hand me that crap and started beating me with the pillow. He was very playful, which was changed from his mood up until that point.

There were half a dozen or so sitting in this room, sitting all over the floor and just talking and having a good time until about 5:30 or 5:45 when he went up to his room to wash up and get ready to go out to dinner.

I just stayed in the parking lot. Jesse Jackson has just come in and Hosea Williams and others had been gathering, and everybody was just sort of milling around in the parking lot waiting to go to dinner at Rev. Kyle's house. Dr. King came out ready to go though it was getting cold and we suggested that he get a coat. He was standing up there considering it when a shot rang out. We thought it was a firecracker or a car backfiring. I looked up. He'd fallen down. He had been so playful before, I thought he was clowning until I ran up the stairs and saw that he had actually been shot.

Over the last three years I've come to consider the new information brought to me largely by Martin's second son, Dexter. We always felt that we didn't know what had happened. There were always questions that we did not take time to answer. He had trained us that his death was probably inevitable but it should not stop the movement, so we were more concerned about keeping the work going than about finding out who was responsible. We continued the Poor People's Campaign, we were active in the election, continued to organize workers and to preach nonviolence and teach. I was involved in politics. We thought this was a way to carry on his work and perpetuate his legacy. Ralph Abernathy's sermon was about the biblical story about the attempt to kill Joseph. Joseph's brother said, let us kill the dreamer, and we will see then what will happen to his dreams. We were determined that though they may have killed the dreamer, his dreams would live on. Our responsibility was to keep the dreams alive because we could not bring him back.

I was asked to participate in a meeting about a year ago with Mr. Loyd Jowers, the defendant in this case. I got the impression that as he was getting older and sicker, he wanted to get right with God. He seemed like a man with a lot on his conscience who wanted to confess it. The meeting involved facts and accounts I had heard of before, but I would not let myself think about them. I think Rev. Joseph Lowery knew Mr. Jowers or knew of him and had mentioned some of these questions. James Orange, who was on our staff, had always been concerned about questions that were not raised. I could not imagine that Jowers, who ran the grill right across the street, had not been interviewed by the police and the FBI, that no testimony had been taken from him.

The meeting with Jowers was attended by Dexter, by Dr. Pepper, by Mr. Garrison, a videographer, and Mr. Jowers. Jowers said he was the proprietor of Jim's Grill, was a retired Memphis police officer, and lots of police officers hung out at his place. He said he had not lived such a good life, he had drinking and gambling problems, and he was in debt to the head of the Mafia in Memphis, who called him up. Jowers was afraid that he was calling to collect the money which Jowers didn't have and the guy said, forget about that. I just need a favor. Somebody will bring you a package, and you put it in your storeroom. The head of the Mafia ran a produce company from which Jowers got his vegetables and meat supplies. He said, there'll be a plastic bag in the supplies, it will have money in it, give it to the person brings the package.

Jowers said he didn't know what was going on, he just did as he was told. A man who looked Spanish came and brought a package. Jowers didn't know what was in it, he said, but he put it in

his storeroom and gave the guy the money.

And then he got a call telling him that at six o'clock on April 4 he should go to the back of his store. He said he didn't know what was going on, but that people had been meeting in his store. He remembered a couple of Memphis policeman that he knew and three others that he didn't know sitting in a booth. He he had to put another chair at the end.

He said when he went to the back door, just as he got there a shot rang out and somebody came out of the bushes and handed him a smoking rifle. He broke it down, wrapped it in a table cloth and put it back in the storeroom. He said the guy who handed him the rifle was a fellow who had been on the Memphis police force with him, a friend of his who used to go hunting with, and who was quite good marksman. He said he broke the rifle down and kept it. I think he might have said he threw the spent shell from the rifle in the toilet.

He said that by the next morning he realized what had happened, so when he came to work he went out to see what was going on, and he saw that all the brush and shrubs behind his store where the guy came from, all of them had been cut down and the whole area had been swept clean. And then later on, the same guy came back and took the rifle and Jowers never saw it again.

He said nobody ever came to talk with him about this. I did not get the impression that he was after money, with a literary or other project in mind. We had to break the session several times for his coughing spells. He was very sick and seemed to want to come to confession to get his soul put right. I believed everything he said, except I believed that he knew what was going on. He was trying to say that he was innocent and didn't know this was a gun, he didn't look at the package, but he was very well aware that there was planning.

He said one of the guys who was in the restaurant at that table was the fellow that was kneeling down over Martin's body—he'd run up there with us. I think there is a picture where when the police heard the shot everybody started running toward where Martin was and we were standing out there pointing back saying it came from over there, but they were running away from where the shot came from and we were trying to get them to go back over there to see who had fired the shot. And that picture that has been shown all over the world, there is a fellow kneeling there who Loyd says was the fellow who was in the restaurant a few days before with two Memphis policeman and two guys that he said looked like government men. (Dr. Pepper states that it has been factually established the kneeling figure is the undercover police officer Merrell McCullough.)

### **Page 529 Tape played by Dr. Pepper** (summary follows:)

*Mr. Dexter King refers to the medias' vicious attacks on the family, says he appreciates Mr. Jowers's willingness to come forward and they continue to support immunity for him. King says, it seems the District Attorney does not want the story to come out. Ambassador Young says, if Jowers were indicted, Young would surely testify on his behalf. (end of tape)*

(Ambassador Young confirms that he recognizes the voices of Dexter King, himself, and Mr. Jowers, and adds that the tape was made in a motel near the Little Rock airport.)

p. 530 Ambassador Young: We were not trying to punish anybody. We were approaching this like they approached it in South Africa: to have a real reconciliation, you must know the truth. I'm

sure a lot of people have terrible guilty feelings, but don't have the courage of Mr. Jowers.

**p. 531 Cross examination by Mr. Garrison**

Mr. Jowers did say to me and to Dexter King that he had no knowledge that Dr. King was the target of this assassination, and no knowledge that there would be one. He said he was called upon to do a favor for someone he was afraid of.

I think that Dr. King had not stayed at the Lorraine overnight before this. When he came for the earlier march that was disrupted he didn't really have a hotel room. He left New York on a plane around six am and flew into Memphis and after the march was disrupted he was taken to the Holiday Inn just to get him out of the crowd.

The shot at the Lorraine sounded like a firecracker or a car backfiring. I could tell it came from across the street. When I saw the wound in his body. I knew it had to come from directly across the street.

Before the meeting with Mr. Jowers, Dexter King told me that since the family was interested in giving amnesty to everyone involved, Mr. Jowers was willing to talk. Rev. Lowery put forth some effort to try to get immunity for Jowers, and I and Dexter and all wanted that for him.

**Redirect by Mr. Pepper**

The meeting was almost 4 hours, all afternoon. We had several breaks. We were not cross-examining him or trying to refute his statements. We were simply trying to understand what actually happened from his point of view. I got the understanding that he felt as though he had been involved in the assassination and regretted it. He said as much to Dexter.

(The tape for the first two hours of the session was marked at as Exhibit 4)

(Dr. Pepper indicates his intention to play the entire tape on Monday.)