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Rev. Samuel Billy Kyles

(The witness states that he was subpoenaed to appear and did not come of his own free will.)

Direct examination by Mr. Garrison.

I have been the Pastor of Monumental Baptist Church for 40 years. I was in Memphis during the sanitation strike and did have occasion back in 1968 during that strike to have some association with Dr. Martin Luther King Junior. The garbage workers had been on strike, I think in February. Dr. King had called a group of ministers from around the nation to Miami, Florida for an SCLC meeting of urban ministers to see what we could do about violence and other things in the community. I got the word that the garbage workers had gone on strike and said rather offhandedly, you may have to come to Memphis to help us out on the strike.

When the strike picked up momentum, our local group Community On the Move for Equality called Dr. King about coming to Memphis to make a speech for us in March, 1968. His staff said he didn't have time, that they were behind schedule on the Poor People's Campaign. He overruled the staff came because he thought the garbage strike was so important and was much akin to the Poor People's Campaign.

Dr. King and I were pastors together and were in the same convention. He was one of the Vice Presidents of the Congress, so we had a relationship before he came to Memphis.

Dr. King first came to Memphis in March 1968 for a speech. Each time when he came I was in his presence some of the time. I was present with Dr. King in the march when there was some violence. When he left Memphis to go back to Atlanta we had conversation about his later return to Memphis.

During the march the police had been vicious and violent. A number of young guys started breaking out windows, and rather than isolate them, the police just started beating anybody just randomly.

I was not at the front of the march because I was trying to give direction in the back. I could hear on the police radio, this sound, this noise. I could hear the police say: "Permission to break up the march. The Negroes are rioting." Finally, they said, "permission granted" on a police radio. This wave of people started coming back to the church. They started spraying tear gas and beating people randomly. My six-year-old daughter was sprayed in the eyes with mace by some big burly policeman. They were quite vicious.

We were concerned for Dr. King's safety. I'm told that someone flagged a car down and took him to the nearest hotel, the Rivermont. After things had calmed down, I went by the hotel. He was lying on the bed fully dressed and was very depressed. He said "Billy, what happened?" I said "I don't know." He said "Well we have got to have a peaceful march in Memphis. If we don't, we can't go to Washington."

The Washington March was not going to be a march; it was really a campaign for poor people. He had gathered poor people from the African-American community, from Native Americans, Appalachian whites. It was not a case of going to Washington making speeches and leaving, but we were going to live in tents in Washington until this nation did something about its poor. So he said, if we don't have a peaceful march in Memphis then we can't go to Washington.

So he determined that he would come back. That's why all the staff was in Memphis at the time of the assassination, because he sent the staff in to workshop Memphis so we could have a peaceful march.

I was not at the airport when he returned on April 3, 1968. I was at the church. He had a press conference at Centenary United Methodist church where Jim Lawson was pastor. They had dinner at somebody else's home on the third. Dinner was planned for my home on the fourth at 6 PM. I talked to him earlier in the day. I think we had a ministers meeting at one of the churches and then he went back to the Lorraine Motel to conduct some meetings.

He was really concerned to emphasize that this was a nonviolent movement and I think the last staff meeting that he had was to get a recommitment from his staff to nonviolence. Even if you don't embrace it as a philosophy, you have to embrace it as a tactic or you can't be in this movement. He was very clear on that.

I went over to the motel about four o'clock. I told him and Ralph that dinner was at five because we were already running so late. I got to the room, knocked on the door, they let me in. I said okay it's almost five. And they said oh no, we called the house, dinner is not until six and we're not in a hurry. And that gave me that wonderful privilege of spending the last hour, he and Abernathy and myself, in room 306 waiting for the six o'clock hour.

The Mountain Top speech of the night before was so unusual, so different from what we had heard, that reporters were very curious about his mood the next day. That speech almost didn't take place because there were thunderstorm warnings that night and it was thundering and lightning and raining. He thought there'd be few at the Temple and he told Abernathy, Jessie Jackson, and myself

and others to go over and have the meeting. He said he would stay at the hotel and work on the Poor People's Campaign.

When we got there the place was more than half full. Even with the raining and thundering and lightning, people came. And when Abernathy walked in and I walked in and Jesse Jackson walked in the people started clapping. Abernathy's preacher sense told him that they were clapping for Martin, expecting him.

So Dr. Abernathy called Martin on the phone and said man you need to get over here. I'm not making a speech tonight. These people have come to hear you.

He talked about death more than I have ever heard him. He talked about that time he was stabbed in New York City. A woman came up to him and said, are you Dr. King? He said yes. She stabbed him in the chest with a letter opener. He's telling this at the meeting. He said of all the greetings I got, the most telling came from young girl who wrote: dear Dr. King, I read about your misfortune. In the paper said the blade was so close to your aorta that if you had sneezed he would have drowned in your own blood. And she put at the bottom: I'm glad you didn't sneeze. So he did a whole litany on I'm glad I didn't sneeze. If I had sneezed I would've missed the march. He just listed all the things he would have missed.

By that time we were on our feet, we were crying, and there was such passion and pathos in his voice. We didn't know what to do.

And he said, I'm not fearing any man. I may not get to the Promised Land with you, but we as a people will get there. I thought about that. I'm so certain that he knew he wouldn't get there but we couldn't stand to hear him say, I won't get there. So he said, I may not. He softened for us. I may not get there with you.

The press was very curious about his mood after that. But the next day he was all right, doing what he needed to do. There were always threats, some written, some through phone calls. He would just say he's not going to live in fear. Part of that speech at Mason Temple was preaching through the fear of death, preaching it out of him. He said I'm not worried about anything. He just lived with that fear.

When I went to get them at the motel and said it was time to go, they said no we got another hour. Abernathy had washed out one of those drip-dry shirts, and he couldn't button it. And he said, Ralph, you mean you're not going to wear that shirt, and I washed it? He said, I can't button it, and he took it off. He was speaking very kindly about his father and mother. Three preachers in the room, really talking. Ralph needed an Evangelist to preach a revival in Atlanta. And Martin said, why don't you get Kyles?

I said what date is it? They gave me a date, and I said, well, I will be in Columbus, Georgia, preaching for Fred Lofton who is now pastor here of Metropolitan. Martin said, wait a minute. Anybody with good sense would rather spend a week preaching in Atlanta than in Columbus, Georgia. So I said, does that mean I don't have good sense? He said, I didn't say that. It was light conversation, and I'm so glad it was.

He talked about what we were having for dinner. We had recently purchased a new home. He said, now, if we go there and you bought a home and can't buy furniture--like a friend in Atlanta. A preacher bought a house. I won't call his name, but we had to eat on a card table and the Kool-Aid was hot and the ham was cold. He said if that happens at your house, I'm good to spread it on you. He was a very light mood.

We did that until about 5:45 and we walked on the balcony. And he was greeting people he had not seen. He saw Jesse Jackson and said, "You are not dressed for dinner." Jessie said, "I didn't know a shirt and tie was a prerequisite. I thought an appetite was, and I have that."

He spoke to Chauncey Eskridge and his lawyer from Chicago, and we stood together on the balcony. Somebody said it's going to be cold tonight. Abernathy was still in the room putting on shaving lotion. Martin went back to the door, didn't go in the room. He said, Ralph, get my coat. He came back to the balcony and was greeting people again.

Jesse said this is Ben Branch, a musician from Chicago who grew up in Memphis. Jesse was conversing with Martin and then Martin and I stood together. I said, "Come on guys, let's go." I got about five sure steps and the shot rang out.

I looked back and I saw him lying on the balcony. One of his feet was hanging through the railing. There was a tremendous hole in his face. There was a bigger wound under his shirt that we couldn't see, and there was blood everywhere. I ran in the room, picked up the phone to call an ambulance. The phone is operator-assisted. The operator was out in the courtyard, had left the switchboard, and she had a heart attack when she saw the Dr. King had been shot. She died the next day. She was the motel owner's wife.

I ran back out. The police were coming with their guns drawn. I hollered to them: "Call an ambulance, Dr. King has been shot." They said, "Where did the shots come from?" In the picture you see of people pointing is in response to them saying "where did the shot come from?"

The police secured the balcony. Some people had come up, but they wouldn't let

others come up. We finally got someone on the switchboard, and they called the ambulance. I took the spread from one of the beds in the room and covered him from his neck down. Someone put a towel to his face. Blood was just everywhere.

I had heard the name of Marrell McCullough, but I didn't know who he was. I guess when the trial started I knew who he was. I'm told he's in the photograph of people on the balcony. I didn't know him so I don't know if he was there.

p. 1569 When the shot was fired I was still on the balcony, maybe 5 feet away from him. I was going to the north, looking at the back of the buildings on Main Street. The shots sounded like a shot, but I thought it was a car backfiring until I saw people ducking. Everybody on the ground took cover. And then I realized it was a shot. I looked back in the direction of the bush area of the rooming house but did not see anyone moving in that area. I had a clear view from the balcony. I looked in the direction of the bush area, but I was in shock.

It has never been my opinion that James Earl Ray acted alone in this case. The first interview I gave after, I said I was certain that others were involved. I thought there was enough physical evidence to point to James Earl Ray, but all day that day of April 4, I heard on the newscasts and the radio: Martin Luther King, Junior, is back in town to lead a march. He's at the Lorraine Motel in room 306. And I finally mentioned that to Andy Young, that they were putting the room number on the radio, and he said yes, we need to check it. But I don't think he did, because he was in court trying to get the injunction lifted against the march. I knew that any news person who took them off the teletype would read that copy. But someone had to put it there. That was just too many details to give in a regular newscast. So all of the interviews that I've given over the years, I've mentioned from day one that I thought more people were involved than Mr. Ray. I have no first-hand knowledge of anyone else .

When I heard the shot I thought it was a car backfiring. I looked over the railing and when I saw people ducking I realized it wasn't shot. I don't know if I'm one of the people pointing. I don't think I am. I was in shock.

I had talked to Dr. King about the Poor People's march which was planned for later in that year, and had planned to be part of that campaign. People in the capital did not want this march to happen. It had not been done before, and it was so dramatic. Making a few speeches and leaving would be okay. But building a tent city and living on the mall was different. The civil rights movement had never done anything like that, and it was a very bold step. It had come to us that Martin was not to reach Washington with the Poor People's campaign. There was no long-range plan for him even to come to Memphis. The staff really didn't want him to come. But I think the order was that he was not to reach Washington.

I know about a speech by Sen. Byrd a few days before that was critical of Dr. King and predicted that if the march took place he would tear up the capital. There was also concern that with so many soldiers away in Vietnam, that if something broke out in Washington it would exacerbate the whole thing.

There was no security around Dr. King when the assassination occurred. The police were there so quickly because after the march broke up, every fire station in the black community had a TAC squad comprised of local police, sheriffs, National Guard and the like. They had tanks and that whole thing. They were at that fire station across from the motel. Plus we found out that we were under surveillance. Policemen in the firehouse were spying on us.

I was told that the young fellow who was assigned to do surveillance that day could not live with the fact that he had spied on Dr. King. He felt such guilt that he became an alcoholic. I think he subsequently died.

Dr. King did not on this visit have the same security from the Police that he had on previous visits. After the Police had been so vicious at the march, the umbrella group COME, Committee On the Move for Equality, said we don't want the Police around and will deal with them later. The security that they would have had would have been at least two African-American policemen assigned to us at our discretion. So it wasn't like a large contingent or something pulled off. It was just bodyguards.

I'm sure that word had reached Dr. King that Washington did not want him to come up to the Capitol. I never talked with him about this.

After the shot was fired, the only policeman I saw were maybe three, I think two, running up with their guns drawn. I did not see any movement of police cars in and around the area just below the balcony.

p. 1577 Cross-Examination by Ms. Akins

I couldn't say if in testifying that the sound of the shot was like a car backfiring I was saying that the sound came from a downward location more than an upward location. Cars are usually on the streets.

I was aware that there was surveillance on Dr. King's activities. It would not surprise me if that surveillance consisted of video or audio surveillance. We knew that every move made by Dr. King was being recorded. I was told that a young fellow who was part of the surveillance team became an alcoholic and he died. I didn't know him. I was not aware that the man's name was Richmond. The local

leadership was under constant surveillance by local police. They were quite vicious toward us.

(Ms. Akins states that the person that did the surveillance is not dead and testified here in court. She refers to a copy of his report, Exhibit 22, page 3, and reads "at 2:05 PM. Samuel Kyles arrived and went to the room 307, departed at 2:20 3 PM.)

I think 307 was occupied. That's the room Martin ordinarily would have stayed in. I don't know that 307 is the room I went to. I had a room there at the motel that we always kept for VIPs. I was one of the few who had an American Express card and I secured a room. 307 has a King-sized bed where Dr. King ordinarily would have stayed. As it turned out, his brother came unannounced. Dr. King and Dr. Abernathy stayed in 306 with two beds.

I know who Dorothy Cotton was. I don't know if 307 was her room. (Ms. Akins states that 307 was Ms. Cotton's room.)

I don't remember going--I don't know if--I didn't go to that room. I don't know--I don't recall going to that room.

I don't recall where I went at 2:23 PM. I don't know if he got the room numbers mixed up. I know there was some conversation about my not having gone in 306 at all.

(Reading from Ex. 22, page 4) At approximately 5:50, John B. Smith, Milton Black, Charles Cabbage, and one female colored, and approximately 6 or 7 of the Invaders opened the door of their room, and I could see them gathering their belongings. They then brought them down stairs and placed them in the trunk of a light blue Mustang, license BF3-750. And they left the motel area going west on Butler to Main. Immediately after the Invaders left, the Rev. Samuel Kyles came out of room 312 and went to the room where Martin Luther King was living. He knocked on the door and Martin came to the door. They said a few words, and Dr. King went back into the room closing the door behind him, and Rev. Kyles remained on the porch.

It's true that I had testified that I had been at Dr. King's room one hour earlier. This report is not correct, and I have testified at the James Earl Ray hearing that it is not correct. On that day I said I had been there for an hour. I have not gotten much notoriety out of wearing the title as one of the few who were with Dr. King in his last hour. When I have said to my audiences that it was a wonderful privilege for me to have spent the last hour of Martin's life on earth, I did that because there is such interest in his life.

And I had to wonder, why was I there? I had feelings I could not express. I said, if he had not been going to my home, would he have been killed? If he had not been coming to Memphis, would he have been killed? And God revealed to me that I was there to be a witness that his life was so wonderful, and so full, and he didn't die in some foolish way--overdosing or through a jealous lover's gun. He died helping garbage workers. I share that story and people will ask to shake my hand because I knew Dr. King. I've sought no notoriety. It's true that old women have just wanted to come and shake my hand because of the fact that I was present.

I was one of the planners of the 30th anniversary celebration of Dr. King, a big event here in Memphis that was privately funded. I had earlier testified that the night before his death Dr. King's speech dealt with the question of the fear of death. He always said he would never live to be 40. Not that he didn't want to, he just thought he never would.

(A video is played for the Court and jury, Rev. Kyles is speaking. A summary follows.)

We will be gathering in Memphis April 3-5. We've planned a number of activities, some of them geared especially for young people who did not get the feeling of what the civil rights movement was about. Even as they marched, now they could have stopped at a hotel. But when you were marching from Memphis to Jackson or Jackson to Memphis, there weren't hotels. You stayed in churches, you stayed in homes. That's how we got over, that's how we got through. The struggle was a spiritual struggle. You couldn't pay people to do what we had to do. You couldn't pay people to stand before mad dogs and fire hoses and billy clubs and cattle prods. It was strictly a spiritual and moral movement. So we wanted that dimension to be in the pilgrimage to Memphis.

We will revisit the Mason Temple where Dr. King made his last address, the Mountain Top speech site. Which he almost didn't make it because of the tornado warnings and because he was behind on the Poor People's campaign. He said, you guys go have the rally. When we got there, Dr. Abernathy walked in and Jesse Jackson walked in and I walked in and others, and people started clapping because they thought Martin was behind us. And so Ralph's preacher sense said to him, this is not our crowd. He phoned Dr. King.

And any of the marches that we had in those days, you had the opportunity to bring the children in the family and march with us. And when I finished sharing with them the last hour of Dr. King's life, that gave me the privilege of spending the last hour on earth. Three preachers in a room--Abernathy, King and Kyles. We spent that last hour together in room 306 at the Lorraine Motel. The press is always curious. and writers. What did we talk about? We just talked preacher

talk--revivals and the like.

About a quarter of six we walked on the balcony and he was talking to people in the courtyard. He stood here, I stood there. Only as I moved away so he could have a clear shot, the shot rang out. I turned around and it had knocked him back on the balcony. This tremendous hole was in his face and all of this was torn out under his shirt. We couldn't see that. The bullet mushroomed and tore all of his insides out. He was bleeding profusely. I ran in the room, picked up the phone and tried to get the operator. The phone was operator-assisted. No one answered the phone because the operator had left the switchboard and came out in the courtyard. When she saw what happened, she had a heart attack on the spot. There was no one on the phone.

I came back out and hollered to the police: call an ambulance. They were coming with their guns drawn saying where did the shot come from? The picture you see pointing is in answer to the police asking that. The point is in the direction of the rooming house. And of course the ambulance finally came. I kept shaking my head trying to wake up because I thought I was having a nightmare. But it was real.

I took the spread from the bed and covered him from the neck down. Somebody put a towel to his face. And I had to wonder, Rev. Campbell, of all the places I could have been, all the places Martin could have been, why was I there at that moment. And I had to find out through living. God revealed to me that I was there to be a witness that Martin Luther King did not die in some foolish way. He didn't OD. He wasn't robbing somebody, wasn't from running from the scene of a crime. He came to help the garbage workers, the least of these. So we commemorate the life and times.

I started telling you about the Louisville trip. 80-year-old lady came up on stage. 30 years later she came up. She was shaking with her program in her hand. She said, I'm 87 years old and have never asked the mayor for an autograph. But because you had your hand in Dr. King's hand, I want your autograph. And so we commemorate this great American. Join us in Memphis, April 3-5. The first SCLC meeting after Dr. King's death was in room 306. Rev. Jim Orange was right there in that meeting. Thank you again, Mr. Mayor, we appreciate what you are doing in support of all the people who are here. (End of videotape excerpt.)

That was me, discussing the 30th anniversary, and stating that I had been with Dr. King in the last hour. I think Lieut. Richmond simply made a mistake about what I was doing at that time. I think the whole idea of spying was too much for him. I don't know him, and never met him. I think he was in error. I think he was new on the force.

(Ms. Akins asks if Lieut. Richmond was in error when he said that Rev. Kyles arrived at 2:05, left at 2:30, subsequently arrived and went to room 312, then left room 312 at 5:10.)

I think Lieut. Richmond could have made errors about others too. I came as a witness because I was subpoenaed. It sounds like I'm on trial and I don't understand this. I am amazed that people are so interested in Dr. King's life 30 years after his death. If that gives me notoriety because they want to hear about it, I don't know what to say.

The tape was made in Jackson, Mississippi.

(The videotape was marked as exhibit number 34.)

With respect to the statement on the video that "only as I moved away so he could have a clear shot, the shot rang out," the person "he" would have been James Earl Ray, whoever shot him. The whole staff was exposed. My moving away had to do with going toward the car to go to my house for dinner.

Frank Warren Young

Direct examination by Mr. Garrison.

I am employed by the Shelby County Criminal Clerk's office, and Mr. William Key is a Criminal Court Clerk..

Pursuant to a subpoena I did bring certain records to court, a transcript of Mr. Ray's guilty plea entered in Judge Battle's court on March 10, 1969.

(The witness authenticates a copy of the transcript, which is marked as trial exhibit number 35.)

I have a copy saying "Petition for Waiver of Trial and Request for Acceptance of Plea of Guilty".

(Mr. Garrison states that the document is signed by the witness and has the signature of the defendant, James Earl Ray.)

(Witness reads from the part that says "Voir Dire of defendant on waiver and order.")

Judge Battle says: "James Earl Ray, stand. Have your lawyers explained all your rights to you and do you understand that?"

The defendant answered: "yes."

Judge Battle: "Do you know that you have a right to a trial by jury on the charge of murder in the first degree against you, the punishment for murder in the first degree ranging from death by electrocution to any time over 20 years? The burden of proof is on the state of Tennessee to prove you guilty beyond a reasonable doubt and to a moral certainty, and the decision of the jury must be unanimous both as to guilt and punishment. In the event of a jury's verdict against you, you would have the right to file a motion for a new trial addressed to the trial judge. In the event of an adverse ruling against you on your motion for a new trial, you would have the right to successive appeals to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee and to file a petition for review by the Supreme Court of the United States. Do you understand that you have all these rights?"

The defendant answered: "yes."

Judge Battle: "You are entering a plea of guilty to murder in the first degree as charged in the indictment and are compromising and settling your case on agreed punishment of 99 years in the state penitentiary. Is this what you want to do?"

Defendant answered: "yes."

Judge Battle: "Do you understand that you are waiving, which means 'giving up' a formal trial by your plea of guilty although the laws of this state require the prosecution to present certain evidence to a jury in all cases of pleas of guilty to murder in the first degree? By your plea of guilty you're also waiving your rights to (1) motion for a new trial; (2) successive appeals to the Supreme Court of Criminal Appeals and the Supreme Court of Tennessee; (3) petition for review by the Supreme Court of the United States. By your plea of guilty you're also abandoning and waiving your objections and exceptions to all the motions and petitions in which the court has heretofore ruled against you in whole or in part, among them being:

- 1. Motion to withdraw a plea and quash indictment.*
- 2. Motion to inspect evidence*
- 3. Motion to remove lights and cameras from jail*
- 4. Motion for private consultation with attorney*
- 5. Petition to authorize defendant to take depositions*
- 6. Motion to permit conference with Huie*
- 7 motion to permit photographs*
- 8 motion to designate court reporters*
- 9 motion to stipulate testimony*

10 suggestion of proper name

Defendant answers: "yes."

Judge Battle: "Has anything besides this sentence of 99 years in the penitentiary been promised to you to get you to plead guilty? Has anything been promised to you by anyone?"

Defendant answered: "no."

Judge Battle: "Has any pressure of any kind by anyone in any way been used on you to get you to plead guilty?"

Defendant: "no."

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Judge Battle: "Are you pleading guilty to murder in the first degree in this case because you killed Dr. Martin Luther King under such circumstances that would make you legally guilty of murder in the first degree under the law as explained to you by your lawyers?"

Defendant: "yes"

Judge Battle: "Is this plea of guilty to murder in the first degree with agreed punishment of 99 years in the state penitentiary airy, freely, voluntarily and understandingly made and entered by you?"

Defendant: yes

Judge Battle: "Is this plea of guilty on your part the free act of your free will, made with your full knowledge and understanding of its meaning and consequences?"

Defendant: yes

(Mr. Garrison asks the witness to turn to page 1 of the transcript and read where it says "this is a compromise and settlement.")

Witness: James Earl Ray, guilty plea, Monday, March 10, 1969.

(Witness continues reading) The Court: "The calendar has been transferred to division one. I believe the only matter pending is that of James Earl Ray."

(Witness continues reading) Mr. Foreman: "In this cause we have prepared the defendant and I have signed and Mr. Hugh Stanton, Senior and Junior, will now sign a Petition for Waiver of Trial and Request for Acceptance of Plea of Guilty. I believe the clerk has the order."

The Court: "This is a compromise and settlement on a plea of guilty to murder in the first degree and an agreed settlement of 99 years in the penitentiary; is that true?"

Mr. Foreman: "That's the agreement, Your Honor."

The Court: "Mr. Ray, have you a lawyer to explain all your rights to you and do you understand them?"

Answer: "Yes, Sir."

The Court: "Do you know that you have a right to a trial by jury on a charge of murder in the first degree against you, the punishment for murder in the first-degree ranging from death by electrocution to any time over 20 years? The burden of proof is on the state of Tennessee to prove you guilty beyond a reasonable doubt and to a moral certainty. And the decision of the jury must be unanimous both as to guilt and punishment. In the event of a jury verdict against you, you would have the right file a motion for a new trial addressed to the trial judge. In the Event of an Adverse Ruling against You on Your Motion for a New Trial, you would have the right to successive appeals to the Tennessee Court of Criminal Appeals and the Supreme Court of Tennessee and to file a petition for review by the Supreme Court of the United States. Do you understand that you have all these rights?"

Answer: "Yes, Sir."

The Court: "You are entering a plea of guilty to murder in the first degree as charged in the indictment and you are compromising and settling your case on an agreed punishment of 99 years in the state penitentiary. Is this what you want to do?"

Answer: "Yes, I do."

The Court: "Do you understand you are waiving, which means giving up, a formal trial by your plea of guilty although the laws of this state require the prosecution to present certain evidence to a jury in all cases on pleas of guilty to murder in the first degree? By your plea of guilty you are also waiving your right to (1) Your Motion for a New Trial; (2) successive appeals to the Supreme Court; (3) Motion to Remove Lights and Cameras from the Jail; (4) motion for Private Consultation

with Attorney; (5) Petition to Authorize Defendant to Take Depositions; (6) Motion to Permit Conference with Huie; (7) Motion to Permit Photographs; (8) motion To Designate Court Reporter; (9) Motion to Stipulate Testimony; (10) Suggestion of Proper Name.

“You are waiving or giving up all these rights. Has anything besides this sentence of 99 years in the state penitentiary been promised to you to get you to plead guilty? Has anything else been promised to you by anyone?”

Answer: “No, it has not.”

The Court: “Has any pressure of any kind by anyone in any way been used on you to get you to plead guilty?”

Answer: “Now, what did you say?”

The Court: “Are you pleading guilty to murder in the first degree in this case because you killed Dr. Martin Luther King under such circumstances that it would make you legally guilty of murder in the first degree under the law as explained to you by your lawyers?”

“Yes. Legally, yes.”

The Court: “Is this plea of Guilty to Murder in the First Degree within agreed punishment of 99 years in the State Penitentiary freely, voluntarily, and understandingly made and entered by you?”

Answer: yes, sir.

The court: is this plea of guilty on your part the free act of your free will made with your full knowledge and understanding of its meaning and consequences?

Answer: yes sir.

(Mr. Garrison asks the witness to read on page 9 starting at "I just want to make one more statement."

(The witness explains that this is District Attorney General Philip Canale, Jr.)

(The witness reads) I just want to make one more statement to you gentlemen before we proceed in this matter. There have--actually in any case there have been rumors going all around, perhaps some of you have heard them, that Mr. James Earl Ray was a dupe in this thing or a fall guy or a member of a conspiracy to kill Dr. Martin Luther King, Junior. I want to state to you as your

Attorney General that we have no proof other than that Dr. Martin Luther King, Junior, was killed by James Earl Ray and James Earl Ray alone, not in concert with anyone else.

Our office has examined over 5000 printed pages of investigation work done by local police, by national police organizations and by international law enforcement agencies. We have examined over 300 physical bits of evidence, physical exhibits. Three men in my office, Mr. Duire, Mr. Beasley, and Mr. John Carlisle, the Chief Investigator of the Attorney General's office, have traveled thousands of miles all over this country and the many cities in foreign countries on this investigation, our own independent investigation. And I just state to you frankly that we have no evidence that there was any conspiracy involved in this.

I will state this to you further: if at any time there is evidence presented-- competent evidence presented which we can investigate and bear out that there was a conspiracy involving this, I assure you as your Attorney General that we will take prompt and rigorous action in searching it out and in asking that an indictment be returned if there are other people or if it ever should develop that other people were involved. You have my assurance on them. Not only me but the local law enforcement officers in your national law enforcement officers. I just wanted to give you that thought. Thank you very much."

Cross examination by Dr. Pepper.

Referring to the first page of the "Voir Dire of the Defendant and Waiver and Order", I see no instance there where the Judge has put Mr. Ray under oath.

Referring to page 16, where Mr. Ray has interrupted the proceedings, (the witness reads) *"Your Honor, I would like to say something. I don't want to change anything that I have said, but I just want to enter one other thing. The only thing I have to say is that I can't agree with Mr. Clark."*

(Witness reading) Mr. Foreman: Ramsey Clark?

(Witness reading) The Court: Mr. who?

(Witness reading) James Earl Ray: Mr. J Edgar Hoover, I agree with all these stipulations, and I'm not trying to change anything.

(Witness reading) The Court: you don't agree with whose theories?

(Witness reading) James Earl Ray: Mr. Canale's, Mr. Clark's, and Mr. J Edgar Hoover's about the conspiracy. I don't want to add something on that I haven't agreed to in the past.

(Referring to page 48, and informed of testimony in this court about a white Mustang with Arkansas plates . . .)

(witness reading) Gentlemen, coming back to the overall mock-up, the State's proof would show that between 4:30 and 4:45 PM Mrs. Elizabeth Copeland, who worked across the street from this area designated as Canipe Amusement Company, observed a small white automobile pull up and park in this general area, as designated by the smaller car here in the mockup, to the north of this light pole and the south here of Canipe Amusement Company. Mrs. Copeland told a Mrs. Peggy Hurley: 'Peggy, your husband is here for you.' Mrs. Hurley came to the window and looked out and said: 'no, that's not my husband. My car is a white Falcon and this is a white Mustang.' She did note a man sitting in the car. Shortly thereafter, Mrs. Hurley's husband arrived. She got in the car and left.

(Referring to the next page, page 49, and informed that this court has heard testimony about the condition of Mr. Stephens, a rooming house resident, at the time . . .)

(witness reading) At approximately 6 PM, Mr. Stephens heard a shot coming apparently through this wall in the bathroom. He then got up and went through this room, out into the corridor in time to see the left profile of the defendant as he turned down this passageway which leads to an opening with a stairway going down to Main Street.

(Dr. Pepper states that the above is one aspect of proof that was put forth, and states that the second aspect of proof continues after that. He advises the witness that the court has heard evidence with respect to dropping the bundle in front of Canipe's.)

(Witness reading) Now, gentlemen, you can see here this mockup. This offset area here is in front of Canipe Amusement Company. It is reflected here on this mockup at this point. Mr. Guy Warren Canipe along with two customers, Bernell Finley and Julius Graham, were in Canipe Amusement Company when they heard a thud in the area immediately here and up in this little offset and, looking out, saw the back of the white man going away south down Main Street, observing momentarily thereafter a white Mustang pull from the curb heading north on Main Street, one occupant. This packet was subsequently guarded and found to be the rifle, the box, the suitcase wrapped in a green spread and so forth that has heretofore been introduced to you gentlemen through some of the witnesses.

(Reminded that the Court has heard evidence with respect to the windowsill in the bathroom, witness reads from page 53.)

(Witness reading) The sill of this window in the bathroom was observed by Inspector Zachary to have what appeared to be a fresh indentation in it. The sill was ordered removed, was cut away, and was subsequently sent to the FBI for comparison. The proof will show through expert test that the markings on the sill were consistent with the machine markings is reflected on the barrel of the 30 - 06 rifle which has heretofore been introduced to you.

(Reminded that the Court has heard testimony with respect to the 30 - 06 rifle in evidence and the fact that the scope was not sighted in, witness reads from page 55.)

(Witness reading) He changed the scope from the . 243 to the 30 - 06, which is the same rifle that has been identified here in the courtroom to the defendant along--he didn't have a box with a scope on it.

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Ellie H. Arkin, Jr., Memphis, Tennessee.

Direct Examination by Mr. Garrison.

I presently work at the Cottonwood company. I left the Memphis Police Department in 1976 after 20 years. In 1967 and 68 I was in the Inspectional Bureau, which was broken up into three parts: Inspections, Internal Affairs, and Intelligence. After I'd been with the Bureau for a while I was in Intelligence under Inspector Tynes. I was a lieutenant. In early 1968 in connection with the sanitation strike, we were well involved in observing what was going on and keeping the Chief of Police, Chief Henry Lux, informed of upcoming marches and that type of thing. Chief McDonald had just left and the Police Director at that time was Director Frank Holloman. My office at that time was on the second floor of the old police station near the rotunda.

Around the time of the first march by Dr. King in 1968, some Army personnel became stationed in my office. I had no advance warning of their arrival. They identified themselves as Army Intelligence. According to what Inspector Tynes told us, that's what they were. I have no idea who sent them. The largest number of them in my office at any one time was probably three or four. They were basically observing and taking notes. No photos to my knowledge. They were standing around and listening and taking notes. At some point I asked Inspector Tynes to please have them relocated. For a while they were there pretty much every day. They were not in uniform. I did not arrange desk space for them. To my knowledge they had no desks in there. They just roamed back and forth. It was a fairly large office. I did have conversations with them and they identified

themselves as U.S. Army personnel on the telephone. They didn't tell me who sent them here or what they were doing.

I don't remember what time it was on April 4, 1968 when I used my vehicle or used a police vehicle to go down to S. Main St. Probably in the afternoon. I went to the firehouse at Butler and Main. I don't know who was in charge of the fire station there at that time. My purpose was to talk to Patrolman Redditt. I assume he'd been down there several weeks. Director Holloman and Inspector Lux (I don't remember which, specifically) sent me down there to bring him back to the office. They said the reason to get him out of there was that they had information that possibly someone who was from the East intended to assassinate a colored police officer. I guess they assumed that the target might be Redditt. They did not specify that the target was Redditt, they just said a police officer. Officer Redditt was African-American, an officer with the Police Department.

I don't remember what time I went down there, but I believe it was in the afternoon. I went alone. I told him he was supposed to go back to the police department with me. Not aware that he had any comment about that.

I took him back to the police department, to our office, and don't remember who was there at the time. I don't remember whether Director Holloman was there. I don't think any FBI personnel were there. I never saw a CIA agent. No Army personnel were still there.

At some point I was called down to Director Holloman's office, I believe, and told to take Ofc. Redditt home. Can't remember exactly who told me that or how long after our arrival it was. When we pulled up in front of his house, he went in to talk to his wife, and I heard another officer who was stationed at the firehouse or the dispatcher (not sure which) say that Dr. King had been shot. So it must've been right around 6 o'clock.

I'm sure that Ofc. Redditt and I spoke about why I was taking him home instead of returning him to duty. I can't remember much. His main concern was that his mother or his wife's mother might be reluctant to move away to a safe house. I did not stay with him that night. If I'm not mistaken, they sent a marked squad car. I have no idea how long it stayed. I am not aware that Dir. Holloman says he never told me to go pick up Ofc. Redditt or had no knowledge that Redditt was supposed to be picked up. I took no action in terms of investigating Dr. King's assassination.

From what I understood, the threat coming from the East was from Washington DC. When I arrived at the fire station, another African-American police officer was there. I believe his name was Richmond he stayed there. I did not see any African-American fireman there when I arrived.

Cross Examination by Dr. Pepper

Officer Richmond was also on surveillance at the fire station, working under my command out of the Intelligence Bureau. I had no reason to doubt his reports. As a rule they were accurate and professionally prepared.

I have never heard that photographs were taken from the Fire Station roof by psychological operation Army photographers of the entire assassination of Martin Luther King. I have never heard of that, never saw any of those photographs that were taken from the roof, was never advised that the Captain of that fire station, Carthel Weeden, put those Army photographers on the roof in the vantage point for that photography. I have no idea whether that would have been something that perhaps Inspector Tynes would have known about and not shared.

I don't believe that on April 4 I spoke with any out of town federal agents about any strategic intelligence activities. I can't remember if I did.

We used informants in organizations in Memphis, Tennessee as a way of obtaining intelligence information. In terms of informants who would have been in contact with Dr. King or members of his organization, or people who were aligned with them in support of the sanitation workers, we had Mr. Marrell McCullough, an informant in a local group, The Invaders. We did not to my knowledge have any deeper cover individuals beyond that. Probably the FBI office had informants in these organizations. They shared some information with us. I have no idea what Mr. McCullough did when he left the Memphis Police Department or what he does now. I have heard that he works for the CIA now, but have no proof of that.

Rebecca A. Clark**Direct examination by Mr. Garrison**

I have lived in Memphis since high school. In 1968 Capt. Earl Clark with the Police Department was my husband. This was during the time of the sanitation strike and the assassination of Dr. King. Inspector Clark had a large collection of weapons and he was a marksman with the Police Department. He won the Tennessee state trap shoot one year. At one time he worked for the Police Department at the pistol range. During the sanitation strike he was so tied up that the Police Department had him pretty much on duty full-time. On April 4 he had not been home in probably three or four days, maybe longer. I can't remember.

Before I married Earl, I was employed at the Police Department myself. On April 4, 1968, I was working and got home about 4:15 PM. I don't remember how long

it was before my husband came home unexpectedly. He said he came to get some clean uniforms and that he thought he would nap on the couch for a few minutes and then take a bath and go back. They had been staying up all night at the pistol range. He asked me to listen to the police radio for him. I don't know how long he was asleep, maybe 30 minutes, 45. That's when I heard on the radio that Dr. King had been shot.

I don't recall any comment from Earl about the fact that Dr. King was here and the sanitation strike was going on.

(Mr. Garrison refers to page 25 of witness's deposition, wherein she opines that Earl was concerned about Dr. King's presence and felt the sanitation strike might cause a problem.) I'm sure Earl must have commented about it, but don't recall any specific conversation.

When I woke him up and told him that Dr. King had been killed, Earl said I'd have to go to the cleaners to get his uniforms before they close. He said he'd take a bath while I was gone.

At the time of the deposition I did not know of allegations that Lieut. Clark was at the back of the rooming house across from the Lorraine motel on the day that this occurred. I didn't know why I was called to give a deposition. I had heard of this thing about a conspiracy but in my wildest imagination had never dreamed that they thought that he was involved or that the Police Department was involved. I found out about a week later when two gentleman from the Justice Department called and asked me if they could come and talk to me. They told me that you all thought that he was involved. And that was the first I had heard.

I don't think Earl was asleep more than 30 or 45 minutes before I left to get the uniform.

I would not say that Earl had bitter feelings against African American people. After his brother was killed he probably felt some animosity for a time. He had a lot of black friends that he'd met through law enforcement over the years.

When Earl got home he had a police radio with him, kind of a little walkie-talkie that was laying on the dining room table. (Mr. Garrison suggests that the police did not have walkie-talkies back in 1968.) It was some kind of radio.

Cross Examination by Dr. Pepper

I have two children. I recall the afternoon the first time I met you, Dr. Pepper, around 1992 or 93. I didn't know who you were the second time I met you, which was some years later. My son was present when we spoke. He was then in his

early 20s.

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I am a Christian. I do not believe that the sins of the father should be visited on the children. I believe that the children should bear no blame for any sins of the fathers. My children believe that as well.

I'm sure that in Earl's police work there were activities he conducted that I knew nothing about. I don't know if that's the case in his personal life.

The only Frank Liberto I ever heard of owned a liquor store in South Memphis. I remembered that name because we had gone there one night and a black gentleman came in with high heels and a dress on. That's the only Frank Liberto I've ever heard of.

I never heard of Frank Liberto who ran a produce warehouse called Scott Street Market. I've seen the name over there because I've been to Scott Street Market lots of times. But I didn't know the man. I did not know of my husband's relationship with this man.

I did not know of my husband's relationship with Mr. Loyd Jowers. I didn't know that he went hunting with Mr. Jowers. I've never heard that name mentioned with him going hunting, and I know a lot of people that he went hunting with.

I remember that Earl mentioned Inspector John Barger, Inspector Eddie Zachary, but not Mr. Liberto and not Mr. Jowers.

It's impossible that evidence placed into this court by the defendants is true and my husband was involved in the assassination of Martin Luther King. I know he was there (at home). There's no possibility. I got home around 4:15. What time he got there I don't remember. 30 minutes, 45 minutes after I did. When I got home I changed clothes, probably started cleaning. I don't know. I don't remember what I was doing when he came home.

I don't know what car he was driving when he came home. I assumed it was a police car. He would have parked it right at the back door of the apartments in the driveway. I didn't see the car. I'm sure I said goodbye when he left but I don't remember going to the back door to watch him leave, or recall seeing him driving off. He drove off after I came back from the cleaners with his clean uniform.

Earl did not call me that afternoon before he arrived home. He just came home.

(Dr. Pepper reads from page 54 of Ms. Clark's deposition taken in April of that

year, reads her testimony that she arrived at home at 4:15 or so, and that Earl called her 10 or 15 minutes later. He reads her testimony that she doesn't know if he might have been home around 4:30, that he wasn't asleep very long when she heard the radio, that she woke him up and he ran to shower while she went to get his uniforms.)

(Dr. Pepper suggests that if Earl came in shortly after she arrived home and was only there for 30 minutes or 45 minutes, that would still leave almost an hour between the time that he left the house and the time that Dr. King was killed.)

I'm not sure what time he got there or how long he was there. I was listening to the police radio that was sitting in the dining room when the news came that Dr. King was shot and they were talking about a Mustang. Earl was at that time asleep on the couch; I don't remember how long he slept.

(Dr. Pepper suggests that Earl did come home, that she went to Dent Cleaners on Broad Street to get fresh uniforms, and that he left in a fresh uniform earlier than the killing, and was somewhere else during that hour.)

When the news of the shooting came over the radio he was asleep on the couch. He'd asked me to listen to his radio while he napped. He must have been home longer than the hour in question. I can't remember exactly how long he was there. He'd had this walkie-talkie radio as long as I could remember--maybe they weren't standard issue in the Memphis PD, but he had one. At the deposition I said I thought he was on the TAC squad at the time but now I think 1968 was probably too early in his career--he probably was just assigned to the pistol range. He was on the TAC squad at one time but I'm not sure when that was.

It's the walkie-talkie or radio that convinces me that he was still there at the time of the shooting because I heard the report. I woke him up, and he said you've got to get over to the cleaners before they close to get my uniforms. He came home specifically to take a bath and get clean uniforms because they had been gone for so many days.

(Dr. Pepper asks what are we to believe if these walkie-talkies are not possible, were not available at that time?)

Why would I make that up about a police radio if I didn't hear it?

I don't recall any discussion of the assassination with Mr. Clark after it took place. He may have mentioned it or we may have mentioned but I don't remember any specific conversation. I agree that the assassination of Martin Luther King was a heinous, terrible act and the blot on this community – from which this community has never really fully recovered.

(Dr. Pepper asks if it is possible that she is trying to protect her children from being dragged into this scenario.)

I have told this story about where he was before there was ever any thought of conspiracy. I told everybody at work where he was. I told you this story back in 1992. Why would I have lied then? I'm just telling the truth. It never entered my mind that I'm trying to protect my children. I would want to protect them, but I am telling the truth as far as I know the truth, as much as I remember. I would never lie to insulate my children from possible repercussions, no matter what the consequences. Their father is dead. They are alive and they're making good lives and I love them dearly but I would not lie. I haven't the faintest clue as to why anyone would put my husband in the middle of this frame. I don't know why James McCraw would quote my husband as saying: "I'm going to kill Martin Luther King the next time he comes to Memphis." I'm telling the truth as best I know. I came in at 4:15. I don't know what time he came in.

(Dr. Pepper points out that according to the witness's timeline Earl may have been sleeping for an hour and a half, not 30 minutes, before the radio said that Martin Luther King had been assassinated--unless Earl came in later.)

I was listening to the radio and heard with my own ears. When I came back from the cleaners he was not awake. Yes, yes, he was awake. I woke him up when I heard the radio report and that's when he sent me to the cleaners. He had been asleep on the sofa for an hour or hour and a half. I assume that when he went back to work he was going to the pistol range, because that's where they had been staying. I don't know where he was assigned. I don't know where he went. I don't specifically remember that he was in uniform, but I feel sure he was because I had to go get his uniforms. I don't recall what kind of uniform. If he was assigned to the pistol range, he had on gray khaki. I don't remember what uniform I picked up at the cleaners. I don't remember if he was in short sleeves. He left by the rear door because that's where the car was. Lots of times he drove a regular Memphis police car, black and white as far as I remember.

In 1968 I think he was a lieutenant but I'm not sure. I don't remember whether he wore short sleeves or long sleeves or a jacket. He didn't have many short sleeve uniforms. They had some gray uniforms for shooting on the pistol team, but that's the only short sleeve ones I remember. He could have been wearing short ones at the pistol range.

When I was listening to the radio sitting on the dining room table I think I was in the kitchen. He was in the living room. It was a two-bedroom apartment, not a house.

The House Select Committee on Assassinations in 1977 or 78 never interviewed me. No FBI investigators interviewed me. My only interviews were with you, Dr. Pepper. And then after my deposition, two guys from the Justice Department talked to me. That's when they told me that you thought my husband was involved.

(**Mr. Garrison** reads from the deposition of an anonymous witness, **John Doe**, taken November 5, 1999. He reads from page 5. The reading is summarized below.)

In 1968 I was in the Memphis area. I started providing you, Mr. Garrison, with information in January 1998. I had meetings in a hotel in Battle Creek, Michigan. I knew a layoff bookmaker from the Houston/Galveston area who owned a seafood place there on the Gulf Coast. Said his name was J.B. Bonner. At that time I was working in the sports department at the Houston Post. He had called for information about high school football. Through him, I was in Battle Creek, Michigan, later on in my employments to do some things in East Lansing, Michigan.

Mr. Bonner wanted me to talk to a fellow named Emil Mazey, the treasurer of the United Auto Workers. I met him there, and we met two or three other times at the Red Apple in northwest Arkansas, mainly. The idea that was given to me was that Walter Reuther, president of the UAW, had been hit on pretty hard by Hubert Humphrey and LBJ about Dr. King's sudden opposition to the Vietnam War. There was a problem between the UAW and the CIO with George Meany. The CIO and Meany were pushing for the war, and the UAW up to that point had been supporting the Southern Leadership Conference associated with Dr. King. It was put to me that perhaps Mr. Humphrey and Mr. Johnson might be satisfied by making Martin Luther King "shut up" about the Vietnam War.

I asked what did they mean by that and they said by just taking him out, getting through with it. And I had done some work in the military and things like that. And so I said, I can do that and they offered \$400,000. This proposition interested me. It has nothing to do with race or anything. Obviously they had some things already in motion. I contacted Jim Harmon, a pilot who died in Korea and who's supposed to be buried in Mills City, Oregon but he's not. And then through Carlos Marcello in New Orleans I contacted Raul Mellon, Ruelsa Mellon, who is based at Tegucigalpa, Honduras. Dori Wyse was also involved. She was from Belize, and she was in that area supposedly to research antebellum homes.

As I understood it the Trafficante down in Tampa had asked Marcello if he could take care of this and he said he could not. Most of the FBI was all over him because of his JFK problem, not which was correct, so then through that and Ruelsa we got together and discussed it in New Orleans. Marcello was there and

said he couldn't be involved, XYZ, but there was a seashell-type runway about 3 miles long on his property just west of the Mississippi in Metairie.

We agreed to do this and the idea was that we knew whatever King was doing, but Dori Wyse's job was to indicate when he would be back at the motel. We knew the room, so we could set that up, and when he finally went out to do whatever he was doing--preaching to somebody--he comes back. She calls then through to Mellon, and he contacts Harmon, who picks me up in Tampa. We go on up there, find the little airport, fly right up to Mississippi on Mud Island. She picks the two of us up. Harmon stays with the plane.

We come down to the area that was selected. She was driving a two door 1967 gray Corvair. On the side, it had on there Aztec Aerial Mapping, just like on the plane, to give you a reason why you were there in the first place. So we went up there and she moved on around down by Mulberry there, just parking and drop them. And Raul went upstairs to the window area up there. Nobody told him to go into any kind of bathroom or closet or anything, but he apparently decided that, already had his bag full of everything he was supposed to leave. James Earl Ray was never even there. He had left for Atlanta. I think he spent the night in Starkville, Mississippi, on the way over, but he'd left about three hours before this even came down. He was set up for that type of thing.

And then when the actual shooting took place it was behind kind of a brushy little wall there just a couple hundred feet away. He used a 16 gauge modified rifle that had been made by a Pedro Ginton in Belize City. It's the kind of shot that when it hits something, it starts to mess around. And if you move with it, the shot itself just falls apart.

So the shot was done, and Dori comes around and picks up the shooter, and they go on back down to Mud Island. Jim's got the plane ready, we take off, and are flying right down the Mississippi right back down to Marcello's place, and we open the door and throw the gun and two or three other things out of the plane into the river. He was flying real low. We went on down there, and we all left there, and went on back to Tampa.

Now Raoul was supposed to drop a bag of stuff that he had managed to put together, just childish things really--but people believed, apparently. He was supposed to drop the bag upstairs someplace, but he didn't. He dropped it outside the door but then went and got in his car, a white Ford, and drove away from there. He drove to New Orleans, picked Ray up in Atlanta, and from there they flew on to Canada.

I never actually saw James Earl Ray. I have been told about him.

At some later time I had an assignment in South America or in Central America, and I ran and met with the warden of the prison where Ray had been before he escaped. I think his name was Harold Swenson. He was running the Missouri State Pen, and he had spent some time over at Leavenworth working in the federal. And they had sent him down, I believe it was to Mexico, where they were having a prison riot. He worked on that, and it was settled, and then he went back and was hired on as warden at Missouri State Pen.

Swenson indicated that he knew of a person ideal for a patsy or something like that. He used a corny word. And I don't know if that came directly from Swenson's knowledge or from other guards who worked at Leavenworth because Ray wasn't there. The idea was that Swenson would work it out so they do get Ray out of the pen on a Sunday morning, drive him out someplace, and he'd just disappear. No one ever indicated who the driver was. All I know is that Raul picked up James Earl Ray somewhere at Jefferson City. They had set it up and gone on to Chicago, hung around there for a while and then went to Canada.

Now this was all many months before the actual thing. But by then Ray was pretty well doing whatever Ruelsa Mellon told him.

They drove around and did all kinds of stuff. It didn't cost that much money. And then after setting him up to go buy a rifle and then another rifle--James Earl wasn't about to win any grants to college, and he really wanted to be involved in something. I never saw him, Harmon never saw him, Dori never saw him. The only person that dealt with him was Mellon and that's the way we set it up.

Eventually, as I understood it, the UAW people were going to get him out of Canada and fly him to Lisbon, Portugal, and there they were going to kill him. And apparently something went wrong in Lisbon, because Ray turned up in London or someplace and got arrested and they dragged him back and went through all this, and that's why you've got to believe when Ray said he didn't know anything about this, he was telling the truth. He didn't.

The guns connected to the assassination were hidden in map cases. I saw that. The 400,000 came from the United Auto Workers. It took two tries but Reuther was finally killed in a private jet crash. They had tried to kill him and his brother a year before when they had flown to Washington, but all they managed there was that the pilot hit the landing, turning right at the end of the runway. So a year later we tried again and this time it worked. I have heard, don't know for sure but it could be checked, the National Transportation Board people said that the altimeter for Reuther was the same as backwards, so the pilot really didn't know how low he was.

Mazey, I think, stayed in the union for a while and then died. He was in World War II. Harmon began flying for Marcello or Trafficante -- I don't know which -- flying drugs and stuff through the Caribbean. Haven't heard from him in years. Dori died in Nicaragua two years ago during that volcano they had after an earthquake and the hurricane.

I never heard Carlos Marcello mention the name of Frank Liberto. I never heard the name of Loyd Jowers mentioned it any time.

Warden Swenson and I became close enough on our assignment to understand what we were doing. Right off the bat I felt that Reuther had Swenson pretty well where he wanted him. This has been a successful thing all the way through, obviously, but one of the strangest stories was one reported in the St. Louis-- maybe Post. It said that after he retired, Swenson had during a New Year's party or a Christmas party shot himself. The woman that had reported this lived right next door to it all, and I never heard anything else about it. I can't verify it.

Mazey died naturally, I think. Humphrey of course we know, and LBJ. Warden Swenson was in what I think they used to call a "blind squad" for the federal prison system. He was the one that directed me to pilot Gary Powers to Russia.

(Mr. Garrison continues to read from the deposition from page 38. The summary continues.)

The small airstrip that Marcello said we could use was across the Mississippi from New Orleans. He had had a huge place over there, most of it swamps. He had two airstrips. This one was the kind where you could count on getting down real quick. This is what Jim told me--get down, get pulled up real quick and get out of there, you know, because the weather had been so bad all through that particular time, all the way from Memphis. All the way to Tampa. It was raining and I don't think he particularly wanted to land. There was a dirt strip there that ran kind of clockwise away from the one we used. When we got back there that night they had turned on some lights around the field and you could see the reflection of the shells, and were there for Jim to get the plane down. We weren't there 15 minutes. Then we took off from there.

(Mr. Garrison continues to read from the deposition from page 57.)

His job was to plant things in locations that would indicate that James Earl Ray had been there in the area and was responsible for whatever took place. He was to plant evidence against James. James Earl was supposed to leave around 3 o'clock, and since he made it to Atlanta I presume that he did. He was driving a little white Ford Mustang. They had two of them.

Raul also had been in the rooming house. He was supposed to rent a room, and leave that stuff in the room. All James did was purchased something, binoculars maybe, so they'd have his finger prints on them, and he came back and gave them to Raul. This is my understanding because obviously I wasn't right there. Then he told James to go on to Atlanta and stay at the place they had set up for him there. And I understand from Raoul ,from talking with him later, that Ray did exactly what he was told. As far as I know he wasn't anywhere around the Memphis area--that's what I was told.

I presume from what Warden Swenson indicated that he was in Central America on a vacation, and was going to look at some of the prison operations and what have you in the Panama Canal Zone for the federal people. I saw him at the Mayan Hotel. I asked him if the job was going to be just an in and out type thing and he said no, he thought Reuther wanted it blamed on certain elements or people to flare things up. I asked him how long he had known Reuther and he said, quite a long time. He said he knew Reuther better than he wished he did.

Raul told me that Swenson had set this deal up for Ray to presumably cleverly escape in a red truck on a Sunday morning, jump off it, and Raul was going to pick him up. I know this happened because Raul called me from Chicago and told me that things had gone exactly as planned and said he was taking "Jimmy" to drive around the country for a while, and when things get ready he'd be back in touch. That was the last I heard from that group until they started setting up a base in Alabama or Georgia. Raul asked me if I wanted to know what he and James did during their travels and I said no. I guess Raul set him up with his traveling identities, or someone in New Orleans. I wasn't familiar with it.

(Mr. Garrison states in the deposition that James only used one identity when he was traveling around and he only used "Willard" at the very end when he rented a room.)

After everything hit the fever pitch, James was supposed to go to Lisbon, Portugal, where the UAW had a strong international union, and he was told to go to a hotel room there. As I understand that, when the people went in there to get him, he wasn't there. I don't know how he picked up on it or what, but the next thing, he's in England--London.

(Mr. Garrison continues reading from the deposition, page 69.)

I believed I was in this operation with Walter Reuther. The way I understood it from Emil was that Johnson had lost his cool about King all of a sudden when in some New York or Chicago church King had been raising the devil about the Vietnam War. I wasn't there of course, but I was told that Johnson told Humphrey to go get Reuther to tell that SOB to shut his mouth. Don't forget that for a long

time the UAW had really pushed the civil rights. So Emil told me that Reuther was told this by Humphrey and was convinced that they had to do something pretty quick. They had something set up called five regionals--five cities where there would be union organizing, vote organizing—and Memphis was selected to be the center of these. There'd be one in New York, Detroit, Chicago, LA, and Memphis. That was what Reuther was trying to protect, I believe. His slogan was Community-ized and Union-ized.

(Dr. Pepper reads from the deposition of **John Doe** from page 56. He states that plaintiffs have concluded that this statement is disinformation, not to be believed.)

No one else was in the brush area with me. I was wearing blue jeans, a blue shirt, a blue jean jacket, and thong sandals. I had been wearing them in Tampa because they have slick bottoms so you don't have to worry about them.

The brush area was not particularly overgrown. It just looked thumpy, like a lot of areas around Memphis. It took me two or three minutes to get from the gated area where I came in down to the corner of the wall. Other than some bushes and stuff there was no impediment that I faced as I walked to that corner of the wall. There was no wire or any fence separating those two pieces of property.

(Dr. Pepper puts up on the screen Plaintiffs' Exhibit 8, a photograph taken within a day or so of the assassination depicting a fence running east and west separating the two pieces of property. In the right-hand corner, Dr. Pepper states, the end of the fence goes straight down to the edge of the wall, so there was a serious impediment that the deponent claimed was not there.)

Page 1707 (**Mr. Garrison** reads from deposition testimony of **Ms. Lavada Addison**, starting at page 5. A summary follows.)

(Dr. Pepper is asking the questions in the deposition.) When I gave the statement to Mr. Ashford I told him I had met one of Mr. Liberto's nephews but could not recall his name. His name is Billy. I said he had something to do with electrical at the Coliseum, but Billy was working at the Convention Center. With respect to Mr. Liberto I had very limited contact with him or very limited conversation.

In 1967 and 68 I was working at the Millington Telephone Company, and had been on and off for 35 years or so. In 1975 I owned a florist on the same corner where I had the pizza parlor. In 1976 I divorced my husband and opened the pizza parlor at 3411 Macon. I served hot breakfast, sausage, biscuits, home made gravy and so forth; we had a hot plate lunch. Mostly in the evenings it was pizza. Hours were 6 AM until whenever. Very long day. We had a hot plate lunch

as well. The kitchen was small.

Mr. Frank Liberto did not come by when I had the flower shop. After I opened the pizza parlor, he sold me produce. Then he came by for breakfast. I had seen him down at the Scott Street Market, he was what we call the tomato man. He sold a lot of tomatoes. I don't remember the name of his company on Scott Street. The name L & L, Liberto & Latch Brothers, means nothing to me.

Mr. Liberto delivered produce to my restaurant, dropped my tomatoes and things off and would eat breakfast there. After a while he would eat and sit around and talk for a while like a lot of people do. Just speculating, I'd say he'd come around 7 o'clock. I don't know where he lived. I cooked his breakfast. He had no particular type. He was on a bland diet mostly. He would have scrambled eggs and dry toast, coffee, occasionally orange juice, and I'd fix oatmeal for him. I first met him probably early in 1977. I couldn't estimate his age. He didn't have a lot of wrinkles. I wouldn't see him every day, but most every day.

Sometimes he would come back for lunch. Sometimes he would drop by in the afternoon on his way home or after the business was closed. I don't remember what time he would come in. He was smoking a cigar and he would have dress clothes on--sport shirt and pants. Often he'd have bib overalls on. He would not eat there in the afternoon. He would drink beer. I don't remember how long he would stay.

The pizza parlor was on the corner and the door was in the corner of the building and there were big windows and Mr. Frank would park his truck by the windows. There was a table next to the windows and he would sit there early in the morning where he could watch his produce. I would serve him but it was like a family thing. It was like a round table. Everyone would just gather around at times. I gradually became involved in conversation with him when he was around, and came to know him as a regular customer. My staff included the cook, and Lewis Monticelli, my son Nathan, and a couple of waitresses--Thelma Smith, a redhead, and Annette.

At one point when Mr. Liberto was in my restaurant, and this was the only time, discussion of the killing of Martin Luther King came up. I don't recall what year that was. I had a TV in the front part of the pizza parlor and we were sitting at a table and something came on TV came on about Martin Luther King. And he said in a low voice to me, he said, I had Martin Luther King killed. I said, don't be telling me anything like that. I don't want to hear it and I don't believe it anyway, and I got up and walked away. That's the only time he ever mentioned it and I ever mentioned it to him either.