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p. 751 **Dr. Jerry T. Francisco** retired Professor of Pathology at the University of Tennessee and former County Medical Examiner for Shelby County.

Direct examination by Dr. Pepper

In April 1968 I was in pathology at the University of Tennessee, and I was County Medical Examiner for Shelby County. By then I had performed thousands of autopsies, many from homicide, many from gunshot wounds. In civilian practice, rifle wounds are an uncommon form of wound, but I'd seen some.

On April 4, 1968, the Department of Pathology was having a weekly Thursday night conference, and several members were having dinner at the faculty club before the conference when we heard that Dr. King had been shot. We came to the Institute of Pathology at about 6:45 or 7:00 knowing that he was dead. The conference was canceled.

I performed the autopsy on Dr. King on the day that he died. The finalized version of the autopsy report was dated April 11. There were assistants present during the procedure and a law enforcement officer inside the autopsy suite with a shotgun, and another officer outside the suite with a shotgun.

The entry wound was a gunshot wound to the jaw which had been surgically altered in the emergency room in an effort to stop the bleeding. There was no exit wound; the bullet was retained within the body. It was a single entry wound. The fatal bullet was lodged beneath the skin in the back, left side. A photo represented by Dr. Pepper to be a photo of Dr. King on the autopsy table might show the location of the bullet beneath the skin.

The path of the bullet was front to back, above, downward, right to left. The bullet hit the right mandible or jawbone, the right vertebral artery which runs from the aortic arch into the head and spine, T-1 and C-7, the spinal cord, upper cervical – lower cervical, upper thoracic, the submucosal hemorrhage to the voice box, the larynx. The circumferential forces around the bullet

will bruise or damage organs not actually hit by the bullet. These damaged the larynx and there was a bruise or hematoma to the upper right lobe.

The autopsy procedure does not determine the time of death.

p. 761 The autopsy report is marked as Exhibit Number 6.

It was not difficult to trace the path of the bullet using autopsy techniques. The entry point was clearly visualized, the terminal point was clearly visualized. The bullet generally travels in straight lines through the body; they do not zig zag. They're hard to deflect. If the velocity is low enough so a body part can deflect it, generally the bullet stops. There are rare circumstances, for instance, if a bullet enters the skull and because of low velocity travels along the inner path of the skull coming around to the side, bullets do not enter here and go over the top of the skull and come out the side

In 1969 I was asked to testify before a guilty plea proceeding presided over by the Criminal Court of Shelby County with respect to the guilty plea of James Earl Ray. It was necessary to establish cause of death by testimony. With respect to my testimony on page 32 of the transcript, a photograph of bullet fragments shown to me by Dr. Pepper could show the bullet I was shown in that proceeding. There's the jacket and the two pieces of lead present in that bullet. However, I marked the autopsy number on the jacket of the bullet that I removed, and I don't see that number in this photo. This photo is not necessarily a photo of the bullet that was shown during my testimony.

I don't know anything about this photograph, but I do know that during this testimony the bullet that was shown to me was the bullet that I removed. That was a damaged, jacketed bullet, in which the jacket had been peeled back and the lead on the inside was loose and could come out very readily as it did in this case. The bullet I removed from Dr. King was intact when I removed it, but there were two pieces of lead, and one was daintily attached to the other because of its damage, and therefore any kind of handling or examination could cause those two pieces to separate. The lead that was still inside the jacket can come loose at any time, representing three pieces at some later time, because it's been altered in the handling.

I identified the fragments shown to me as the bullet I removed because it had the same topography, configuration, color, shape of a photograph I made of the bullet at the time I removed it. It also had my autopsy number scratched on the base of the jacket, the number 252. I have no question that the bullet I was shown at the time of the guilty plea hearing was the bullet that I took from Dr. King's body even though it was in different pieces.

p 768 **Cross Examination by Mr. Garrison**

The entry wound had been enlarged by surgery. It was not particularly large as bullet wounds go. I did not probe the wound by inserting an object. That tends to alter the wound. The wound was just adjacent to the angle of the right side of the mouth.

The bullet could have been fired from a rifle or a 30-06. It conformed to approximately that size. It had a partial jacket, the purpose of which is to allow the bullet to mushroom as it strikes a hard object, producing a larger surface.

At the request of the District Attorney I visited the balcony where Dr. King supposedly was standing, and also the bathroom in the rooming house, and the brushy area.

There was a photograph made of Dr. King's position just before the shot was fired. The path of the bullet appeared to be a downward path. The shot could not have come from the base of the building. You couldn't see Dr. King from the base of the building because the land was up. You have to be closer to the ridge to be able to see Dr. King from that location. From the bathroom window you could see the body, and it was consistent with having been fired from that bathroom window. At the time I visited the scene some trees or bushes have been cut in the backyard area.

p 773 Exhibit 7. Guilty Plea Proceeding Testimony of Dr. Francisco is marked

p 773 **John E. Billings, Jr.** Private Investigator for 30 years, a licensed by the state of Tennessee.

787 West Dr., Memphis

Direct Examination by Dr. Pepper

On April 4, 1968, I was a Junior at Memphis State University working six afternoons and evenings a week at St. Joseph's Hospital as a surgical assistant. I had come on at four o'clock that afternoon, and it was a slow day and we were up on the sixth floor standing outside the nurses lounge, which is across from recovery and the cast room. Mrs. Matthews, the head scrub nurse, ran out the door and said get the cast room ready, Martin Luther King has been shot in the leg. We started to get the cast room ready, and a minute or two later Mrs. Matthews came back and said to get Room 1 ready. That was the neural room, so we knew then it was a head shot.

She asked me to go through surgery around by the back elevators to get a gurney. I noticed two males beating on the frosted doors. They seemed to be having a hard time finding the button that opened them. I opened the door. Two white males carrying what appeared to be machine guns came running in and down the hall.

Mrs. Matthews told us to go down the back elevator and bring Dr. King back up when it was ready for surgery. She was explicit that no one in the press and no strangers could come back. We took the gurney down, and the emergency room was filling up with people who appeared to be Dr. King's group. I think Dr. Abernathy had just gotten there. There was a quietness about it, no panic, no wailing or anything. Just sort of shock. Like a bomb had gone off.

I went into the room where they were working on Dr. King. We were wearing surgical greens, so we stood against the wall and watched them work. I believe Dr. Rufus Brown was the resident in the emergency room that night and he was leading a team. Dr. Julia, our resident surgeon, had just arrived. Other doctors were coming in. They were feverishly working for 30 to 45 minutes. I could see the backs of the doctors. There was constant motion, and we fully expected to take him to surgery. There were several doctors.

The white males with machine guns, I had never seen before and they did not identify themselves. There were many men like that running around the Emergency Room that night. When we got down there they were ringing the walls, maybe a foot or two apart and into the other rooms. There were officers, some in T-shirts, some in suits, some in uniform, a variety of weapons. It was totally secure. We had heard that they were setting up floodlights because the hospital was receiving bomb threats. Uniforms include city police and, seemingly, Shelby County. Some were wearing suits with their jackets off. There were a variety of weapons.

The activity continued and then several doctors turned and walked to me. And they said we need to speak to someone in charge. So I went out to the Emergency Room and approached the Suits who were telling people what to do and told them the doctor wanted to speak to them. We walked around the corner. They stood in the doorway of Room 1 and the doctors informed him to the effect that Dr. King was terminated. We have done everything that we can, and we feel there's nothing left that we can do. The Suits told the doctors that they would like them not to make statements to the press for about an hour because they had to call out the National Guard. And if they could go out of the area quietly or up the back steps they would appreciate it. The gentlemen in suits, I don't know their names, or if they were local people. I'd never seen them before or since. They seemed to take charge of events at that point.

Years later I became part of the investigative team for James Earl Ray and his postconviction relief application. I had been working in Memphis a while, and I had a high profile client and asked an attorney, Sheldon Greene, if he knew an experienced investigator I could use. He mentioned Kenny Herman, who had been an investigator for 25 years, and we worked on several cases over a couple of years and during that time he talked about working for Dr. Pepper. We used to laugh about the attorney who had a portable fax machine. That was a new thing back then, and he would ride the train and take care of business on the fax.

Kenny talked about doing different jobs. I believe he got involved when the BBC came over in the late 80s and did several documentaries. Kenny did most of the research and looked up all those witnesses, and between Dr. Pepper and him, pulled the case together.

As the investigation continued my role grew. I was under the impression that James Earl Ray was the gunman. He pled guilty. I didn't understand all the activity. At one point Kenny and I were doing surveillance, and we were talking and he showed me a contract and he said that he and Dr. Pepper felt it would be difficult for James Earl Ray to get another real day in court. So the idea was possibly to have a mock trial to get some of this stuff out to the public.

So I became involved in the investigation before the television mock trial. We felt that we probably did the first investigation that was ever fully done in this case. The people we talked to, we found that was probably true. No one as far as James Earl Ray, in the early stages of his defense before he pled guilty, had done an adequate investigation and touched all bases. And of course new information had been released from government files that gave us more insight.

At some point I became involved in the investigation focusing on Raoul. We had no leads other than James's statement that he'd met Raoul in the Neptune bar in Canada by the maritime docks, his descriptions of him and his associations with him, traveling to Mexico, etc. We had little hope of finding him. We thought maybe Raoul was a code name or a nickname.

James was on the run and had made it to Canada. He would typically hang out in seedy bars to try to find people who could help him. He said he started talking to Raoul in a bar once, a Latin looking fellow, who offered to help him. He said, I've got certain ways you can make some money if you would do certain jobs for me, some of which included driving cars into or out of Canada.

I believe at this time James got different sets of IDs. And James always told me that he was just looking for a way to get out of the country, He was a fugitive. I believe he said he met Raoul in the Neptune Bar.

When we won the mock trial we were all under the impression that something was going to come of it. We had raised a lot of issues, a lot of witnesses came forth. The trial lasted around 79 hours. I actually saw the entire thing. They, of course, tried to condense this into three hours and a lot of

witnesses were left out.

I spent ten days with James in the prison passing notes and stuff, because he was not totally familiar with the investigation. All of this had happened very rapidly.

Sometime after that, Glenda Grabow and Roy Grabow came from Mississippi and said they had information for us. Kenny and I met with them. I found her first statements incredible, and wondered if possibly the government or somebody had put her in to try to discredit us. That was an ongoing thing during all this period. But the more we talked with Glenda and the more information we got as investigators, we felt like we were going to check it out. My mood was to disprove her. I said either were getting a great break or this is a fictitious story. Once we began to check out her story, it began to fall into place. That was amazing.

Glenda's family had moved to Houston when she was 12 or 13. Her family was abusive and she was hanging around the neighborhoods and became friends with a fellow named Jack. And later maybe intimate friends. She also met a fellow named Raoul. She said she didn't know his last name, he went by the name Dago, and she didn't know his nationality except that he was foreign. She came to know this man and his uncle called Amaro, and I believe she said she made some pornographic movies.

She said that in her circles it was rumored that Raoul and Amaro had been involved in the King assassination. She worked with these people in various shady activities, running errands and stuff. She said, one day they were sitting at a table working on some things and Raoul came in, and she was looking through a little plastic viewfinder, and it was Martin Luther King, Robert Kennedy and John Kennedy. Raoul looked at the picture and told her that he had already killed the son of a bitch once, do I have to kill him again? Or something to that effect. Then he dragged her into a room and raped her, which was odd because they had had intimate relations before. The violence was very traumatic for her.

Glenda was damaged goods. She had been abused a good bit of her life. She doesn't have the complexities to fabricate the complex story she was telling without losing the train of thought. This made her credible to us. She's told basically the same story from the day we met her in 1993 or 1994, and she's good on the details. It's hard to maintain a lie. The more complex the lie, the harder it is to remember the details. For six years, the details have been consistent, and we've talked to her on many occasions. I've deliberately brought things up to test her memory to see if she can recall what I was talking about, and she does.

Kenny Herman and I and Jack Saltman, who was the director of HBO--who after Tim's movie "The trial of James Earl Ray" became very involved in this---we discussed this. When I first met Mr. Saltman he was skeptical, and it was just a job to him. But once he had seen the 79 hours and the witnesses and heard all of this, he was convinced that something was wrong, and I believe he felt that he wanted to get to the bottom of this. So we discussed how could we find this information out in Houston.

I knew some people in Miami and New York with whom I had worked some through the years. And I asked him a favor, if they could open some doors down in Houston. These are some powerful people and they made phone calls to a big bond company in Houston, and the bond people opened the doors to people like retired federal judges, people who owned theaters, people who knew Glenda. All of them admitted to knowing Glenda in something of an intimate way. One even produced pictures of her and gleefully he keeps them under his bed and he wouldn't show the good ones.

The more we checked her stories, the more it confirmed the details. This surprised me. I'd felt that this was a government plant, that this would disrupt the train, and we did not want to get into Texas. We had enough trouble just with the King assassination—resistance through the press and the government.

At some point, we located Amaro. They had worked on the docks and I believe he had a maritime card or something. And Jack managed to pull his Director of BBC influence out, and got information they normally wouldn't give. He told them they were making a movie and needed this information. So we knew there was an Amaro, had the last name and stuff, but we still didn't have Raoul.

At some point there was a critical breakthrough right here in Memphis. Kenny had been around a long time and knew the police well, was good friends with the sheriff, Jack Owens. Kenny asked a lieutenant to help us and Sgt. Tim Cook produced a piece of paper that gave us a history of Raoul that led us to Lisbon, Portugal. Tim got became a member of the Atty. Gen.'s task force on this case and ran with Kenny for a couple of years. He was trying to get information to Kenny and gave us that big plum and seemed very interested in this case and spent a lot of time with Kenny. As we broke into Raoul, Tim began to meet with us a good bit, and then when the Atty. Gen.'s office ordered an investigation, he was picked. He called us up, and he was an ecstatic and said you're not going to believe it, they picked me and we said, that's great, we got somebody that would do a thorough investigation.

So during this period we would meet with him and he would tell us stories about the Atty. Gen.'s office and the problems they were having. He would always kind of degrade them and say things I felt that we wanted to hear. There were times I felt he was wearing a wire, and I told him several times I didn't care if he did, I didn't care if he was reporting, I didn't care what side he was on because we're just after the truth. I sort of thought that maybe he had an ulterior motive. He was a police officer with a job to do. And I couldn't understand his enthusiasm for us. Generally people who got into this or associated with us or helped us paid a high price, and I felt he was jeopardizing his career. I felt he had given us a good piece of information to gain our trust, and foster our hopes that we might get more information from him. The information he gave us was that Raoul had worked in Lisbon, Portugal up until 1961 at an arms factory making weapons. He was supposed to be just a worker, but Tim noted on the piece of paper that he had heard that Raoul was actually in the sale of weapons. This of course went with what Glenda and Roy said, that they were dealing weapons, they would go out on the dock and pick up various firearms. So there were a lot of little ties that seemed to add to her story. I don't think Tim knew all of this. So we were getting it from two sources.

(The witness recognizes a report that Tim Cook gave him)

It reads "word of mouth is he really wasn't an assistant mechanic, but rather a clerk" It says "United States of America, number 8920111, Certificate of Naturalization. DOB, date of birth, 7-16-34. Nationalized on 6-15 of '67 in the name of Raoul" and it's signed by a clerk in the Supreme Court of the State of New York. Serial number from Portugal passport is 760529 are issued on 12-5-61, expired 4-4-62. Passport number 18425/61 issued in Lisbon, Portugal on 11-16 of '61, expires 11-15 of '63. Worked from 10/57 through 12/61 at the National Factory of Arms in Lisbon, Portugal, as a mechanic assistant. Reason for leaving, left for America. Correct name of business is Fabrica Nacional Municoes Armao--and it goes on in Portugal. Word-of-mouth is he really wasn't an assistant mechanic but really a clerk who worked in the office and who did all the paperwork on shipping arms. When arms were shipped out, they were shipped out unassembled. New York State Liquor Authority Wholesale Beer License effective 7-1 of '92, expires 6-30 of '93. Certificate number D240634.

p 803, document marked as Exhibit 8.

With this piece of paper Tim gave us a passport photograph from 1961 when Raoul entered America. That was the first photo. I recognize the photo spread Kenny Herman and I put together. Raoul is in the middle to my right. That's the passport photo. We discussed when and how to show this photograph to James Earl Ray. So we went to River Bend prison, and I told him that we had a picture of Raoul and he seemed surprised. So we put this photo spread before him, and James put on his glasses and studied the pictures very carefully for a minute or two and said that's Raoul.

He said he had seen the picture before. And he said during the House Assassinations Committee someone had mailed him, without a return address, a copy of that photo. It had a name on the back of it and he couldn't remember the name. He said no one ever identified this. He said his attorney had seen it and he believed also April Ferguson, who was also working on his behalf, had seen it. And he said it was passed around among people at the House Assassinations, but no one could identify this picture.

Reading paragraphs 8 and 9 of an affidavit signed by James Earl Ray and filed in another court October 25, 1995:

"1978, however, I did see a photograph. And at that time I identified the person in that photograph as being Raoul. In the intervening years I had reviewed 200 to 300 photographs but was only able to identify this particular one. I'm certain that person in that particular photograph identified was Raoul. Attached hereto as Exhibit 1, a copy of the newspaper article which reported my identification at that time.

"In the spring of 1995 I was shown that same photograph of the man I know to be Raoul by private investigator Kenneth Herman. At the time I confirmed that this was the same photograph I had seen and identified as depicting Raoul. Mr. Herman told me he believed he had located this man."

Attached to that affidavit is James Earl Ray's signature, notarized, and a newspaper clipping saying something 30th, 1978 "Man in photo is Raoul. Ray."

The newspaper article is a report on November 30, 1978, at which time James Earl Ray had been reported as recognizing a photograph of a man he called Raoul. And to me, he identified that photo has the same one as that one there.

p. 808 Documents marked as Collective Trial Exhibit 9.

Once we knew where Raoul lived we went and made surreptitious photos of him on a rainy New York Sunday when he was walking back from church. We had someone stop him and talk about some campaign literature in an attempt to get some fingerprints from him, and I believe we got six or seven prints off that.

Glenda and Roy were unsure. They were looking at the immigration photo, which does look different, and then they looked at the new photos of the older Raoul. I believe it had been 17 or 18 years since she had seen him. Mr. and Mrs. Grabow usually would meet with us at Kenny's house in Memphis. They didn't want us to come to their house because they were trying to keep this low-key and she was nervous.

Kenny and I decided that we needed to talk to Raoul, and we saw where he had a liquor license, so we simply called him and told him we were interested in opening up some pizza businesses in New Jersey. He had an accent but spoke very clearly. He was enthusiastic about us coming to buy wine from him. We called him three or four times. At that time we did not know where he was ostensibly employed. We took Glenda and Roy with us when we went to New York so they could see him.

I wanted to set up a meeting, but Kenny wanted to do a cold call so Raoul would not have time to think about it. So I phoned Raoul from maybe 10 minutes away, an area he was familiar with, and we had set up cameras, video, had Glenda and Roy's position in place and I asked him to come pick me up. He seemed shocked, surprised, and almost scared. I didn't expect that kind of reaction, because we had pretty good rapport. He kept saying, what are you doing? What are you doing here? Kenny was posing as my Uncle and I said we were looking at locations and wanted to talk about purchases. He was on his guard at that point, he kept saying, all I have is Portuguese wine. And he kept saying I have to go to the port. I thought he meant the airport. He said he was busy and had to go to the port.

So we immediately set up surveillance at his house. This was maybe 11 in the morning and we stayed there until probably 1 or so at night. And there was no movement. It was like the whole house shut down. He never went to the port. Nobody left the house, nobody came, I thought this was odd.

Another time I went up there with another fellow, got there early Sunday morning and we were going to try to get clearer pictures than what we had. Just when we set up, a large U-Haul or Ryder rental truck pulled up in front of the house and three or four husky white males got out and looked around like they were going to rob a bank, looking up and down the street. They appeared to be nervous. They went into the house and where they stayed, they got some boxes out. We didn't see anyone for a couple of hours and then they started bringing stuff out and loading it on the truck over a period of two or three hours.

We were afraid that if we followed the truck they might make us, so we didn't. The truck left late that afternoon and when dark came I went and picked up the garbage to see what was going on. There were receipts there from a lady who had lived in the house for a good period, a housekeeper or a friend. According to notes she was planning on moving within a few weeks. Then for some reason, she was leaving that morning. It looked like a hasty decision. Once we got back to Memphis, we found out that the Sunday morning in question, the news in New York came out with an article about Raoul, his home address, the whole story in the morning paper and this woman decided to leave.

I believe it was years ago that Dr. Pepper and Mr. Chastain brought a civil suit against this individual in the city of Memphis. We figured that if he was innocent he would come and testify and hire an attorney and sue everybody. But he didn't want to come, and seemed to fight tooth and nail. He had a very expensive New York law firm in Rockefeller Center that popped up to defend him and another law firm down here that also defended him. We're talking months of litigation, and I believe the hearings lasted several weeks. This would be very expensive for the average citizen for these kinds of attorneys.

We met with a woman who represented the main newspaper of Lisbon. She later met with Raoul and his family, but I don't think she ever really spoke with him. She spoke with his daughter and his wife. She asked how they could afford these legal services. Their answer was that the people at the church liked Raoul and felt sorry for him. To me the question is did the people in Memphis

also like him enough to defend them for free. In my 30 years of experience, I've seldom found attorneys who defend someone for free. Especially a case like this where you're talking hundreds of hours.

I did not attempt a financial analysis of this gentleman's background and position. He had owned property out there for some years and lived in a nice neighborhood in a fairly nice home. He seemed comfortable. But if I was in a similar situation and hired a Rockefeller law firm and a top Memphis law firm to defend me, the cost would be a lot when it would seem very simple for me to simply hear them say, you know, I don't have anything to do with this. The information I obtained leads me to believe that he couldn't afford those legal services.

p. 819 **Cross Examination by Mr. Garrison.**

I believe Mr. Ray said he went into the Grill the morning of April 4 and talked to Mr. Jowers. He said that was his only meeting with him. I think they just talked in general, and I don't think he was fully aware of Mr. Jowers's role in this. Ms. Grabow had never heard of Mr. Jowers when I talked to her.

p. 820 **Royce Jeffrey Willburn** Master electrician of 23 years, electrical subcontractor and brother of Glenda Grabow.
Nashville, Tennessee

Direct Examination by Dr. Pepper

We lived in Houston from about 1961 until about 1980 near the Hobby Airport, near the south side of Houston. A lot of times, my sister would walk with me to school. When I got older, I'd take the bus. I came to know an individual now known as Raoul who was then called Dago. He used to follow my sister and me around in his car. He was kind of dark-complected, and Houston wasn't integrated then and he stood out to me and I was kind of scared of him. He would pull up and make us get in the car. One time he had me lay down in the back seat and put a hat over my head for some reason like he didn't want me to know where he was going. I was scared to death.

I probably saw him 10 or 15 times, as least as possible. He hung around a small gas station by a store my sister and I would walk to, and she would mail letters to her husband. He would see us go by and get in his car and follow us. I thought he was an employee there, but now, come to find out, I don't think he even worked there. It was probably '63, '64 that I saw him and probably some after that. I got older, and we moved to a different neighborhood and my sister's husband was in some rehab center or something. He got out and they moved off and we moved to another neighborhood and I never really seen him again, but I knew some of his family or my sister knew some of his family that would come to their house. I knew Mondo, his cousin or uncle. I saw him probably 20 or 30 times.

A couple of years ago I saw a spread of photos and recognized one of the individuals as this Dago/Raoul fellow. In the current photo spread he's on the right, the second one down. There's no doubt that he's the man I saw in Houston, unless he's got a twin brother.

p. 827 The spread of photographs is marked as Exhibit 10.

I have not discussed this identification with Mrs. Grabow. This is my own independent recollection and identification. Another time, somebody else came to my house and asked if I could identify this Dago/Raoul guy. They threw 15 or 20 pictures down and I said, that's him and he said, you

know, yes it is.

I remember giving an affidavit and recognize my signature on it. I placed my initials next to the photograph there.

p. 829 document marked as Exhibit 11

p. 829 **Cross Examination by Mr. Garrison**

I would say I met the gentleman I've identified about the time Kennedy was assassinated, 1963. I heard him converse with my sister. I thought this individual worked at that gas station. I never heard him say anything about Jowers. I've heard my sister mention the name Mr. Jowers and really don't know who that person is.

p 833 Dr. Pepper shows a video or audio deposition of 35 or 40 minutes, the deposition of an Englishman who lives in west Yorkshire.

p. 835 Deposition of **Sidney J. Carthew** Merchant seaman in the British merchant Navy from 1956 until 1973

Direct Examination by Dr. Pepper

I sailed all over the world, and frequently sailed the North Atlantic route. I recall in 1967 sailing from Liverpool to Montréal on the Canadian Pacific line. I think it was the Empress of Britain. There were two two identical ships on that run, the Empress of England and Empress of Britain. That particular time, and every trip, it's one week in Montréal, one week at sea, one week in Liverpool, then another week at sea. In Montréal, I would frequent the Neptune bar, and also the Seaman's Mission on the same street. I think it was Commerce Street. It was near the ship, West Commissioners. The Neptune was the bar that most seamen frequented. Two others in there knew me, but mostly it was strangers.

Around this time there was some kind of world games there, an awful lot of people in Montréal. I don't know if it was the International Youth Festival held in late summer and early part of 1967 that were the international games I'm talking about. International games would be of little importance to merchant seamen.

Evenings after leaving the Neptune bar if I had female company I might stay ashore, but most nights I would be back on the ship. Toward the end of this stay in Montréal I met a fellow in the Neptune bar whom we know as Raoul.

First I met a person who I now think was James Earl Ray. They were standing at the bar together, and the shorter one, who was very quietly spoken, asked me about going on a ship to possibly work his passage. I explained that in this modern age you can't do that. Then he said he would like to get a seaman's discharge book and I explained that when you sign on the ship in your home port, you hand the discharge book into the ship, so you don't get it back until you return to the port. I told him that these were identity books, they had fingerprints. So you could try changing the photograph, but you couldn't change fingerprints.

I thought he was an off-duty bartender because he was dressed in a white shirt and black tie. He spoke to the taller one, who was slightly of a Spanish look, but didn't have black hair. He had darkish brown hair. He introduced himself to me, and a couple of friends I was with.

The first conversation may well have been with James Earl Ray, but I never saw any photos or pictures on TV. Only when I saw him on the mock trial on television did I recognize him. The Spanish-looking guy was asking the same thing about seaman's papers. I think he was trying to get confirmation for the first person, to try to find whether it was possible. And I proved to him that it's been done many times where seamen had taken other seamen, who maybe jumped ship in Montréal, took them back on the ship, and they sailed back to Liverpool and kept away from the Master Arms on the ship for a week. I said that this friend of his could take that chance--make friends with seamen, especially if he had relatives in England, they would have helped him get back to England. But he didn't sound English.

This Raoul person said, well, that's seven chances of getting caught, and I said well that's true. If you want to look at it that way. He introduced himself to me as Raoul.

I was watching the recording of the mock trial a couple of months after because I put it on the shelf and forgot about it and my daughter had taped something else and when I put it in the television, it came upon the court scene where the prosecutor was ridiculing James Earl Ray and saying this Raoul was a figment of his imagination. I called my daughter in the room and said "Look, no this isn't a figment or a lie. This poor man is telling the truth," and that is when I decided to try and locate Dr. Pepper.

I phoned the US Embassy to ask them who was defending James Earl Ray. They said they didn't know. Eventually the Citizens Advice Bureau put me in touch with the bar.

The lad I was talking to at the Neptune, and I met him over three years, he sailed out of Montréal on Canadian ships. He was talking about the election with George Wallace and at some point things became a bit heated, and I think this Raoul thought we were Irish because the other lad spoke slightly different to me. I'm from Liverpool, but a lot of people can't make the difference out between Liverpool and Irish because there is a big Irish population in Liverpool, and I think he thought that we were Irish nationalists, connected possibly to the IRA. He didn't say that, but at one point, I said, I believe in the rights of the people to bear arms, and I'm sure that you understand this, being an American. As I've said on many occasions, the head of our country is home elected and if it ever came to conflict, the only people that would have the right to bear arms in defense of themselves would be the criminals and the police, and he said he would be able to get some guns.

I said I don't want any of that Second World War rubbish, rusting rubbish. He said these are brand-new, Army issued, Browning 9 mm. He said how many would you want and I said four. He asked how I would get them on the ship, and I said I would just put them in a shopping bag. Then he said what you mean by four? I said, four guns. He wanted to sell me four boxes of guns. Once he knew that I would only take four guns he was very annoyed. He said that there was a Master Sergeant in the Army who wanted his cut out of this, and it wouldn't be worth his while to deal in such small quantities.

This conversation was over two evenings, and I think the discussion of guns was on the first evening. It was the same evening as when I talked with the man I now suspect was James Earl Ray. The gun peddler made it his business to come talk to me as if he was taking charge of what the first person was saying.

Looking now at it from the point of view of the mock trial on television, I can see now why Raoul wanted to prove that it was no good to go by ship. He might have had other plans for James. After this discussion over two evenings I never saw him at the Neptune again, and we sailed

shortly after. I never saw either one of them again at successive visits to the Neptune.

(Dr. Pepper on the tape refers to the witness's affidavit dated January 23, 1997.)

I recall at the time seeing a spread of photographs of six different people in connection with this affidavit. There were three sets of two—top, middle, and bottom. Raoul's photo was at the bottom right. It's very unusual to find someone of Spanish heritage with brown hair. That's what made me recognize him. I'm certain the man I met in the Neptune was the person in this photo-- unless he has twin brother. I remember affixing my initials on the photograph that I had named as Raoul. (The affidavit and attachments were marked as Exhibit 1 to the deposition.)

Since I came forward to tell my story and since Dr. Pepper wrote about it in a book, journalists have been writing that I'm a Nazi. This is after my time with the National Union of Seamen defending seamens' rights and pay, they call me a Nazi. And people of mixed race--I'm getting accusations from both sides, so I'm in the middle. I get it from left and right and my house was petro bombed, and I believe that was through an article called Search Right that is distributed, not only to trade unionists, but what they call fascists. I have never been a fascist in my life. I am a nationalist. My public support of an action on behalf of James Earl Ray has brought difficulty to me and to my daughter. Petro bombs were thrown at the house at two o'clock in the morning and there is no back way out. We could have been burned to death.

Journalists don't let the truth stand in the way of a good story, and it sounds a lot better if you can call the person a Nazi or fascist. I don't know much about the possibility of government agencies being behind this, but I do know that anyone who writes in magazines and helps to destroy people's living and their lives--I don't see how they could get away with that unless it was being state-protected.

No one was ever arrested for the petro bombing. Even when the police came to the house, saying the journey would take less than 5 minutes, it took 20 minutes. They said the local patrol car were on their tea break. (End of videotaped deposition of Mr. Sidney J. Carthew.)

p, 857 Affidavit of Sidney J. Carthew marked as Exhibit 12.

p. 858, **Mr. Joe B. Hodges** Retired police officer after 25 years. 23 years with the dog squad
174 Dillon Rd., Mickey, TN

Direct Examination by Dr. Pepper

At the time of the assassination I was assigned to the dog squad. Myself and two other officers were at a restaurant at Crump and Third, and we heard over the car radio that Dr. King had been shot. Dispatcher advised all cars in the area to move in. We came north on Main St., east on Huling, then south on Mulberry. We parked in front of the Lorraine Motel on the west side of Mulberry. This was perhaps five minutes after the shooting, maybe three.

We did not see any people or any cars moving quickly on South Main and none of the pedestrians came to our attention. I don't recall seeing any movement at all as we turned the corner and proceeded down Huling. I don't recall noticing any cars there.

At the time the police had not yet set up barricades to block off of Mulberry. Turning onto Mulberry, I did not notice any movement on the streets other than police officers on the east side

of the street and a few on the west side. I did not notice any firemen offhand.

I believe there were some police officers on the sidewalk. I believe that our car was a black '67 Ford, a regular squad car, solid black. Memphis PD traffic cars were white. There were two other officers with me, two rookies just out of the Academy. One was J.D. Hodges and I don't recall the other's name. I knew patrolman Torrence Landers. I don't remember seeing him on the street. I believe I ran into him up behind the hotel.

We exited the vehicle and located the commanding officer, Lieut. Cochran. He was there before us. I believe he was assigned to homicide at that time and would have worked under Inspector Eddie Zachary.

Lieut. Cochran instructed us to go up to the area behind the rooming house. I believe we climbed up a 55 gallon drum to climb the wall, which was at least 6 feet high. I think some other officers placed it there standing upright right up against the wall, possibly near the northeast section of the wall. The ground up there was real thick brush, overgrown really bad, difficult to get through. Kind of like a hedge, weedy, but you could walk right behind the building. I remember checking the sides of the building to my right and we were checking the weedy area and then the back part of the building, and I worked myself around the corner into the alleyway between the two wings of the rooming house.

I moved just a short distance around the corner of the building and found a footprint. It appeared to be fresh, distinct, just one footprint pointing west. I told one of the officers to advise Lieut. Cochran, and he sent word back that I should stay with the print until another officer arrived. He wanted to make a cast of it.

As soon as the officer got there, Lieut. Cochran wanted me to do measurements directly from the rooming house to the Lorraine. So I don't know if any of the other officers followed that footprint down the alley. I came upon that footprint at most 15 minutes after the shooting. He assigned us immediately when we got there and told us to scour the area, and so I came up through the brush to that point. There were other officers doing the same as I was, working their way through the brush to see if they could locate anything. I don't recall their names. Landers is the only one that I actually recall was there. There were the two officers with me.

I knew Lieut. Earl Clark at the time, but I don't remember seeing him there. I was wearing the standard uniform on that day: dark blue trousers and a light blue shirt. Commanding officers, lieutenants and above, would have had white shirts.

I stayed with the foot print 10 minutes at most and went on to other duties in the vicinity.

I did not enter the rooming house.

p. 879 **Cross-examination by Mr. Garrison**

In this brush area it was very difficult to walk, lots of limbs. I don't remember if the leaves were on the bushes and trees, which were over my head. The ground had a little moisture. The impression of a footprint was distinct. I found only one print of a shoe, headed west, toward the river and toward the front of the rooming house, and maybe two or three feet away from the side of the building on the south side. I don't recall seeing a door around there. I do not remember any distinguishing marks on the sole. It was a man's shoe, size 10 or 11. It had not been there long enough to deteriorate or have any trash blow in it. I don't remember if my footsteps left tracks.

p 883 **Redirect Examination by Dr. Pepper**

I have no idea what was done with the cast of the footprint. I left before they poured it, and never inquired about what happened to it. I think I saw some pictures at some time of the cast, but I don't believe I ever saw the actual cast. No one ever told me what happened to it or what investigation was done.

I did not see any police officers going into or coming out of the basement of that rooming house at that time.

p. 885 Dr Pepper reads into the record an affidavit given by **Rev. James Orange** under oath some while ago. A summary follows.

In 1968 I was a member of the executive staff of the Southern Christian Leadership Conference. In April of that year I return with the staff to Memphis as part of SCLC's efforts on behalf of the strikes being mounted by the Sanitation Workers. On April 4, we were in Memphis, preparing for a march which was necessitated by the eruption of violence on the previous march of March 28. On that day, [April 4], Rev. James Bevel and I were driven around by Marrell McCullough, a person we knew at that time to be a member of the Invaders, a local community organizing group, and who we subsequently learned was an undercover agent for the Memphis Police Department and who now works for the Central Intelligence Agency. It was later in the afternoon when he brought us back from a meeting to which he had driven us, and Reverend Bevel and I noticed that he took us back a different and longer route than we took in going. Jim raised the question, though I don't remember McCullough's response. We returned to the Lorraine parking lot about five minutes to six and Bevel and I started wrestling and joking around below the balcony. We continued the horseplay for a short while before the shot.

After the shot, we ducked down and the first thing I saw was Dr. King's legs dangling over the balcony. When I saw the leg, I looked back and saw the smoke. It couldn't have been more than 5 to 10 seconds. I saw the smoke rise up out of the bushes in the brush area on the opposite side of the street. From that day to this time I have never had any doubt that the fatal shot, the bullet which ended Dr. King's life, was fired by a sniper concealed in the brush area behind the derelict buildings.

I also remember then turning my attention back to the balcony and seeing Merrell McCullough on the balcony kneeling over Dr. King, looking as though he was checking Dr. King for life signs.

I also noticed quite early the next morning, around eight or nine o'clock, that all the bushes and brush on the hill were cut down and cleaned up as though the entire area of the bushes from behind the rooming house had been cleared, cut to the ground.

The police was all over the place within minutes, covering both the Mulberry and S. Main St. area. I will always remember the puff of white smoke and the cut brush, and having never been given a satisfactory explanation. When I tried to tell the police at the scene as best I saw it, they told me to be quiet and get out of the way. I was never interviewed or asked what I saw by any law enforcement authorities in all of the time since 1968. Executed January 20, 1993.

p. 999 (The document is marked as Exhibit 13)

888 **James W. Smith** Memphis PD, 1964--1970
Memphis

Direct Examination by Dr. Pepper

I started in 1964 with uniform patrol, worked vice squad, special services, plain clothes. In 1968 I was special services. Some of these assignments were during the sanitation strike: surveillance, escort on garbage trucks, plainclothes assignments, uniform assignments, riot control.

On the morning of 28 March 1968, I was involved in riot control assigned to a tactical squad, TAC 5. I was assigned to Memphis Fire Station 2 until the parade started, and then we were moved up to the parade route. Moved initially to Front and McCall and then to Main and McCall. Across the street from where the Light, Gas and Water is now. We were in a wedge formation, designed to move into a crowd and disperse it. We were on Main just South of Beale St. This was our location when the march began.

There were 12 officers and a lieutenant in our wedge. We observed the march coming up Beale Street, and as it approached Main, we observed people breaking windows and heard shattered glass all along Beale Street near Main. There was a person trying to knock the window out at a movie house. The march was in the street, and people on each side of the march on the sidewalk behind the line of march and in front of the line of the march were on the sidewalk breaking windows. We did not do anything to apprehend window breakers because that was not our assignment. We were there only to prevent anyone from coming south on Main St. You are told not to break formation. I didn't see any other officers trying to apprehend window-breakers.

As the marchers approached South Main, another group started throwing bricks from a demolished building there, the old M&M Building. They were raining down on the marchers and everybody. People were running in all directions, but anyone coming South on Main we were supposed to turn back. We were to contain them. We were not able to contain them. Somebody got behind us and our lieutenant went down. We tried to help him and things broke up and everything got chaotic.

Dr. King was hustled away as soon as the bricks started. I didn't recognize any of the brick throwers.

I recall Dr. King's visit March 17 and 18. He stayed at the Rivermont Hotel. My assignment on that visit was to meet the Feds at the dead end of Calhoun Street on the river bluff. I was on surveillance at Danny Thomas and Crump and I was pulled from that and sent to the dead-end road on the river bluff to meet the Feds. My role there was to keep vehicular and pedestrian traffic out of the area. The next day I learned there was a surveillance going down in that area, and told that Dr. King was the target. It's hearsay, but I was told it was electronic surveillance. I saw a surveillance van out there that seemed to be full of radio equipment manned by people who were not Memphis PD officers. I assumed they were Feds, which to me meant FBI, but I've since been told that they were not.

I would imagine that this electronic surveillance involved monitoring some kind of transmitter in Dr. King's suite at the Rivermont—if that's who they were monitoring. My understanding was that microphones installed in Dr. King's suite, possibly in every room and even on the balcony, were transmitting to that van. I'm not sure that balcony mics would get a good clear return.

I was not a part of the group that did the installation, but I would guess that someone connected

with the people in the van installed those microphones. I had no real conversation with any of the people in the van. They did not discuss what they were doing. They just told me to keep vehicular and pedestrian traffic away. The van was on the bluff overlooking Riverside drive across from the Rivermont.

I was not aware that the federal government has consistently denied having Dr. King under surveillance when he was in Memphis.

p. 905 **Barbara Reis**, journalist, working for the leading daily newspaper in Portugal, Publico.

New York, New York

Direct examination by Dr. Pepper.

I did not take the stand willingly and would rather not testify. I came to Memphis to cover the trial, and I think that in a way my testimony could compromise my professional integrity.

I have been in Memphis covering these proceedings since Sunday. I'm aware that this section of the plaintiff's case is dealing with a man named Raoul, and that plaintiffs believe him to be native of Portugal. That is one of the reasons I and my newspaper are interested in this case, and I have written articles about the case published in Publico for two years.

I did many articles two years ago on the 30th anniversary of the assassination. I came to Memphis. On Raoul, specifically, I've written just two articles.

I have known Dr. Pepper just two weeks. We first met at the Harvard club in New York City. He asked me questions about Raoul. I asked him, as a journalist, a number of questions about the case. I told him that I had tried to visit Raoul myself, but he wasn't at home. I developed a source connected with the family, and was told that they felt harassed by these proceedings and accusations, that their family life had been disrupted. This source said Raoul had absolutely no connection to the case. They feel they are victims of mistaken identity.

The source did not say specifically that the government of the United States was giving them assistance, but did say the government had visited them three times. She, my source, said go away, you won't get anything from me and plus, we are protected. They are looking over us.

The source indicated that the government was monitoring their telephones as a way of protecting them.

My visit was two years ago and I visited three times over three years.

p. 915 **Cross Examination by Mr. Garrison**

No other employee of my paper has worked on this. Raoul was originally from Portugal. I never contacted any of Raoul's family who still lives in Portugal. I have heard that James Earl Ray left Memphis after the assassination and ended up in Portugal. I had heard that Mr. Ray had contacted members of Raoul's family in Portugal, but I know nothing about it.

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