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The transcript begins with a statement already in progress by Mr. Michael Myers, the Assistant Attorney General of Tennessee, about privileged work product and a lack of waivers of same. He questions why depositions were not taken before this time and why subpoenas were not put out for depositions and records inspected. He states that supposedly Judge Dwyer and Judge Beasley are

supposed to have made false statements, and this supposedly has been known a while. He asks why they weren't questioned before this time. He says there has been talk of missing items of evidence and points out that files related to the case 30 years ago very likely became simply records within the District Attorney General's office, and it would not be surprising if many people rummaged through those files over the years. He says lawyers are not required to do somebody else's trial preparation and civil discovery. He asks the court to quash a subpoena.

Response from Mr. Garrison

The actions undertaken in the course of Mr. Glankler's investigation are a matter of record. There's a 50 or 75 page report discussing his actions. I know what he said. I've talked to him personally more than once. He has told me about my client calling, and he recorded a statement. I don't know what I can gain by a deposition

Judge Beasley and Judge Dwyer have been on TV the last 15 months making statements about this case. It's strange that they have given press conferences here in Memphis and they get on television and tell the world what they know about this case but they can't come in here and tell 12 people. Their testimony is essential to the defense of this case. As far as Mr. Jowers is concerned it's a serious case, a historical matter. I have two or three questions I want to ask them. Mr. Myers can object to any question he feels is not pertinent. In view of the public policy in this case, in view of the historical nature of this case, the importance of it, they should be required to come in and testify, and certainly Mr. Glankler. There is no exemption under any law that I can think of.

Ruling by the Court:

The right to subpoena witnesses is one of the most sacred rights in our judicial system. If certain questions asked of these witnesses are improper, the time to react would be at the time the question was asked. As to the suggestion that there were opportunities pretrial for discovery, we all know that the defendant has no way to anticipate all the proof the plaintiff will present. As far as the hazard of bringing in witnesses that have not been interviewed, if a party wants to take that chance, the court has no control over it. The motion to quash is denied.

Mr. Myers:

Your Honor, I request time to file a Rule 9 application for interlocutory appeal on this point. I would cite in 9(A)(1) irreparable injury. Work product privileges have been asserted. If a witness is forced to take the stand and made to testify, that

privilege is for all intents and purposes lost. The case impinges on prosecutorial immunity in terms of required showing before a prosecutor is called as a witness. These privileges would be lost unless allowed to be fully litigated within the appellate process.

(The court denies Mr. Myers's request.)

Dr. Pepper proposes to to read into the record portions of the deposition of **Mr. Loyd Jowers**, and put the entire deposition into evidence. The deposition was taken on November 2, 1994 in an earlier case, James Earl Ray, plaintiff, versus Loyd Jowers, Raoul, and other unknown co-conspirators, case number 641892-0

A summary of Dr. Pepper's reading follows:

On page 238 of the deposition Mr. Jowers is questioned about an interview he gave to an ABC reporter, Sam Donaldson, who asked him "Did James Earl Ray kill Martin Luther King?" Mr. Jowers denies that the transcript of this interview accurately records his response to the question.

Dr. Pepper then states (in the deposition) that Mr. Donaldson (in the interview) then asked him, "do you know who killed Martin Luther King?" Mr. Jowers (responding to Dr. Pepper in the deposition) then reads a statement: "on the advice of my attorney, I invoke the right to refuse to answer on the Fifth Amendment of the Constitution on the grounds that it might tend to incriminate me."

Dr. Pepper then commented (in the deposition) that the transcript says Mr. Jowers's answer to the question was "yes," he did know who killed Dr. King, and notes that Mr. Jowers has refused to repeat that answer in the deposition. He asks if Jowers denies that he gave that answer. Mr. Jowers reads his statement about the 5th amendment, and answers that all of the highlighted questions in the ABC interview transcript are subject to his statement about the 5th.

Dr. Pepper then notes (in the deposition) his exception to Jowers's pleading of the 5th on the basis that the accuracy of the transcript has been agreed to and entered in the record.

Mr. Garrison states that he will stipulate that the questions were asked and Mr. Jowers gave these answers.

(End of deposition testimony.)

Dr. Pepper refers to Exhibit 1 to the deposition, the transcript of an ABC news Primetime live program televised on December 16, 1993 and reads from it.

Donaldson: did James Earl Ray kill Martin Luther King?

Loyd Jowers: No, sir, he did not.

Donaldson: Do you know who killed Dr. King?

Jowers: I know who was paid to do it.

Donaldson: Was there a conspiracy involving more than one person?

Jowers: There was a conspiracy. Yes, sir, sure was.

Donaldson: Were you involved in this conspiracy to kill Martin Luther King, Junior?

Jowers: I was involved in it indirectly. Liberto had done me a large favor. I owed him a favor. You know, at least I thought I did.

Donaldson: Did there come a time when he came and asked you to repay that favor?

Jowers: Yes, sir.

Donaldson: And was a large favor he wanted in return?

Jowers: Yes, sir.

Donaldson: What did Frank Liberto ask you to do?

Jowers: He asked me to handle some money transaction, hire someone to assassinate Dr. Martin Luther King.

Donaldson: To kill Dr. King?

Jowers: Yes, sir. He asked me if I know someone. I told him I thought I knew someone who would probably do it.

Donaldson: And he gave you some money?

Jowers: Yes, sir.

Donaldson: Large amount of money?

Jowers: Large amount of money, yes, sir. Delivered to the Café.

Donaldson on a voice over: Prime Time has been told there was approximately \$100,000 delivered to Jowers in a produce box but that's not all he received. Jowers says another man came to see a man whose name sounded something like Raul.

Jowers: And he looked like he was part Mexican, possibly part Indian, because he didn't have a heavy beard, talked with an accent.

Donaldson: Did he bring a rifle with him?

Jowers: Yes, sir. He brought a rifle in a box.

Donaldson: What did he ask you to do with this rifle?

Jowers: He asked me to hold the rifle until we made--he made arrangements or we made arrangements, one or the other of us, for the killing.

Donaldson voice over: So now Jowers had the money, had the rifle, had been asked to hire a shooter, but he says Frank Liberto also provided a cover.

Donaldson: Did he talk about the police?

Jowers: Liberto? Yes, sir.

Donaldson: What did he say?

Jowers: He said they wouldn't be there. Said they wouldn't be there that night.

Donaldson: Did he say there would be a decoy there?

Jowers: Yes, sir. Said he had set it up where it looked like somebody else did the killing.

Donaldson voiceover: Enter James Earl Ray. Was he part of the conspiracy?

Jowers: He was part of it, but I don't believe he knew he was part of it.

Donaldson: Well, Mr. Jowers, did you find someone to do the killing?

Jowers: Yes, sir.

Donaldson: Why would a person participate in a conspiracy to kill Dr. King?

Jowers: A portion of it, naturally, was for money. Any involvement I might have had in was doing a friend--doing a friend a favor.

Donaldson: Would it have been because you hated Dr. King?

Jowers: No, I didn't hate Dr. King.

Donaldson: Or hated black people?

Jowers: No, sir. It was for a friend, doing a friend a favor that I owed him, a large favor.

Donaldson: Well, is doing a friend a favor called murder the kind of favor you would do?

Jowers: Depends on how good a friend it is and what you owed the friend.

(End of testimony read from Exhibit 1 to the 1994 deposition)

(Mr. Bledsoe, an associate of Mr. Garrison, reads portions of the November 2, 1994 deposition transcript summarized below. Questions are by Dr. Pepper, answers from Loyd Jowers.)

I was born in Lexington, Tennessee, November 20, 1926. At two years old I moved. My childhood was spent in Kenton, Tennessee. I attended Kenton High School, but did not graduate. I went into the Navy in 1944 through 46. I went to school for six weeks to be a helmsman on a ship and was stationed off the coast of Norfolk, Virginia. From Norfolk I was sent to Millington for honorable discharge with the rank of Seaman II. My parents during this time lived in Kenton, my father was a farmer. I had three brothers and five sisters. All of them survived childhood. My oldest brother and oldest sister are deceased. The rest are still living. I have two sisters living in Memphis right now, Willa May Witherspoon and Elsie Whitley.

When I came to Memphis in 1946 I lived with my uncle at 612 St. Pauly Street. He was my mother's brother. I went to school at JB Cook company, on the GI Bill, a two-year program that I finished. I became a city policeman sometime in April or May 1946. It seemed like a good job. I resigned December 2, 1948. I started in a squad car on street patrols. They didn't have foot patrols back then. Over my two years I was assigned to every ward in the city. They switched everyone around, switched partners, switched wards, automobiles. Over two

years I probably was partnered with every policeman on the force. Probably Johnny Barger and Andy Chitwood were the first ones I rode with.

(Questioned by Dr. Pepper) We didn't have specialized departments in those days such as vice squad or anti-gambling. The only specialist work that I know of was homicide. The Police Chief at the time was Mr. Perry. He was just a figurehead. The boss was the Commissioner, Joe Boyle. He did all the hiring and firing. I think he was from the Boyle family that had a financial interest in the Chisca Hotel, but I'm not sure. They were fairly prominent local people and I'm sure there was a connection. Mr. Ed Crump pretty much ran the city, including the Police Department. Nobody did anything without his approval. Underneath the Chief were the Field Inspectors.

I remember John Dwyer, don't think he was the same as Buddy Dwyer. (Mr. Garrison says they were the same and the witness agrees.) Mr. Dwyer was my inspector the entire time I was a policeman. My immediate Capt. was Capt. Lovejohn. I remember Patrolman Zachary. He was on a different shift. After I left the force I knew him just in passing. I think he wrote me a speeding ticket after I got out.

I knew patrolman Sam Evans, Senior. He was on the separate shift too. I knew inspector Evans just in passing and had no contact with him after I left. I knew Chief McDonald when he was a Field Inspector but he was on a different shift. Chief Lux also was on a different shift. I knew Graden Tynes. He too was on a separate shift. I don't remember Jule Ray. I knew Don Smith casually, I remember when he left the patrol and went into homicide. I didn't know Tommy Smith. Don was on a separate shift.

After I left the police force I kept up contact with Inspector Grady Tynes. His wife and my first wife had gone to school together at Mason Hall outside of Kenton, Tennessee. We were fairly close friends. We never talked about police business after I left the force.

(Mr. Bledsoe reads from the deposition transcript from page 30 ff.)

In my work as a policeman I did not see a great deal of corruption. I think that is why they shifted everybody around all the time. I doubt there was very much. I heard the ward was running crap games and allowing bootlegging on Sunday, minor stuff. I don't know.

I left the police force because they didn't pay enough. \$105 every two weeks was not enough money to get by on.

I knew Mr. Ed Crump, and he knew my name. I think I first met him when I was going to school under the G.I. Bill for the JB Cook company. Crump and Cook were friends. He's probably the most prominent businessman that I knew. I also knew Mr. Dave Jolly, who owned the Jolly cab company; I knew Mr. Hamilton Smythe, manager of Yellow Cab. Eventually he bought Yellow Cab. Smythe's family was wealthy. His father was in the construction business and I knew him, though not well. He built a number of subdivisions over the city.

Probably in September of 1947 I started at Veterans Cab. It was against the Memphis city ordinance to moonlight while I was a policeman. One of the dispatchers was Paul Brandon. He went from dispatcher to assistant manager and left about 1950 to go to the police department. He sold his stock in the cab company and I bought it. I only owned six shares for a number of years. It was several years before we had one individual who owned the majority. Maybe around '54 or '55 somebody got control of the company.

(Page 171 of the deposition. Question by Dr, Pepper.)

When I came to work that next morning I drove by myself. The staff person was Bobbi, I have no idea how she got to work that morning, rode a bus I guess, don't recall whether she was late or not.

Looking over statements I gave in 1968 to the Memphis Police Department, I see nothing I would wish to amend or change. (Dr. Pepper states in the deposition that the statement is a "302" report of April 7, 1968, based on an interview with the witness. Dr. Pepper states that this one talks about a stranger who was in the Grill. The witness describes the 302 as an accurate report of an interview he did with the FBI "the next day" and Dr. Pepper agrees.)

(In the deposition, Dr. Pepper introduces a statement dated February 6, 1969, the text of an interview done by the BBC and covering a range of matters, Charlie Stephens and his drinking, the stranger, a variety of matters. Mr. Jowers validates the text).

Referring to a photograph, the witness does not recall ever having seen the person depicted therein around the Grill or anywhere.

(page 188 of the deposition) The morning of April 4th the cook came in. Bobbi came at her regular time, at 7 AM or 7:30. No one else came in with her. I worked the front and she was in the back cooking lunch. I would leave at my usual time and she was alone. Betty Spates did not come in that morning. She was on the afternoon shift scheduled to come in at 4:00. She did not come in. When I came in to work Bobbi told me that one of her children was sick and she wasn't going to be able to work. I worked the shift myself, by myself.

Bobbi left at 4 o'clock. I don't think Alda Mae Washington was working for me at that time. If she was, it was just part-time and she was not working that day. Rosie Lee Dabney was no longer working there, nor Lena. She had been discharged. I had Bobbi, Betty and myself. Alda Mae worked part-time but was not working that day.

I went away in the morning, Bobbi was there working, and I returned at 4 o'clock. I talked to Bobbi just a few minutes. She told me that Betty was not coming in because one of her children was sick. She did work over that afternoon, about 30 minutes to help me get ready to handle the night business. Then she left and that left me alone. She did not give me any other reports out of the ordinary. She didn't have to tell me that Charlie Stephens was drunk because he was drunk when I went in. I went right to work because she was real busy.

I left that morning at 10 o'clock or 10:30 and returned at 4 o'clock. I was driving the Cadillac. The brown Rambler station wagon my wife was driving. When I turned the corner and drove in there there was a white or light-colored Mustang car sitting in front of the building, right in my parking spot. It had an out of state license plate. I parked my car close to the fire plug. There was no other place to park forward or back. When I come to work I come down the expressway and sometimes get off on Vance and sometimes on Crump. I think that afternoon I came on Crump because I was going in the right direction where I wouldn't have to turn around.

(Further reading from the deposition at page 213)

I came up Butler Street so I would be on the right side of Main. Proceeded north on South Main, there were several people inside. A lot of them were from M.E.Carter. I don't remember any specifically, except Charlie Stephens stayed a few minutes after I got there. I did not leave the Grill at any time once I got there. I was right up front working on the counter. The cook stayed over long enough to get the food out on the steam table for supper, then she left.

Normally Harold Parker came in at 5:00 or 5:30, but today he came in at 4:30 soon after I arrived. After Bobbi left I made sandwiches and served customers like a waitress. Quite a number of people were there.

The shooting was just after 6 o'clock. I was behind the counter drawing a pitcher of beer, had it about half drawn when the noise went off and I quit. I thought the noise was in the kitchen so I checked. I asked Parker if he heard a noise and he said he did. He didn't know what it was. I looked inside the kitchen--nothing there. I went back to finish drawing the pitcher.

The next thing that told me something was wrong was when the police came to the door, told me to lock the door, and said there had been a shooting upstairs. They said don't let anyone in or out. I locked the door, everyone that was in stayed in and I let no one else in until the policeman brought a black guy in, saying it was too dangerous out on the street for him out there. That was Frank Holt. I'm sure it was Frank Holt and not Robert Wheeler.

(Dr. Pepper states in the deposition that an FBI statement says Robert Wheeler was put inside. Witness says he's sure he'd remember if a second person came in, and he doesn't think so.)

Mr. Holt could have been put in there as late as 7 o'clock. It was already beginning to get dark. 6 o'clock was still daylight.

I recall that a man ordered sausage and eggs in the restaurant that day and returned the next morning and had sausage and eggs again. I told the police about him. I remembered him because he ordered breakfast when it was almost time for lunch, the breakfast special. The police told me to call them if he came back in. So the next morning, about 9:00 or 9:30 he came back in, sat in the same place at the counter, and ordered the same thing. The first time he ordered it was, I think, the last thing I did before I went home. So it had to be close to 11 o'clock. We already had most of the steam table out. I was going to leave around 10:30 or 11-ish. I prepared the eggs and sausage for him and served him myself and also the next day. I also went and called the police for him.

(Witness validates a report written by Mr. Chastain as to its factual accuracy.)

I do not recall who was the police captain that told me about this fellow having connections. It was not Capt. Jack Wallace, or Inspector Evans or Mulner. It could have been, but I don't really know. I do remember that a man appeared and had breakfast and sausage in my place on 4 April in the latish morning and then again early the next day, and I called the police and they took him away. (Shown a photograph) I don't believe that was the man we are discussing. It would be hard to describe him today. That's a long time ago. I do recall seeing a picture that I said looked like him. I didn't say it was him. A mug shot giving a different perspective does not ring any bell with me.

1433 During all this time after the shooting I continued business as usual.

(The paperback transcript, "The 13th Juror" terminates the deposition right here. The King Family transcript goes on for several pages more. King family transcript digest follows.)

I followed the subsequent events just through the news or the newspaper. I did not visit the courthouse when Mr. Ray's hearings were going on. I don't recall discussing the case with anyone other than investigators asking questions. One Private Investigator asked me every question in the world. That was Renfroe Hayes. Every day he asked lots of questions, the same ones over and over.

During this time I had no contact with Mr. Frank Liberto, never saw him or talked to him nor anyone representing him or being close to him. I don't know whether it was the same night or the next day but the police put a 24 hour guard on Charlie Stephens. I saw him every day. He was brought into my place to eat and drink. What little pay I got for that was from the Police Department--the \$50 was a very small portion of it. They were going to make sure he was taken care of.

I rarely saw Mr. Knipes, who was next door, and did not discuss these events with him. I did not see him at all after this. Had no opportunity to discuss these issues with him or with Mr. Bailey at the Lorraine.

I'm almost sure it was July 1971 that I closed down Jim's Grill. The only staff person who worked with me right up to the end was Bobbi. She went to work for the Arcade Restaurant on the corner of Main and Calhoun. Alda Mae just worked for me part-time. Rosie Lee Dabney I think had already gone before I took over. Lena had gone. Bobbi stayed right to the end.

I believe it was two or three days after the fourth I went out into the back area. They had already cleaned it up. I have no idea how it got cleaned up. I did not know at the time who cleaned it up, but heard later that a City crew did it. I did not hear when the City crew cleaned it up, and did not hear or see it when the cleaning was going on. The only way I would have known that they were out there is if I went out the back door, which I didn't. I saw it cleaned up the first time I went out the back, several days after the fourth. The reason I went to the back was to go to the basement. I don't remember what for. I didn't see anything different or strange in the basement. It was the same as it had been before.

1440 (end of deposition testimony)

(Dr. Pepper states that Plaintiffs will forgo any effort to examine Mr. Jowers, believing that most likely he will simply plead the fifth.)

(Mr. Myers requests that still photos and television images be restricted to prevent the publishing of the next witness's face. The Court agrees.)

Mark Glankler**Direct examination by Mr. Garrison**

Over the last 24, 36 months, I have conducted an investigation concerning the assassination of Dr. Martin Luther King. I was appointed to begin the investigation in December 1993 by the District Attorney General. They had a plan of who they wanted us to attempt to talk to, starting with trying to locate some of the original witnesses. We talked to many witnesses, took affidavits or statements, and took these affidavits and reports back to the District Attorney General. The present District Attorney is Mr. Gibbons. There was a report written last year in 1998, I do not know how many pages, I have read a portion of it, and I did not write any part of it. The report was based upon some of the affidavits I had taken and some of the investigation I had uncovered. I would not know if the report was as much as 40 pages. It's been quite some time since I read it.

(Mr. Myers objects to a question about the conclusion of the report, and the question is withdrawn.)

(Mr. Myers objects to a question about the findings of Mr. Glankler's investigation, raising issues of competency to testify, personal knowledge of facts, and an opinion that gets into work product. He objects to a question based on the investigation as opposed to personal knowledge.)

I knew what I was doing when I took the affidavits and knew what I was seeking.

(Mr. Myers objects to a question about whether he had information that anyone other than James Earl Ray was involved in the assassination, claiming this calls for hearsay. The Court allows the question.)

I have no information that anyone other than James Earl Ray was involved in the assassination. I probably interviewed 40 or 50 witnesses over five years. I recall one conversation with Mr. Loyd Jowers. He called me, I believe I recorded the call. I did not let Mr. Gerald Posner listen to the recording, I did not give him the recording, and I don't know how the conversation got into his book.

(Mr. Myers objects that a question about the conversation calls for hearsay testimony.)

I don't know how Mr. Posner got the recording of the conversation with Mr. Jowers. I did not give it to him.

(Mr. Myers objects to discussion of the conversation as Rule 803 hearsay. The Court rules that the statement is allowed.)

Mr. Glankler: the discussion with Mr. Jowers was a conversation, not a statement. Jowers called me unexpectedly to complain that I had been interviewing his siblings and relatives. He said they had no knowledge of the newspaper reports and television reports, and he didn't want me to call any more relatives. He said the rifle that was in the bundle that was dropped was the correct rifle. He said he would probably get in trouble for calling. I said his attorney did not want him to talk to us. It was not a long conversation.

Cross Examination by Dr. Pepper.

(Mr. Myers objects to a question about whether Mr. Glankler's investigation considered whether the brush area behind the rooming house was cut down, citing issues of deliberative process and mental impression. The objection is sustained.)

I don't think I took a statement from Maynard Stiles or interviewed him. I don't recall the name Floyd Newsome (a black fireman assigned to station number two), Norville Wallace, Capt. Jerry Williams (homicide detective), Leon Cohen, Olivia Catling, Amb. Andrew Young, Judge Arthur Haynes, attorney James Lassar, Royce Wilburn, JB Hodges (former MPD patrolman), Barbara Reis (a Portuguese journalist who interviewed the alleged Raoul's wife), Bill Hamblin (friend of Mr. McCraw), JJ Isabel, Carthel Weeden (Capt. in charge of fire station number two), Rev. Walter Fountroy, Louis Ward, cab driver Jimmy Adams, journalist Earl Caldwell. I think we talked to Peggy Hurley, or tried to. I believe we interviewed James McCraw, who talks with the voicebox. We interviewed Bobbi Balfour. The name of Rev. James Orange came up in the investigation. I don't think I spoke with him. I don't think I "interviewed" Jack Saltman, don't recall taking a formal statement from him, but he came to our office a number of times to give information. I don't know if we interviewed Steve Tomkins the Commercial Appeal reporter, but I recall an article in the paper.

Redirect Examination by Mr. Garrison

At the instruction of the District Attorney General, Mr. Perrotti, I worked on documenting this investigation on behalf of the state of Tennessee.

(Mr. Myers objects to a question about whether any witness indicated that Mr. Jowers had anything to do with the assassination, citing hearsay issues and the

necessity of conclusions. The Court overrules the objection on grounds that the question also goes into the issue of whether there was any selective prosecution.)

Some of the people we talked to tried to support claims of Mr. Jowers's involvement.

(Mr. Myers cites United States v. Armstrong on the requirements for inquiries for allegations of selective prosecution. The Court reverses, and sustains the objection.)

The Atty. General's report did end with a concluding point. (Mr. Myers objects to questions about the report, saying the document speaks for itself and the witness is not competent to testify to it. When Mr. Garrison asks if the report concluded that Mr. Ray acted alone in this case, Mr. Myers objects on grounds of hearsay. The court sustains the objection.)

Dexter Scott King, 449 Auburn Ave., Atlanta, GA 30312, his place of business.

Direct Examination by Dr. Pepper

My present occupation is Chairman, President and Chief Executive Officer of the Martin Luther King, Junior, Center for Nonviolent Social Change in Atlanta. I have been in this position almost 5 years. Previously I have worked at the King Center in different capacities heading up various programs, serving as a special assistant to the founder, Coretta Scott King, my mother.

I was seven years old when my father was taken. From that time I remember most that we were all trying to on with our lives. My mother was very stoic. We really didn't have an opportunity to mourn because we transformed the experience into a triumph over tragedy, or so we thought at the time. The stoicism continued until the last couple of years when we first got involved with new information and evidence regarding my father's death.

The family became involved when a New York Times reporter informed us that James Earl Ray had gone into the hospital, was in a coma, and having liver trouble. This was probably in December 1996. I remember vividly that in January I was out of the country after the King holiday, and when I checked my answering service there was a message from a reporter. I called back and the reporter said they were working on a story and had gotten word that the Ray family wanted to reach out to the King family. The Rays had never wanted to bother us the past, but because he had a terminal illness it was now or never. They were asking if we would testify, make a plea for a trial, not dealing with any sense of guilt. At that time we had not seen the evidence.

The family had a conference call and we felt that Mr. Ray deserved a trial, a real trial, which he never received. In mid-February we held press conference with all the family members present and said why we were supporting a trial. After reaching out to you, Dr. Pepper, we were presented with evidence and began to see that a forum for information was necessary.

My mother and I came to Memphis and testified in Judge Brown's court with respect to the testing of the rifle. There was a snowball effect by which people started reaching out independently to the family, and all kinds of information started coming forward. It was a floodgate of information. I recall one letter from a gentleman who said he had been in silent sympathy with our family for almost 30 years, and discussed his background. It was common in these letters that they would discuss their service in the CIA or the FBI and would tell us that Ray did not do it, we were on the right track, that they supported us. We were not investigators and had no experience in distinguishing fact from fiction. So much information was coming in that we were looking for a forum so the "experts" could see it. We thought a court of law was the best forum for this process. We felt that if 12 independent jurors who would hear information, that whatever determination they reached, we could live with that.

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I have heard suggestions that the [King] family's involvement in the case is driven by profit or by a concern for generating a movie project to generate money. This is appalling that they insinuate that we would try to profit off the tragedy of a loved one. The question is often asked is why now, why 30 years later? I wanted to know when I was seven years old who killed my father. All my life the main question is – do we believe that James Earl Ray killed my father? 30 years now people have been asking, and it's ironic that the only reason we got involved was because the press beat our door down until finally we made a statement. Typically we had no comment. We just didn't deal with it. Maybe we were in denial. We were trying to move on with our lives. There is some resentment because the very forces that drew us into this now saying, why are you doing it? The questioning is very hurtful.

It's hard to hear that these proceedings are the result of manipulation of the family. Coming from two strong parents who carried a mantle of leadership, it's insulting to think that we could be manipulated, because that's saying that the family was able to make sacrifices to contribute to one of the most important social movements in this country and to endure so much drama and tragedy, and yet somehow we have suddenly lost our minds. That is not logical. So no we have not been manipulated. We have done what most people do when they see something in front of them that doesn't add up. You ask the question. Then one

question leads to another. This was not something that we sought out--it sought us out. That makes all the difference.

My father made his statement of opposition to the Vietnam War on April 4, 1967 at the Riverside Church in New York. As soon as the potential involvement of the federal government came up as an issue, suddenly the media went totally negative against the family. I couldn't understand that. My mother said she and my dad had lived through this once already, that when you take a stand against the establishment, first you will be attacked, there is an attempt to discredit, second there will be attempts at character assassination, and thirdly physical termination or assassination will take place.

If my father had stopped and not spoken out, if he had compromised, he would probably still be here with us today. If he had remained the civil rights leader, just talked about riding in front of the bus, sitting at lunch counters, that was not threatening. In fact, integration expanded the economic base. But when you start talking about redistribution of wealth and stopping a major conflict, which also has economic ramifications, and he understood the injustice and the disparity of African-American men fighting on the front lines in a disproportionate number, losing their lives with their white comrades but yet could not even come home and eat at the same lunch counter with those white comrades, and could not live in the same neighborhood, he saw this was a major injustice and saw that the deaths of these young black men were destroying families. Because he took a stand, and because there was a fear that black soldiers might refuse to fight this unjust war, he was seen as a threat. As he said, there cannot be had a great disappointment when there is no great love. I'm forcing my country to live up to its truth.

The family and the King Center and the work of the perpetuation of my father's legacy have suffered economically in a fashion similar to what occurred to the SCLC and my father back in 1967. The dollars and cents are difficult to quantify, but the "controversy" has changed our dealings with corporate supporters and contributors. Most businesses dislike controversy. I remember a reporter asking me if I was concerned that it sounded so controversial. I said no, that my father was one of the most controversial individuals of his time. How could he go from being Public Enemy Number One in the 1960s to a national hero with a holiday in the 1980s? He can be relegated to I-have-a-dream land because he is not here. Certainly in death he can be martyred and put on a pedestal. Does America really want to deal with what he was fighting for? What he ultimately died for, in terms of solving the triple evils of poverty, racism, violence and war?

Those outside the family who knew him intimately told me those were some of his most depressive years in terms of facing up to the fact that things had gotten bad. He talked about that here in Memphis, saying I'd been to the mountaintop,

I've seen the promised land. He was on his way to Washington for the Poor People's Campaign, which would bring together forces from different walks of life, Appalachian Whites, Chicanos, Native Americans, African Americans all coming to the steps of the Capitol to say we will not leave here until poverty is solved. Because it was not addressed then, his voice had to be silenced and it has not been addressed today.

Why we're here today is to get the truth out. I hope is that in this process in a court of law we still have the last vestige of hope in a democracy to have a jury, to have a forum to get the truth out. It is sad that there is not an independent media on certain issues, particularly National Security issues where the people cannot handle their fear and this truth cannot be allowed out

During the last three years since we been actively seeking the truth, this has probably been the most traumatic period of my life. I've had to reassess many things because I was not aware of the impact it was having on me personally and on my family. A close friend from a prominent family in Tennessee--we went to school together--asked me why I was getting involved in this. She said James Earl Ray was guilty. I asked her, what are you basing your facts on? She said, that's what the news said on TV. I told her how disinformation works and how psychological warfare and brainwashing works, that if you hear something over and over and over, it will become habitual and will program you whether it's true or false. She stopped and said I was right.

It was very awkward that Dr. Pepper was representing the accused, and for many years we were uncomfortable with even addressing the issue because we didn't know anything. When we first sat down, Dr. Pepper said that as the family of the victim we had every right to see everything, to talk to witnesses, to enjoy an open book policy on Dr. Pepper's 10 year investigation. He said you tell me who you want to see, and judge for yourself. He didn't try to lead us down any path.

This is not really an issue of logic or intellect; this is an issue of emotion. People are emotionally predisposed because of 30 years of programming, including ourselves. We always felt James Earl Ray may have been involved, probably extensively, but after seeing the evidence it was clear that is not the case.

I had two meetings with the defendant in this case. The first was attended by Dr. Pepper, the defendant's counsel, the defendant, and by me. I attended a second meeting with Amb. Young and the defendant and his counsel. The defendant admitted that he had been contacted by Frank Liberto, someone who had helped him out in the past and to he thus owed a favor. Liberto said that he would send over to the defendant's place, Jim's Grill, a package of money in the normal produce box delivery. After the box was delivered, a gentleman described as

Raoul will would come to pick it up and would be delivering a second package, a rifle.

I believe the package was delivered the morning of April 4th. He would meet or did meet a gentleman at the back door to pick up the smoking rifle at 6:00. He described that gentleman as Earl Clark, a Memphis Police Department officer, a lieutenant I believe. He knew Earl Clark well because they were hunting buddies. He said he'd tried to flush the slug down the commode and that clogged it up and the next morning the rifle was retrieved. He also said that people met there, officers from the Memphis Police and what he said were "government types" that he took for FBI and other government agents, meeting with these officers he knew. He interpreted those gatherings as planning meetings. In effect his place was being used as a staging area.

I questioned Mr. Jowers throughout the meeting, continuously asking was there anyone else or anything else he was not telling me. I should not speculate but my sense was that he felt uncomfortable and embarrassed in admitting that he was involved in killing my father. I said we were not in this for retribution, that we were a forgiving family. My father was stabbed by a woman who almost took his life before I was even born, and he forgave. So we're not here to put people in jail. We want the truth to come out.

His fear obviously was admitting something that would be used against him, and yet I felt that he wanted to get something off his chest--make something right before he left this earth. I have a sense of liberation in knowing more about what happened in this tragedy.

I felt that Mr. Jowers was being truthful with me; so did Amb. Young. We talked about it afterwards a few times, and compared notes. The story was consistent through the two meetings. I felt that he was knowingly involved in the assassination but felt uncomfortable because I was the target's son and he didn't fully want to admit it.

Mr. Jowers did at one point identify a photograph of Raoul out of the photo spread. (Photo is projected on a screen.) He said Raoul was the second one down on the right in the middle. He said this was the man who picked up the money and delivered the rifle. He thought Raoul was a Mexican or wet-back but didn't know nationality--he thought Raoul was of Spanish descent.

I came away with the belief that the fatal shot that killed my father was fired from the brushy area behind the defendant's Grill. He said that someone picked up the murder weapon, the actual murder weapon (not the throw-down gun), and I believe he said he heard that someone threw it in the river.

At some point after we started our involvement in this case, the family was contacted by a former FBI man, Donald Wilson. Wilson said that he had obtained some evidence from the white Mustang alleged to have been James Earl Ray's vehicle. He was a rookie agent, and a senior agent had allowed him to tag along to the crime scene. When he opened the door, pieces of paper fell out and he picked them up and put them in his pocket. He said he decided to come forward after he saw my mother and me on CNN testifying in I guess Judge Brown's courtroom and pleading for the truth to come out.

The white Mustang was one that James Earl Ray had ditched in a housing project in Atlanta; I believe it was Capital Homes. He tried to give me some history about his motivation, saying that when he joined the Bureau fresh out of Law School in Tennessee, he thought working for the Federal Bureau might contribute to civil rights. He seemed to be committed to making a difference in the cause of justice.

He said that his first day in training he was assigned to a black rookie agent, and at the rooming facility where they all stayed in Virginia, his black roommate was denied admission. He was sure that the top brass would come down on this resident manager and when they didn't, he said he knew he had made the biggest mistake of his life. Director Hoover and the top brass did nothing to rectify the situation.

A few years later this black agent was killed in the line of duty, and at the funeral in Chicago Mr. Wilson saw the Director and everyone else talking about how great this guy was, and all he could remember was that when the guy really needed support they were nowhere to be found.

He said that once he started learning about the culture of the Bureau, he instinctively felt that had he turned in that evidence, it would have ended up missing.

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In another incident, and I don't remember if this was before or after the Mustang was discovered, Wilson and his partner saw a gentleman fitting the description of James Earl Ray, and they radioed HQ to see if they should apprehend him. They were told to come right back to HQ and sign off. Mr. Wilson said that from that incident he knew he was making the right decision, because he believed this could have been the man, but they were told not to proceed.

Since that time, agent Wilson has been character assassinated. He said his wife has been somewhat terrorized. Harassment tactics have been used to silence him, to intimidate him.

The first knee-jerk response from the media was that this guy was not even an FBI agent. Within minutes the claim shifted from he is not an agent, to he wasn't on the crime scene detail (which is technically true, because the car was impounded and taken to the garage to be taken apart by special agents, and he was not part of that detachment) but he was definitely on the scene. Then ultimately there were quotes from former FBI agents saying that whatever he had was fabricated. How can you make that statement when you haven't even seen what he has? I was amazed to see how he was attacked for coming forward.

The saddest thing about this whole episode is that agent Wilson was the epitome of the do-gooder government bureaucrat who joined the service to do the right thing, to serve his country, who believed in the Constitution. I could see his sincerity. I think he was almost naïve because he kept saying I want to make sure that Atty. Gen. Janet Reno gets this information personally. I remember thinking that he believed that if he forged ahead, the right thing would be done. I feel sorry for him because I don't think he had a clue.

(A series of newspaper articles were marked as collective Exhibit 31.)

(A page from a telephone directory is projected on the screen.)

I have seen that document before, and I recognize writing on it saying the name Raoul. I recognize that is a copy of one of the pieces of paper that fell out of the Mustang.

(A second photocopy is projected.) I recognize this as a paper I was shown by agent Wilson. It looks like a schedule of payments that were to be made. This also came from the Mustang. I cannot make out the name at the bottom of the fuzzy copy. This document I recognize as one that was shown to me by the agent.

(The document is marked as Exhibit 32.)

At the time I talked with agent Wilson, he did not go into detail. I subsequently learned other information about further evidence, and I believe the Justice Department had subpoenaed that. I believe I learned this from a reporter with the Atlanta Journal Constitution and from an article he wrote about it. The additional evidence was a piece of paper or a card in Mr. Ray's Mustang with the phone number to the Atlanta office of the FBI.

The time came when I decided to meet with James Earl Ray, mostly because I didn't believe that he had actually pulled the trigger. My feeling, based on my Judeo-Christian upbringing, was that meeting him was the right thing to do. I felt

that he didn't do it and had thus also suffered an injustice. We believe in forgiveness. It was important for me to meet eye to eye and ask him did he do it.

Some people were really outraged with me. It's an emotional issue, not a logical one. People react according to their conditioning. I had to draw on my experience of dealing with the assassin of my grandmother who was killed in 1974. My grandfather forgave the killer, and I knew that my father had forgiven the woman who stabbed him and almost took his life. We were always taught not to hate white people, don't hate the person who did this.

When my grandmother was on the operating table, her killer was having treatment as well. We went over to meet with him, and my grandfather asked him why he did. Essentially he said, "I came to get you, and when I get out, I'm going to get you." My grandfather said "Son, God bless you, I'll pray for you and forgive you for your sins."

When my father was killed, I wasn't old enough to understand the forgiveness concept. We felt very awkward about him returning to Memphis that last time. It was very ominous.

The time came when we met with President Clinton, asking him to open the investigation. We were requesting something similar to South Africa's Truth And Reconciliation Commission. We felt that for the truth to come out, a context of amnesty or immunity and healing, cleansing was necessary. When there are crimes against the people by the State, the process must allow people to come forward without fear of reprisals. That first request was not granted.

Clinton said he would speak with the Attorney General, Janet Reno, and she said she would call a limited investigation on "new" evidence from Donald Wilson and Loyd Jowers. We tried to explain that since the "old" evidence was flawed and had not been thoroughly reviewed, any conclusions focusing on "new" evidence would draw conclusions that don't deal with a holistic picture. To do this, you have to deal with everything. That request was not granted and we were very disappointed.

In the spirit of reconciliation we wanted to give the Powers That Be the benefit of the doubt to try to come up with something that made sense. We still don't know where that stands. I've seen no signs pointing toward optimism. If we're the victims, then everyone from the D.A. locally to the Justice Department is supposed to represent our interest, at least that's what I thought growing up watching Perry Mason. In this case it seems that we been put opposite the State, and rather than getting support and equal justice in a fight for our rights, we have been almost summarily dismissed.

I don't know. My father would say that the arc of the moral universe is long, but it bends toward justice. I interpreted that as meaning it may not come out in your lifetime, but in time all things are revealed.

Certainly I understand that some people say we should just let it go, that the truth is important to the family but they question why the Republic should go through this torment again. Nothing will bring him back. My family is no different from anyone who's lost a loved one and simply wants to know what happened, even if it's a car accident. Certainly in this instance where the thing was put to bed so quickly and so many questions remained unanswered, the issues are inevitably going to resurface.

For whatever reason, some people have tried to suppress it, don't want to deal with it, because it is a can of worms. I have to say that anything that has not been resolved will haunt you until it is resolved. Not just the victim, the victimizer also, and those who represent the victims and the victimizers because, as my father used to say, we are all inextricably tied together in a garment of destiny.

You can't say that happened then, so we shouldn't deal with it. To me it is just like yesterday. I remember what I was doing when he was killed. I remember details of everything. And because that has not been resolved, this has affected me in many ways I didn't realize until recently I came to understand that I have not dealt with them. And in terms of the people, in terms of the masses, it must be dealt with because it's not about who killed my father, not necessarily about all those details. It is about why he was killed. If you answer why, you will understand that the same things are still happening. Until we address that, we're all in trouble, because if it could happen to him, certainly it can happen to anybody.

This courtroom here may be a court of last resort. It's important to know the why and how of what happened to my father so it will not be repeated. If we're true to the calling of the "I have a dream" speech --- about the bad check, about the importance of all Americans coming together, people of goodwill being given the opportunity to have life, liberty and the pursuit of happiness—and how can you have that in a so-called democracy where you were told from childhood that you have freedom of speech, freedom of the press, but if the State does not like what you're saying and you go against what certain people believe you should be saying, you will be dealt with. Personally I would rather have someone tell me I have no rights, can't speak, than to think I have the rights and yet I'm in mental bondage because I'm thinking I'm free but there is a long leash the minute I say something that doesn't fit with the elite or the special interests.

Martin Luther King represented someone who spoke for all of us, who spoke to the least of these who were not heard. That's why this is important, because it opens the issue of why he was taken from us in the first place.

(The witness agrees that there was evidence in these proceedings that photographs were taken by military personnel of the assassination. Dr. Pepper declares that the photographers were on the roof of the fire station and that very likely these photographs are in some Pentagon archive.)

I think all of this information should come forth. I understand why it has not. There is fear of the implications of a domestic political assassination. I was watching a special on the CIA, and they admitted they participated in assassinations abroad but claimed they would never do that domestically. Well killing is killing. Do we endorse a policy that says that we deal with our disagreements through elimination and termination? My father taught us the opposite, that you can overcome without violence--because when you use violence you leave residue that will come back in the next generation. It's a vicious cycle and you never solve the problem. There should be full disclosure. We've suffered the greatest loss, and if we are willing to forgive and embark on a process that allows for reconciliation, why can't others?

The family has never been interested in the criminal prosecution of Dr. King's killers. This is not about retributive justice. We're in this to use the teachings of my father in terms of nonviolent reconciliation. It works. We're living together in the South today because of that great peaceful, nonviolent, movement. So we have to practice what we preach. We're not looking to put people in prison. We're looking to get the truth out so that this nation can learn and know officially.

I feel that I already know the truth. If the world never finds out officially, if it's never broadcast across the world, that's a tragedy. But I can move on with my life knowing that I know what happened. This proceeding is almost technically our final legal remedy, and it has been long and drawn out and the jury has had to do such a tedious job of deciphering this evidence and testimony. I think it certainly has to be considered that there was no other way to do it, this was a last resort, we tried everything humanly possible. We've not gained anything. We've lost financially. I could spend days giving examples of agony and defeat and when people ask that question, are you in it for the money? People back away. Everyone I know who has been associated with this has paid a price.

The only benefit is that the truth has to ultimately come out. We stand for justice and want the right thing to happen. You can't put a price on the truth.

I'm fuzzy on the appropriate number for any damage assessment. I think it would be fitting that any sum of money, small or large would go to benefit some cause

that my father would have associated with. I would want to see some benefit for the sanitation workers union welfare fund in Memphis, or something along those lines. Until this injustice is settled, all we can really do is try to deal with what he would have done--and he was here to support a campaign that dealt with man's inhumanity to man, and now that we're reaching the end of this journey my hope is that this will not be an ending but a beginning, a launching pad, so that an example can be set here in this courthouse to send a message that it does not always have to be the way that people think or what they assume, that impressions and opinions, no matter what anybody writes in a column or an editorial, that hopefully people's hearts have been moved and their heads have been dealt with and there will be a verdict of fairness and justice.

Cross Examination by Mr. Garrison

I have talked with Mr. Garrison quite a few times about this matter, and he has been to Atlanta to talk to the family. When Mr. Jowers met with me in Jackson, Tennessee and again in Little Rock, Arkansas with me and Amb. Young, he freely told me what he knew and answered my questions the best he could. When I first met him, he apologized to me for any part he may have played in this, and also said he did not know at the time that the main target was Dr. King. He said he had no idea that Dr. King would be assassinated.

Mr. Jowers said he had been asked by Mr. Liberto to handle some money and had handled money before on other occasions.

I had talked with Mr. Jowers and Amb. Young about immunity for him. Rev. Lowery, President of the Southern Christian Leadership Conference, spent most of the day and met with Mr. Gibbons in an effort to obtain immunity for Mr. Jowers. Mr. Gibbons refused. I met with Mr. Campbell or Mr. Gibbons from the District Attorney's Office. They explained to me why they were against having the rifle tested. I don't recall the exact outcome of the conversation but they felt that it would be a waste of time because the rifle's tests had been inconclusive.

We investigated the case quite a bit before we started the action. The information has been overwhelming.

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It's not true that I thought that people from Pres. Lyndon Johnson on down were part of this or knew this was going to happen. That statement was taken out of context. I was asked by an ABC journalist, Forrest Sawyer, on Turning Point, whether I felt this and I prefaced my comments by saying if what Bill Pepper says is true or has written in his book is true, then I would find it difficult for something of this magnitude to occur without the Commander-in-Chief, if the military were

involved. The Commander-in-Chief would have to give certain orders to mobilize certain forces. But of course the way it was edited, it appeared that I said, yes, Pres. Johnson was involved and knew about it. I did however, also say that it was known that FBI director Hoover had a hatred towards my father and it is public record that they harassed him, surveilled him, and did other things to try to discredit him.

The Justice Department has confiscated the notes that Mr. Wilson had to try to authenticate them. I assume these are still in the custody of that department. As far as I know there has been no test showing these to be fabricated or forged. I was told by a reporter who had been in touch with Justice Department that they could not rule them out, which I believe means they can't say that they're phony.

I've been generally aware, but have no knowledge of details, of an investigation the local District Attorney started in 1993 into some new allegations. I have seen a report which was provided to the District Attorney's office.

(Mr. Garrison states that he believes a copy was delivered to the King family in Atlanta last year in March. The document is marked Exhibit 33.)

I read the report a couple of years ago. I learned that the government had sealed the records of the investigation into my father's assassination. I questioned why those records were sealed and was told that there was information that could possibly incriminate or corroborate government involvement, and I was told that information was definitely fabricated by the FBI to discredit my father, and that might be included in the sealed records as well.

Whether Mr. Jowers played a "small part" in this depends on what you mean by those words. I see him as a specific conduit. I don't believe that he orchestrated this "conspiracy" and do not believe he was the brains behind it. According to his discussion with me he was simply doing things he had done previously for Frank Liberto, normal kinds of things.

Redirect Examination by Dr. Pepper.

I do not believe that Mr. Jowers was telling me the truth when he said he did not know the details about the assassination and who the target was. I just sensed that he seemed very uncomfortable admitting that much knowledge, though I think he was telling the truth up until that point.

Recross Examination by Mr. Garrison

Mr. Jowers met with me voluntarily at his own expense and fully cooperated with me. There was some hesitation initially until we finally worked things out. Fear of

prosecution was always an issue. I felt he was getting this off his chest. First thing he did was apologized to me for anything that he may have done that would have caused the death of my father.

(Dr. Pepper states that the Plaintiffs rest.)

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