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## **December 8, 1999 Volume XIV**

(The Court explains that we'll now have the arguments of counsel-- the plaintiff's summary first, then the defendant's version, and then the plaintiff response to the defendant's arguments.)

### **Dr. Pepper's argument.**

Thank you, ladies and gentlemen, for your attention through these long and sometimes tedious proceedings. We're very grateful that you listened here to the variety of evidence you heard. You've heard a great deal of testimony and have available also a number of exhibits. All the testimony, the various levels of credibility, His Honor will charge you with that but at the end of the day it's really down to how much you believe the various people who sat in that chair and told you things.

The media is very quick to yell out that such and such is hearsay, second-hand accounts, third-hand accounts. But the media is unable to tell you what the law is with respect to hearsay evidence. They think that hearsay, a person saying what another person has said, is to be dismissed. Actual fact, if a witness is giving you hearsay but the hearsay statement is from a person who is speaking against his own interest, saying something that in the case of the defendant here could put him in jail, could have him indicted, then that is to be taken very seriously. It is admissible because of that exception. There are a range of other exceptions why you can consider hearsay.

My role here this morning is to summarize plaintiff's case, which is divided into nine sections. Some of the witnesses have appeared out of order because we've had problems with schedules. So at one time you might hear witness talking to you about a rifle, and another time you might hear witness talking about a crime scene, and we had already gone over that. So it is difficult for you sometimes perhaps to pool all those pieces together in an orderly fashion that's what I have to try to do, to set it out so you can see how this case folds together.

Plaintiff's case began with a section that dealt with the background of all of this, why you are here, why Martin Luther King was assassinated, why he came to Memphis before he was assassinated.

The second section concerned what we called the "local conspiracy" that happened here in Memphis, what events transpired that constituted civil conspiracy under the law. What we are asking you to find is that there was a conspiracy here.

Thirdly we dealt with the crime scene --what it was about, where it was, what happened there.

Fourthly, we went into the rifle, and asked you to consider all the evidence with respect to the murder weapon.

We move next to a shadowy figure called Raoul -- who is this man who was claimed to have been James Earl Ray's controller -- and what role did he play in this case?

Beyond that we move to what we have called a "broader conspiracy" beyond Memphis that reached into the higher levels of the government of USA and some of its agents and officials.

Beyond that we went into the cover-up: what was the cover-up activity and why was it important and why have these events been shielded from public view so that only you, you 12, 14, here day after day, and His Honor, alone perhaps in this broad land, have heard this evidence. How could that be, in a case is important as this?

Then we considered the defendant's admissions against his own interest and what is in evidence with respect to that.

Lastly we moved to the area of damages. There was a fair amount of testimony on damages from family members with respect to what they were looking for and what their perspective was in terms of remuneration for the loss that they have suffered.

Now let's look at each of those sections. First, the background. Martin King for many years was a Baptist preacher in the South, thrust into leadership of the civil rights movement at an historic moment in the civil rights movement and social change movement in this part of the country. That's where he has been locked in time, locked in a media image, locked as an icon in the brains of the people of this country.

But Martin King had moved well beyond that. When he was awarded the Nobel Peace Prize he became in the mid-1960s an international figure of serious stature whose voice on issues other than just the plight of black people in the South became very significant worldwide. He commanded worldwide attention as few had before him. As a successor to Mahatma Gandhi in the movement for social change through civil disobedience. That's where he was moving. On April 4, 1967, one year to the day before he was killed he delivered the momentous speech at Riverside church in New York where he opposed the war.

For two or three years prior to that he'd had uneasy feelings about the war and he thought carefully about it. I was a journalist in Vietnam and when I came back he asked to meet with me and when I opened my files to him, which were devastating in terms of the effects upon the civilian population of that country, he unashamedly wept. This was in February, 1967. He was definitely going to oppose that war with every strength, every fiber in his body. And he did from the day of the Riverside speech to the day he was killed. He never wavered in that opposition.

The State regarded him as an enemy because he opposed the war. But what does his opposition really mean? I put it to you that his opposition to that war had little to do with ideology, capitalism, democracy. It had to do with money, huge amounts of money that the war was generating to large multinational corporations based in the USA. When Martin Luther King rallied people to oppose the war he was threatening the bottom lines of some of the largest defense contractors in this country.

When he threatened to bring that war to a close through massive popular opposition, he was threatening the bottom lines of some of the largest construction companies, one of them in the state of Texas that patronized the presidency of Lyndon Johnson and had the major construction contracts at Cam Ranh Bay in Vietnam.

Martin King was challenging the weapons industry, hardware, armament industries, that all would lose if the war ended. Forget about democracy, ideology. The growing enmity toward Martin King was based on money and the loss of money.

The second aspect of his work, that caused great consternation in the circles of power in this land, was also dealing with money. That was his commitment to take a massive group of people to Washington and there to encamp them in the shadow of the Washington monument. Camp as long as it took, with daily trips to the halls of Congress to compel Congress to act, as they had previously acted in terms of civil rights legislation, now to act in terms of social legislation.

He began to talk about a redistribution of wealth in this wealthiest country in the world, that had such a large group of people living then--and now, by the way--in poverty. The problem had to be addressed. It wasn't a black-and-white problem. This problem dealt with Hispanics, and with poor whites as well. That's what he was challenging.

The powers in this land believed he would not be successful. They knew the decision making processes in the USA at the time--and today it is much worse in

my view--but by that point the power was so consolidated that they were the soldiers of the very economic interests that were going to suffer as a result of these times of changes. So the powerful lobbying forces that put their people in the halls of Congress and in the White House itself and controlled them, paid and bought them, were certainly not going to agree to the type of social legislation that Martin King and his mass of humanity were going to require.

So there was a fear. What happens when they are frustrated, when they get no satisfaction? They feared, the military feared, that there would be a violent rebellion in the nation's capital. They didn't have the troops that could contain half a million angry poor alienated Americans. Gen. Westmoreland wanted another 200,000 in Vietnam. They didn't have them to give to him.

They were afraid that mob would overrun the capital. They were afraid of what Mr. Jefferson had urged many, many times, that the body politic can only be cleansed by revolution every 20 years, would be listened to and that revolution would take place.

Because of those factors, Martin King was not going to be allowed to bring that group of people to Washington. That's the reason for the hostility. He saw Memphis as a microcosm of the overall problem, the plight of the garbage workers as symptomatic of the pervasive sickness of American society. He said, if we turn our backs on these ones how can we go on behalf of broad national interests? These ones need us now, let's start the Poor People's Campaign here.

So he was in Memphis on the 17th and 18th of March and he spoke and returned again on 28 March, and the march turned nasty. Indications are, it was broken up deliberately, there were provocateurs, that he was thus discredited, so he had to return.

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There was opposition within his own organization. But he said we're going to do this, we're going to lead a peaceful march and this is how we'll launch this campaign. So he came back on 3 April.

Now we move to the local conspiracy related to the death of Martin Luther King. You've heard a very reputable 40-year-in-business store owner sit up there and tell you that every Thursday he went to Frank Liberto's warehouse, and on that Thursday, April 4, he heard the owner of that place take the telephone and scream into it "shoot the son-of-a-bitch when he comes on the balcony," amongst other things. That is the first indication of the involvement of a Mr. Frank Liberto, which information was given to the police and the FBI and forgotten about.

You've heard two other independent witnesses testify at different ends of the trial, one called as a witness by the defense, Mrs. LaVada Addison, who had this conversation with Mr. Liberto in her café: Liberto leaned over the table at a time when the Select Committee hearings were on, apparently something came on the television, and he whispered to Mrs. Addison: "I arranged to have Martin Luther King killed." She jumped back and was shocked by this. So Liberto puts himself in it against his own interest, mind you. You are entitled to believe that he has said that.

Then comes Mrs. LaVada Addison's son Nathan, who confronts Liberto-- and Liberto confirms it. So we see Liberto's involvement in this scenario.

Then we have from the defendant himself in sessions that are before you, and you've heard testimony from Ambassador Young and Mr. King about how he was approached and was asked to assist or become involved in this assassination again by Mr. Liberto and how he was told he would receive some money, he would be visited by a man called Raoul, he would pass the money to Raoul, he would receive a gun, he was asked to participate in this endeavor and should not worry because the police would not be there. We've heard him say that in fact he did these things--that he received the gun after the shooting, received it right at his back door. That's as far as he went in his admissions.

Of course he also said he didn't know what was going on. Neither Ambassador Young nor Mr. King believed that claim.

Now why would anyone say this? This is not new. You heard testimony from witnesses who indicated that Mr. Jowers had said this to them years ago, as much as 20 years ago, that he didn't do it but he knew how Martin Luther King was killed. In one case he actually told the same story way back then that he is telling now. So this is not some afterthought for Mr. Jowers to try to make a movie or have notoriety. This is a consistent story that has been around for a long time, and other witnesses from previous times have confirmed.

So what are the other indications of the local conspiracy? You've heard about the removal of Detective Reddit, who was a police officer on surveillance duty on the afternoon. He was removed within an hour of the killing and told there was a threat on his life and he was sent home to arrive at his home at the time of the assassination, never to hear about this threat again. This was a phony threat, I think that became quite clear. They didn't trust him because he had been a Community Relations officer that had been seconded into intelligence. At the last minute they had to pull him off, he might have seen something and done something untrustworthy. The other officer remained, making notes of what he saw.

The only two black fireman in the fire station were removed, given orders the night before not to report for duty but to go to another fire station--in each case where they were surplus to requirements. Why were those two black fireman removed, the only two black firemen, and the night before?

You heard Gerry Williams, Capt. Williams, testify that he had always formed an elite black homicide group of detectives as a bodyguard for Dr. King. That last visit, he was not asked to form that bodyguard. This was the only time he was not asked to form the bodyguard, and he didn't know why he was not asked. That troubled him.

You heard that the police were at one point around the Lorraine motel and then they were removed, or they just disappear within a half-hour, 45 minutes of the killing. Where did they go? Why?

You saw evidence that the Invaders, a local community organizing group that had been willing to work with Dr. King toward the end and were there to help him produce a peaceful march -- they left the motel at 5:50, 11 minutes before the actual shooting. They were ordered to leave the motel, told their bills would no longer be paid so they emptied out. They might have reacted violently, cause some sort of confrontation, but they didn't. They just left.

You heard about the removal of the emergency TAC forces, in this case TAC 10, which was usually a group of four or five police cars with officers from the Sheriff's Department. They were around the Lorraine motel until the afternoon before the killing. The afternoon of the third they were ordered to be pulled back to the Fire Station on the periphery. When Inspector Evans was asked who gave him the instructions to pull back, he said it was a request from Dr. King's group. When he was asked who, he said he thought it was Rev. Kyles that gave the instruction. But the TAC forces were pulled back.

The defendant on the day of the killing ordered a witness whom you heard was working for him as a waitress, ordered Bobbi Balfour not to take any food upstairs to Grace Stephens, who was ill, and who had been receiving food on a daily basis. That day, because the second floor of the rooming house was being used as a staging ground, no one was allowed up there, and he told her not to go up there. So she didn't.

You heard Olivia Catling, who had never been spoken to by anyone. She told about a man coming from an alley that was connected to a building that was attached to the rooming house. She saw this man coming through that alley shortly after the killing, some minutes after, and getting into a 1965 green Chevrolet that was parked on Huling and then speeding away north on Mulberry Street right in front of the police, burning rubber as he went, with no interference

whatsoever from them.

All of these events are strong evidence of a conspiracy at the local level, not even mentioning the fact that the defendant has also indicated that planning sessions took place in his Grill prior to the assassination. I think it is important to see the total picture of evidence you have. There should be no doubt that these things are indicative overwhelmingly of conspiracy.

Now, are we "conspiracy buffs" because we find all of this evidence insurmountable? I think not. But you have heard it. The masses of Americans have not. And the media has never put it to them and probably never will. That's why your presence is so important.

What about the crime scene? The crime scene, of course, was the back area of the rooming house. It was terribly overgrown with thick bushes and they were difficult to penetrate and they provided an excellent snipers lair. Any number of witnesses and evidence in the record indicates that a person or persons was seen in those bushes at the time of the shooting. These are different accounts that we put into the record, separate and apart. Other evidence, separate independent evidence, shows that a person was seen jumping from the wall, over the wall, and running up Mulberry Street. As a result of this we've concluded some time ago and tried to provide enough impetus for you to conclude that the shot came from the bushes and not from the bathroom window.

The bathroom window and the rooming house bathroom has been officially the scene of this crime forever. The State had evidence long ago that this was not the case, that the dent in the windowsill was not made by the rifle, even though they maintained that was the case. The bathroom was seen open. The state's main witness was drunk at the time, intoxicated. He couldn't identify anybody. Capt. Tommy Stephens said he couldn't identify anyone, much less stand up. Yet it was the affidavit of Charles Stephens that brought James Earl Ray back to this country from England. That was the basis of proof that brought him back. Do you know what confidence the state had in their own chief witness? They didn't even call him at the time of the guilty plea hearing. He didn't even testify at that point.

Now as to the murder weapon itself, Judge Joe Brown heard testimony and evidence in this case for about four years. He paid particular attention to the weapon, and has a lifetime of experience and developed knowledge about weapons and about rifles in particular. We qualified the judge as an expert and he came before you. Anyone who heard Judge Brown's testimony with respect to that weapon and weapons in general should have no doubt whatsoever that he is in fact expert. The media will point to his lack of technical training, courses having been taken with respect to learning about rifles. The other areas for developing expertise happens to be experience and self-knowledge and

development, which is what Judge Brown has. He sat in that chair and gave you sample technical scientific reasons why that weapon in evidence is not the murder weapon very clearly.

He said, first of all, the scope was never sighted in. Using that scope, to quote him, you couldn't hit the broad side of a barn with that weapon. It was firing to the left and below the target.

He said the scope could not have been altered by having been dropped in a bundle. You can't alter scope to that extent, its accuracy, by doing that.

He also said that the death slug did not have the same metallurgical composition as existed in the lead of the other evidence bullets that were found in that bundle. The State has always said it was one of a number of bullets the defendant had and you should see them as a package. Judge Brown said no, the death slug was different in metallurgical composition than the bullets that were there.

Beyond this, there is evidence that you've heard that this clearly could not have been the murder weapon because the defendant told a taxi driver, James McCraw, to get rid of the murder weapon and he did. McCraw, being a confidant of Jowers, took the actual murder weapon and threw it off the Memphis-Arkansas Bridge. So it is laying at the bottom of the Mississippi River for over 31 years. The real murder weapon is at the bottom of the river.

Now Bill Hamblin, no reason to lie, said McCraw would only tell him this when he got drunk and he told him this over 15 years. This is not something McCraw made up one day. The same story over 15 years.

Judge Arthur Haynes testified that he was James Earl Ray's first lawyer along with his father, and testified that in the course of their early on-the-scene investigation, they talked to Guy Canipe, who owned the amusement shop in front of which was found the bundle which contained, amongst other things, the rifle. He said Canipe told them very early on, before anyone else apparently had done any kind of tampering with him, that the bundle was dropped some minutes before the actual shooting. Imagine that--that the murder weapon, the rifle in evidence, was dropped minutes before the actual shooting.

Now we come to Raoul, this shadowy figure who the defendant has mentioned and who James Earl Ray has talked about right from the beginning as someone who controlled him. You have a number of independent people, not even knowing each other, who have identified this man from a spread of photographs that they have seen. And they range from an English Merchant Seaman, who we had to depose by telephone at some length, who ran into the same Raoul at the same bar that James did, up at the Neptune in Montréal. They range from him to



the Grabows, Royce Wilburn, to the defendant himself who identified Raoul from a spread of photographs before Amb. Young and Mr. King, and of course James Earl Ray, who also identified him.

And if that is not enough, we have the British film producer, Jack Salzman, going to the door of Raoul's house, showing a photograph and having his daughter admit that that is the photograph of her father, her words to the effect that anyone can get that picture or photograph of my father. It is from Immigration and Naturalization she identified her own father in that photograph.

Under subpoena and reluctantly, a Portuguese journalist took the stand. She had conducted an interview with a member of the family who told her that this was a horror, a nightmare for them and for the family, but the one comfort they had was that the government was helping them, had sent people to their home approximately 3 times or so, and the government was monitoring their telephone calls and providing them with guidance, comfort and advice. Can you imagine if any charges were laid against any of us in those circumstances, do you think the government would come around and see us, help us, monitor our phones? That act alone indicates the importance and significance of this man Raoul. So it's essential that it be put clearly in context.

Now as I understand it, the defense has invited Raoul to appear here. He is outside his jurisdiction, so a subpoena would be futile. But he was asked. In earlier proceedings there were attempts to depose him and he resisted them. So he has not attempted to come forward at all until his side of the story or to defend himself.

Moving into the next area, we're concerned about a broader conspiracy. That is two-pronged. On the one hand, the broader conspiracy goes beyond the shooter in the bushes who gets away with killing Martin Luther King. It goes from him to a Mr. Jowers, who is involved in facilitating, and it goes back to Mr. Liberto, whom you've heard was clearly a part of it, but it goes beyond Mr. Liberto in terms of the Mob side, because you've heard from witness Nathan Whitlock how Liberto used to push a fruit cart in New Orleans with Mr. Carlos Marcello and that he then has this relationship and this awareness of Marcello and his activities. Carlos Marcello has been the Mob kingpin, was the Mob leader in this part of the country for a long, long time. So any Mob contract on Martin Luther King's life would have come from Marcello through Liberto into the local infrastructure that Marcello had here in Memphis.

Marcello himself was involved in gun running. Part of the evidence in terms of the military involvement is contained in a lengthy article that we put into evidence that appears in March 1993 in the Commercial Appeal by Steve Tomkins, and that article indicated that there was a high-ranking general who had been

charged and imprisoned for aiding and abetting the trading in stolen weapons. That deal meant what he was involved in was the theft of guns from arsenals, armories and camps, like Camp Shelby in Mississippi, the theft of weapons from those places that were trucked to a Marcello property in New Orleans and from that property were shipped around the coast into Houston, Texas where they were taken off. And that is where Raoul and his crowd came in to receipt of those weapons before they went into Latin and South America. So that's one prong of the broader conspiracy, the Mob. But you see already there is a relationship between organized crime and the military in the receipt of those weapons and in the ongoing sale of them.

Then we move directly into the government of the USA, their agents themselves. We've learned that the 111th military intelligence group based at Fort McPherson in Atlanta, Georgia were here in Memphis. They had Martin King under surveillance. That was "open surveillance, eye-to-eye surveillance". Eli Arkin of the Memphis Police Department Intelligence Bureau, Intelligence Division, admitted they were in his office.

Another section was here involved in covert surveillance of Martin King-- bugging, wiretapping, that type of activity. That was done at the Rivermont when he was here on the 17th or 18th. You heard a witness say he was one of three people who were effectively a surveillance team. They had every room of Martin King's suite bugged, including the balcony. If he wanted to speak privately and went out on the balcony, they would pick it up by relay from the roof. That type of covert surveillance was carried out by another agency, usually the Army Security Agency.

Then there were those photographers that Capt. Weeden talked about. They were on the roof the fire station. He put them there. Who were they? They were a psychological operations team, and they were there and they photographed everything throughout that day. That means, ladies and gentlemen, that there is a film of everything that happened, photographs of everything that happened buried somewhere. We tried long and hard to unearth it, unsuccessfully, but it is there and it is hidden, as it was hidden from this jury, it is hidden from the American people. Maybe the media one day will let you know that it exists. They took those photographs. They were what is known as a psychological operations team, and we know who the two members of that team were.

So there is this very strong presence, which is primarily surveillance, intelligence gathering, visual and audio and it is going on and Martin King and his group are the subject of it. But there is another group that is more sinister. Not more sinister because of what they did, because they didn't really do anything, but we know they had a presence. That was a special eight-man sniper unit that was here in Memphis. They were all part of the 20th Special Forces Group. They

were here and they were assigned and they were trained for a mission here in Memphis.

You heard testimony from a National Security Council operative, a long-standing operative of the government of the USA and whose best friend was a member of that sniper team. There was no reason in the world for his best friend other than in a moment of whatever, anguish or burden, desire to relieve himself, to talk about this, this mission that he was on to which he was assigned in Memphis which was aborted. But he was assigned to it.

With a Q and A approach you heard documents of working papers that were used to get information from another source who lived south of the border, who fled the country in the 1970s out of fear, who was also part of that unit. So they were there, and there are three separate sources that confirm the presence. But it was not necessary for them to do anything. The mission was aborted because the Mob contract was successful in killing Martin Luther King and framing James Earl Ray.

Remember, one of the things that Liberto also told the defendant, Lloyd Jowers, was that there was a Patsy lined up to take the blame. There was another area of comfort that the defendant could have.

Now we move to the cover-up aspect of this case. This in many ways is the most sad in a representative democracy to have to have this kind of cover-up be successful for so long. It is a shame, a tragedy. I think it goes right to the essence of democracy and the right of the people to know.

Cover-up activities in this case range from murder to press manipulation and distortion, with bribery in between. You have heard here from credible sources that a taxi driver who pulled into the Lorraine Motel maybe six minutes before the killing, a Yellow Cab taxi driver who was loading the trunk of the car with the luggage of someone who was leaving, unfortunately for him, he saw the shooting and immediately after he looked to the other side of the road and saw a man come down out of the bushes and run up the street and get into a waiting Memphis Police Department traffic car, which sped away. When he reported this to his dispatcher, he thought the police had the assassin because he was in a police car going away.

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Well this man, as you've heard, was questioned by the police a couple of times that week. He was to give a statement the next day. His body was found off the Memphis-Arkansas Bridge, supposedly thrown out of a speeding car. When we tried to find death certificates for this, we couldn't, either in Arkansas or in

Tennessee. There is no death record at all. We found his phone number with that of his wife listed in 1966 and 1967. In 1968 it's Betty, widow [WID] of Paul, Betty widow, 1968 and 1969 she's a widow. Paul Butler was her deceased husband. He was in the wrong place at the wrong time. That is in some ways the worst of it. Because is there anything really worse than losing your life you've been in the wrong place at the wrong time?

The next aspect of the cover-up is the tampering, drastic alteration, of the crime scene. You've heard what happened. 7 o'clock in the morning inspector Sam Evans called Maynard Stiles, who was a Public Works administrator, and asked him to get a work crew out there to cut down those bushes. They cut the bushes down.

Now normally what one does with the crime scene, at least for quite a period of time, is to rope it off and keep people out of it and investigate it as it is. You don't go and destroy the crime scene. You don't know what is there. You go and you deal with it the way it was at the crime. No, it was cut right to the ground, and however long it took them to do it, they did a good job because it was not possible for a sniper to be in that area once it was cut, because he would obviously be very visible. So the image of a flat, barren area is what was relayed and that reinforced the whole bathroom window.

There was no house-to-house investigation. You remember Judge Brown on the stand saying that this was the most deficient criminal investigation he had ever seen as a criminal court judge? Imagine, no house to house investigation. That means no policeman going around and knocking on the door of all the local residents and asking them to they see anything, do they hear anything, because surely if they had, they would have knocked on Olivia Catling's door, wouldn't they? She lived just down the street on Mulberry. She would've told them what she saw. But they didn't. Why?

Why did they suppress two alibi statements, a statement from Ray Hendrix and William Reed, who left Jim's Grill 5:35 or 5:40, saw James Earl Ray's Mustang parked in front of Jim's grill, started to walk up the street in a couple minutes later when they went up couple blocks were about to cross Vance, one pulled the other back when the same white Mustang they thought came right around the corner driving away, as James Earl Ray had said he done. He always said he left the scene of the crime around that time to try and go have a spare tire repaired. Here are two alibi witnesses with statements given to the FBI in their 302's kept from the defense, withheld from the guilty plea jury, suppressed.

What else was suppressed? What was suppressed was the fact that they had a scientific report from the FBI that the dent in the window sill could not sufficiently be tied to the rifle. They had that almost a year prior to the actual guilty plea

hearing. And yet they went before the guilty plea jury and said that scientific evidence would establish that the murder weapon made that dent. Obstruction of justice? Suppression? That and worse.

What about the death slug that could not be matched? The media and the State have turned the burden upside down in the case of matching the bullet to the rifle. They are saying because you can't exclude it, it may be the murder weapon. In any other case that's not the way it works. This is not a good rifle in evidence when you cannot match the test slug to it. You have evidence that the death slug was capable of being matched. There were enough striations, enough independent markings that they could match it if they could.

So the guilty plea hearing heard none of this. I talked to members of the guilty plea jury years later. This was all kept quiet. They certainly would've had questions about Mr. Ray's plea if they had heard about this.

They certainly did not know that his lawyer had agreed in writing to pay \$500 if he would plead guilty and not cause any problems and that \$500 could be used to hire another lawyer who could help overturn the plea.

They certainly were not told of those kinds of pressures that descended on him at the last minute to cop this plea, which I'm afraid people do all the time in desperation, particularly when they are in isolation the way he was.

What about Capt. Weeden, Capt. of the fire station, never interviewed by local police authorities? The man who ran that installation, who was there at the time, never interviewed by the authorities. Forgetting about knocking on peoples doors, here is a senior executive officer of the fire station. They didn't talk to him, they didn't interview him, they didn't ask him what was going on there that afternoon. Were they afraid that he would've told them about the photographers on the roof? Because if he had, they wouldn't have been unnoticed, would they? It wouldn't have been unnoticed that there were photographs of what went on and they would have then had to request those photographs. So if you don't talk to Capt. Weeden, you don't have to know about them. If you don't know about it, you don't ask for it.

You heard Bill Schaap talking about media distortion and the use of media for propaganda. He gave you the history of how it has developed particularly over the 20th century America but, of course, it is a long-standing activity throughout history in nations older than this one. But Schaap took you painstakingly through that history down to the present time when he dealt with the way the media handled Martin Luther King, how they handled his opposition to the war in Vietnam, how he was attacked because of that opposition to the war. Then he moved on. There were similar, comparable attacks on the King family as they

decided they wanted the truth out in this case and decided that James Earl Ray was entitled to a trial. Similar media treatment happened to them that happened to Martin, similar loss of contributions and money for the work that happened to Martin back in those days.

Bill Schaap referred in a couple of instances to the huge network of ownership and control of media entities all over the world by the Central Intelligence Agency. It is a matter of public record. It has appeared in Congressional hearings, Senate hearings, which most people don't read, don't know anything about, and, of course, the media only covers in sparse fashion, because it is contrary to their interests to show that great numbers of newspapers, radio stations, television stations, may in fact be actually owned by the Central Intelligence Agency in this country as well as elsewhere. He talked about the numbers of actual agents who work for media companies, who are placed in positions in network television company positions, in newspaper company positions, on newspaper editorial board positions.

If you see the history of how national security cases are covered, and this is one, you will be amazed that some of the most liberal columnists, writers, respected journalists, Pulitzer Prize winners, who have all the liberal credentials, when it comes to this kind of case, they are all of a sudden totally with the government because national security cases are a different ball game. Amb. Young ran into one at one point in an airport, and he said to him, how can you do this, Tony, about this case, you have great credentials in every other way, what is it about this case? His response was, you'll be happy to know my wife agrees with you. That was the end of the response.

On these cases a special type of treatment is given. It is important to understand that, across the board. That explains a lot of what we're talking about. Examples: column 1, New York Times, November, the article is here, Alton, Illinois, bank robbery, Wendell Rose, Jr. The Times wrote this whole piece, fabricated, whole cloth, that the Ray brothers robbed the bank in Illinois and that's where James got his money and therefore there is no Raoul.

The problem was that the article said that the Times had conducted a special investigation that paralleled that of the House Select Committee and that of the FBI, and all three investigations indicated this was the case. Case closed, this is where Ray got his money. The problem is they never talked to the chief of police in Alton, Illinois. They never talk to the president of the bank in Alton, Illinois. There was no investigation. And when those people were talked to by myself or by Gerry Ray, who went down there to turn himself in-- "You think I did this, I'm prepared to turn myself in"--the guy said, go away, you've never been a suspect. Isn't that amazing, out of whole cloth. But it appears, and that's the mindset that the people have.

You heard Earl Caldwell say he was sent to Memphis by his national editor, the New York Times national editor, Claude Sitton, told to go to Memphis and told to "nail Dr. King." That's what he said he was told was his mission here in Memphis as a New York Times reporter. I can go on. These are examples of what happens with the media.

Bill Schaap told you that the impact of 31 years of this is devastating. It's very hard to hear this for 31 years and have somebody come along and say, no, you've been told the wrong thing and here are a set of incontrovertible facts and this is why you've been told the wrong thing. The reaction is still, oh yes, that's interesting, but the next day we still believe, because it's almost implanted neurologically. That's the problem that this kind of distortion, media propaganda abuse, just raises.

Mr. Jowers here, the defendant, was a victim of this. ABC gave him a lie detector test and told him at the end of the lie detector test that he had failed, why was he doing this, was he looking for money? You heard from a cab driver, who has nothing to gain by this, take the stand and say yeah he drove those ABC people to the airport and heard their conversation. His ears perked up when he heard Jowers's name because he heard the guy in the front, the examiner, say "I couldn't get him to waver." They were commenting on how he remembered in so much detail and why he remembered so much detail. There is no question about him failing this test. They couldn't get the defendant to lie. And yet that program was put out to masses of people in this country to believe to this day that the defendant lied.

You heard about two efforts to bribe James Earl Ray, one from a lawyer, Jack Kershaw, who told you about a meeting at the Nelson book publishing company and he was offered a sum of money if Ray would admit that he did it. He was offered this money by the writer William Bradford Huie if Ray would confess that he did it alone, and Huie would give him this money and give him a pardon and he could go on and have a nice life. Mr. Kershaw went over to the prison, as you heard, asked Mr. Ray if he wanted to take up this wonderful offer. Ray of course sent him packing. Some while later on a phone conversation Huie made the same offer to Gerry Ray. This time the conversation was recorded. Gerry Ray testified and you have a transcript of that recording, he was offered now \$220,000 and also a pardon. In the best story, of course, that they wanted, that Huie wanted, was a story "Why I killed Martin Luther King." They were offering money and a pardon if you would tell that story. It didn't work. James was not interested. James had always only wanted, from three days after his conviction, he had always wanted a trial.

There were a number of attempts to kill James Earl Ray. These attempts vary.

One time he escaped from Brushy Mountain in 1977 with six others. No sooner did his feet hit the ground and they were up in the woods there--it's rocky and hilly there around Petros, Tennessee--and there was an FBI SWAT team out of the Knoxville office on the scene. Who asked for them? It's a state escape, state prisoner, the state is handling it. No, here comes the SWAT team--snipers with sniper rifles. What are they going to do with those sniper rifles?

Lewis Stokes was chairman of the Select Committee on Assassinations. He calls Ray Blanton, who is governor of the state at that time. Rev. Fauntleroy was a party to that conversation and said he was one who encouraged Stokes to call. Stokes calls Blanton and says that you better get over to Brushy Mountain or I'm going to lose my most famous witness and your most famous prisoner because the FBI is going to kill him. Blanton goes over in a helicopter and chases the FBI away. They didn't want to go at first. He said he would put them all in the same cell James Earl Ray came out of if they didn't. He saved James Earl Ray's life. James was caught and brought back by local authorities, which is the way it should have been.

The second attempt was in April 1978. You heard April Ferguson, public defender counsel, tell you how that worked. She interviewed a prisoner who had called their office when April and Mark Lane were representing James. He was asked to put out a contract on James, and decided not to do it. He thought he was being set up because person called and left a call-back number at an Executive Suites hotel that the prisoner knew was being used by the local US attorney's office and the FBI where they interviewed informants and held briefings. He thought he was being set up. The phone call came from a Memphis Mob figure called Arthur Wayne Baldwin who was also a federal informant. So he gave the statement of how this contract was put out by Baldwin on James Earl Ray's life, and Ms. Ferguson testified as to her affidavit.

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Defendant's prior admissions, the next section in plaintiff's case-- you have heard a great deal about how he was approached by Mr. Liberto and told that he would receive a package, which he did, and money and eventually a rifle to hold, and he told about planning sessions in his café, and he told about taking a rifle from the shooter, one that that was still smoking, he said, taking it from his back door.

He named the shooter as a Memphis Police Department lieutenant, Earl Clark, who is deceased, who was a sharpshooter who said he was a hunting companion, a friend, and a friend of Liberto's--and who never had any contact with him again after this day. Now Mrs. Clark, the first wife, who testified, gave her husband an alibi.



It is only fair that you consider what Ms. Clark said. She referred to my first interview of her in 1992. Her son was there. He was about 16. Her daughter was born in 1970. It was the son who was present. She told essentially the same story at that point in time. There are serious questions with that story, and they have to do with whether or not in fact Lieut. Clark had a radio at all at that point in time and whether or not in fact Dent Cleaners was open later than 6 PM on that day. Because by her account she got there sometime between 6:30 and 6:40 to pick up his uniform. But in any event you have to consider all of that.

Lastly, in respect of the defendant's situation, we had placed aspects of a woman's testimony into the record so you can review it, and she was a waitress who had been a lover of the defendant during that previous year. She very reluctantly gave a statement in 1992 that really had to be worked out of her. She didn't want to tell this story even then because she was afraid that her former lover and boss, Mr. Jowers, was the killer. He was the only one she saw, she said, out there, and she was afraid that he was the killer. Plaintiffs do not believe that to be the case at this point in time. She described him running, face white as a sheet, looking like a wild man with mud on his knees, as though he had been dealing in the brush area.

She has been to some extent discredited because-- people have descended upon her for various reasons. A statement of hers was taken repudiating a lot of things that she said, but she subsequently said in another sworn statement that she didn't even read what the state officials told her to sign.

So in a case like this, this is a difficult area for you to assess for yourselves terms of what you read and what you have heard here.

The last area of the plaintiff's case has to do with damages. We've addressed that. Members of the family have addressed that in terms of the spirit in which the family has approached these proceedings from the beginning. We want a verdict of liability, a verdict of the findings of conspiracy; the family is not interested to benefit financially from these proceedings. There has to be damages in civil litigation of this sort. It is a wrongful death action, the request is that there be an award of \$100 to offset funeral expenses, and that \$100 the family has decided to contribute, along with other contributions, to a welfare fund of the sanitation workers of this city, because that is the reason Dr. King came here in the first place.

Now we have a visual summary depicting the assassination scene at about 5:43 on the afternoon of the assassination. In this depiction we have 2 people on the firehouse roof, 2 people in the brush area, a number of witnesses down below the balcony, also a Chevrolet car parked on Huling, and 2 Mustangs on S. Main St. You will remember Charles Hurley testified that he drove up behind this

Mustang when he was picking his wife up. It had Arkansas plates. This Mustang is believed to have been [was mistaken for] James Earl Ray's.

Moving ahead between 5:43 and 5:44, Hendricks and Reed, who have been in Jim's Grill, have come out and walked up the street. About this time this first Mustang has pulled off. Everything else remains the same. You have photographers on the roof, 2 figures in the brush, who we believe to be Earl Clark and Lloyd Jowers, and the witnesses below the balcony over here.

Now we're at 5:50. The evidence reveals that this first Mustang is gone. The second Mustang still remains. Photographers still remain clicking away on the roof. Figures in the brush still remain. The Invaders have started to leave the hotel. They are coming down the stairs at 5:50. They were noticed leaving. Rev. Billy Kyles is knocking on Martin King's door as the evidence indicates at 5:50. The witnesses are still down below.

At 5:55, the Invaders are off premises, Rev. Kyles has come away from the door and is on the balcony to the right of the door. The witnesses are still below. Photographers are still in their perch photographing. The Chevrolet still parked where it was. And now a Memphis Police Department traffic car has pulled up to this intersection right here at Mulberry and Huling. In addition to that, about this time a rifle and an evidence bundle has been dropped at Canipe's.

At 5:50 to 5:56, the Yellow taxicab has pulled into the Lorraine driveway and is loading a passenger. The man who has dropped the rifle has now approached this second Mustang with the Arkansas plates. The figures in the bushes are still there. Chevrolet is still there and the taxi driver is standing toward the rear of his car.

About 5:56, in that area, Martin King appears on the balcony and begins to talk to a number of people below who we've been calling as witnesses. The taxi driver is still there unloading a passenger's luggage, and the photographers are there. The rifle remains, but now the second Mustang moves off. The traffic car remains in position and the Chevrolet remains where it was.

6:01 PM, April 4, 1968, Martin Luther King has been felled by a single shot. Everything else remains the same. The taxi driver is facing the brush area, the photographers are still on the roof of the fire station, the rifle in evidence remains in Canipe's doorway. The Chevrolet remains on Huling. The Memphis traffic car remains at the intersection of Mulberry and Huling. The figures in the bushes at this point remain there.

Between 6:01 and 6:02, immediately after the shot, one of the 2 figures, and we maintain it is the defendant, is moving toward his building carrying the murder

weapon. The other figure in the bushes appears at this point to be alone around the edge of the wall. The photographers are there. The taxi driver is still there looking at the brush area, and journalist Earl Caldwell, having heard the shot, has come out of his room. He's standing in his shorts, looking at the bushes, seeing this figure in the bushes. The traffic car remains there. Kyles remains off to the right of the fallen Martin King. The witnesses are there, some of whom turned toward the bushes looking up in that direction.

Also between 6:01 and 6:02, Mr. Jowers has entered his establishment, the shooter has gone down over the wall and has run toward that Memphis traffic vehicle. The taxi driver has seen the shooter jump from the wall and run to here and get into that traffic car. The photographers must have photograph it. There they are. The rifle remains. Mr. Jowers has entered his establishment.

6:05, under great pressure from his passenger, the taxi driver actually drives away, left the Lorraine parking lot. The shooter, having got into that traffic car, is also gone, disappeared. That traffic car sped up Huling, west on Huling. It is gone. Mr. Jowers is inside his establishment, the witnesses remain in place where they were. Mr. Caldwell has gone back into his room to put on his trousers.

About 6:07. Police cars have formed barricades at either end of Mulberry, blocking any entrance. Journalist Caldwell has come out of his room again and would eventually make his way up to the balcony. Dr. King is still down, witnesses are in place, photographers are in place, the rifle remains where it is, and Rev. Kyles is still on the balcony.

Also at 6:07 or thereabouts, Olivia Catling has arrived at the corner of Mulberry and Huling. She has three children with her. Two are hers and one is a neighbor child. She has come to this corner, having heard the shot from inside her house. Everything else remains in place with the photographer's, the witnesses and the journalist Caldwell coming out and the rifle still at Canipe's.

6:09 we have a man appearing in the alley, apparently from connected buildings to the rooming house. Everything else remains the same. Barricades are in place. Mrs. Catling is there. He moves very quickly to this car seen by Mrs. Catling and the children. He gets in the car and rips off east on Huling, making a sharp turn going North on Mulberry right in front of this police barricade and proceeds unimpeded North on Mulberry.

At that point Mrs. Catling notices a fireman who is standing in front of the wall, and he is yelling at policeman that the shot came from the clump of bushes up there. They are apparently not listening to him. That's the visual depiction of the critical events.

Long after people forget what has been said in this courtroom, all the words you've heard from witnesses and lawyers, and long after they have forgotten about accounts that they have read about this case they are going to remember what was done here. They will remember what action you took, what decision you came to. You must understand the monumental importance of your decision. They will forget everything I said, everything defense counsel said, everything the witnesses said. They will remember one thing: the verdict of this jury, because you have heard evidence that has never before been put on in a court of law.

Some of it would have been put on in Mr. Ray's trial, had he been granted a trial. He was not. Judge Brown was on the verge of granting that trial, and then he was summarily removed by the Court of Appeals in this state. Without any oral argument they made that decision. So Mr. Ray never had the trial. He was in his dying months when he might have gotten that trial. The Court of Appeals finished that possibility.

Only you have heard this. The people in the USA have not heard this. The masses of people in this country or the world have not heard this. They've heard snippets, they've heard edited clips on various documentaries and programs. No one has heard the detailed evidence that you have. That is why your decision at this point in time is the most significant decision that will have been taken in 31 years in terms of this case. Please don't underestimate its importance.

In our view, the injustice that has happened in this case represents a failure that symbolizes the failure of representative democracy in this country. Isn't it amazing that one could say that over a simple murder case! When you look at the wealth of evidence that has come forward, you understand how this case has been conducted and how it has been covered up, you see how unresponsive elected officials and government have been, and how complicit they have been, you can come to no other choice. Governmental agencies caused Martin Luther King to be assassinated. They used other foot soldiers. They caused this whole thing to happen. And they then proceeded with the powerful means at their disposal to cover this case up.

Conspiracy is a nasty word. People insult people in this country who use the word "conspiracy". Nowhere else in the world, as Bill Schaap told you, is it viewed that way. In Italy and France conspiracy is taken for granted because they've have lived with it so much longer. There were 39 daggers going into Caesar. These things do not happen as a rule without the involvement of other people and, in this case, this type of murder, without the involvement of seriously prominent individuals in government. So it is in my view a failure of democracy and this Republic that it has not been able to bring this forward.

What were asking you to do at this point in time is send a message. Send a message. It's important that you right a wrong and allow justice to prevail once and for all. Let justice and truth prevail, else the heavens fall. No matter what, let it prevail. Let it come forward. But in addition to that we're asking you to send a message to all those in power, all those who manipulate justice in this country: you can not get away with this. Or if you can, you can only get away with it for so long.

Ultimately truth crushed to earth will rise again, and it has risen in this courtroom. Send that message. You, you 12, represent the American people. You are their representatives with respect to justice in this case. They cannot be here. The media will keep the truth from them forever. You represent the people of this land. You must speak for them.

In all of my years I've had confidence in one institution anywhere in the Anglo-American world, and it is a jury – 12 people independently hearing evidence and ruling. That's you. You have this duty to yourselves, this obligation to your fellow citizens, if you have an opportunity to act in a most significant way that perhaps you could ever imagine, because your verdict of conspiracy in this case, your verdict of liability for the defendant and his other co--conspirators, means history is rewritten, textbooks must be rewritten, means the actual result of this case in the truth of this case must now come forward formally.

This message also will be sent to the Atty. Gen. of the United States, whose team is investigating in a limited way, they say, this case. But you have heard much more, so that is why this message is so important. Please send it.

On behalf of the family of Martin Luther King, Junior, on behalf of the people of the United States, I ask you find for the plaintiff and find that conspiracy existed that those conspirators involved not only the defendant here but we are dealing in conspiracy with agents of the City of Memphis and the governments of the State of Tennessee and the United States of America.

We ask you to find that conspiracy existed and once and for all give this plaintiff family justice and let's cleanse this city and this nation of the ignorance that has pervaded this case for so long. Let the truth reign in this court once and for all.

**(Summation by Mr. Garrison. Summary follows)**

I've been practicing law here starting 40 years this past August, and this is the most important case I've ever been associated with. It's important to the King family, and the American way of life, to quality, and to history. Over the past few years I met with Ms. Coretta King and Mr. Dexter King and the family, and they are a very lovable family and they have gone through more than any family

should have to go through, and simply because of the color of their skin, because Dr. King simply was seeking equality and equal rights. And if our Constitution means anything, it means that is for everybody.

Dr. Pepper has pursued this case for years. He is like a bulldog on your trousers. You can't shake him off. If it wasn't for him, we wouldn't be here today. He and I have many areas of agreement, but also many areas of disagreement. I want to point those out to you now.

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First of all, I told you at the beginning that anything that Mr. Jowers had to do with this was very, very minute and small. Here is a man who had a greasy-spoon restaurant, a beer joint, a place where he had been dealing with a Mr. Liberto--perhaps those things were not as they should be, but he is not on trial for that. He simply said he had handled money from Mr. Liberto previously and here again he was asked to handle money. Liberto said he was going to send a box and Jowers didn't know what it was. He said the money came in, the box came in and someone would pick up the box and he was to be at the back door at 6 o'clock and something would be handed to him. He says he didn't know anything.

He met with Mr. Dexter King and Amb. Young freely and voluntarily at his own expense, his own time. He told them what limited information he had. He was very honest and sincere in telling them what he knew, which was limited. Mr. Dexter King admitted here that Mr. Jowers said he did not know that Dr. King would be the target of assassination. Mr. Jowers apologized for anything he may have done that would cause the death of Dexter King's father, but he had no idea--it was simply the same thing he had been doing previously, no different from other things.

It's ironic to note that only one person has placed any blame on Mr. Jowers, and that's Ms. Spates. You've heard her testimony, heard an affidavit read to you that she gave to the investigators of the City of Memphis. First she tried to say that Mr. Jowers was there and she saw him and all this thing about him being white and so forth and so on, but she came back and in an exhibit here that you have a right to see she said she wasn't even there, she was at work that day, didn't see anything, didn't see Mr. Jowers with a gun. Which version do you believe? Both were under oath.

As far as Mr. McCraw, I knew Mr. McCraw, represented him for years. The thing about Mr. McCraw is that as Mr. Hamblin said, you couldn't believe anything he said. That's his best friend--got on the stand and said you couldn't believe a word he said.

Mr. Jowers played an insignificant and minor role in this, if anything. He stated that because of his public statements he has lost his wife, everything he has, and his health. He played an insignificant role, if anything. It was much bigger than Mr. Jowers, who owned a little greasy-spoon restaurant there and happened to be at the location that he was.

The area of disagreement between Dr. Pepper and myself is mostly about Mr. James Earl Ray's part in this case. Mr. Ray was a convict who spent 99 9/10 of his life in prison, who would do anything for money--rob, take a gun, steal. He enjoyed his notoriety as the most famous prisoner this state has ever known. That was a big thing with him. Here he was let out of prison in a bread truck. If you saw the poster here that's an exhibit, \$50 reward. Isn't it ironic that he was in Atlanta, Chicago, Los Angeles, Memphis, when Dr. King was there? Selma, Alabama-- little town of Selma--when Dr. King was there.

Don't you think it's ironic that there was a map that they found when he was in Atlanta where he circled Dr. King's home, his church, his place of business? I asked him on the deposition. He has told 1001 stories, as far as I know, this is the last time he ever told his story and testified. It is ironic that he had a map of the Atlanta with these three markings. He had never been to Memphis, never been to Birmingham, never been to New Orleans, no maps. But a map of the Atlanta was found in his car which he had headed had the circle around Dr. King's home, his place of business, and Dr. King's church.

Now the state of Tennessee says that James Earl Ray acted and acted alone. I don't agree with everything they say, but I think there is some validity to it. When I asked Mr. Ray how he knew that Dr. King had been assassinated, he said he heard it on the news. I had just gone through a whole series of questions where he said he never listened to the news. I said, didn't you know they had riots in Memphis, didn't you know someone was killed there. He said, I never listen to the news. Five minutes after Dr. King was killed, he heard it on the news. Mr. Ray's testimony speaks for itself.

He goes in and buys a gun, he says someone named Raoul asked him to do this. First of all, Raoul did not tell him to get a scope. He got that on his own. He goes in and says, I want another gun, this is not the right gun, Raoul told me to do this but he never showed the gun to Raoul. Was there really a Raoul? Maybe so. Isn't it ironic that for months no one ever saw him with Mr. Ray?

Dr. Francisco says, I was taken up to the window where the shot was supposed to have come from and I saw the path of the bullet. In my opinion, it came from that window sill. This is a medical examiner saying that.

Last year the Attorney General's Office concluded a five-year investigation. This

report is an Exhibit, don't decide this case without reading it. It wouldn't be fair to anyone if you do not. They concluded that there is no proof here that anyone acted in this case except Mr. Ray that was material.

You wonder sometimes why people tell things, and you've got to think--what are the circumstances? In March 1969, here again is an Exhibit which you need to read before deciding this case. Mr. Ray was asked by Judge Battle, "are you pleading guilty to murder in the first degree in this case because you killed Dr. Martin Luther King under such circumstances that would make you legally guilty of murder in the first degree under law as explained to you by your lawyers?" The answer was "yes".

Former Congressman Fountroy said here when I asked him why the Committee concluded that Mr. Ray was the assassin, he said it was because Ray kept changing his story. That's what he testified, a gentleman that was in charge of the Congressional committee. This went on for weeks and weeks and involved untold sums of money for investigation. They concluded that Mr. Ray was the one who pulled the trigger, who did the assassination.

After several years with this case and talking to many witnesses and listening to this trial and taking many depositions, I can't help but wonder about things. You've got to wonder from this standpoint: would the owner of a greasy-spoon restaurant and a lone assassin, could they pull away officers from the scene of an assassination, could they change rooms? Could they put someone up on top of the fire station? A convict and a greasy-spoon restaurant owner, could they do that?

When this trial started, there were two people mentioned in this guilty plea who are still living. I talked to them and issued subpoenas for them to be here who are prosecutors to explain to you why there wasn't more done to investigate this case. Mr. Ray tried 7,8,9 times to get a trial. The Court of Appeals, Supreme Court, never granted it. He was turned down that many times.

Why didn't they test the gun? I don't know. It doesn't make sense to me. That would have ended this case if they had tested the gun. There is DNA--they can use means now to test these guns. [sic] They could find out if they wanted to. Why wasn't that done? I don't understand. I've never understood why the prosecutors and the Atty. Gen., if they really wanted to solve this case, why didn't they test the gun. That would've told us whether or not Mr. Ray--that was the gun that did it with his fingerprints on it or was it another gun. It was never done. They fought it and fought it and fought it.

I talked to prosecutors who agreed to be here to testify, who had subpoenas to be here. The day before yesterday, without you knowing, the Court of Appeals



said no, you can't bring them in. That's the same thing we've had over and over and over.

It is ironic in this case that when the extradition proceedings were started against Mr. Ray, that was to try to extradite him for conspiracy to murder. That was the first thing the US government tried to extradite Mr. Ray for, was conspiracy to murder. When you stop and rationalize this case and think, there has to be more to it than the owner of a greasy spoon restaurant and an escaped convict. They could not have arranged, could not have done these things. Mr. Arkin testified that a couple of hours before the assassination, a man sent in here from Washington said Mr. Reddit has had a threat on his life and you've got to go get him. Could a greasy-spoon operator and escaped convict arrange for that? Anyone who can think knows better than that.

Mr. Arkin also said there were officers from the US government in his office. Why were they here? What were they doing?

We have had problems with race in Memphis, and a very knowledgeable person has said we have the most serious racial divisions in Memphis of any city in this nation. That's terrible. We've got to live together and learn to live together and know that we are all brothers and sisters. We shouldn't have this racism and the problems we have. In this case you have the opportunity to speak in your verdict. You'll say one of two things: that we know there was a conspiracy here, we know they did not intend for Dr. King to go to Washington to march, we know that the US government, the FBI, the Memphis Police Department, and other government agencies along with Mr. Liberto and Mr. Earl Clark and Mr. James Earl Ray were involved in this case. That's the type of verdict I would ask you to consider.

You told me at the beginning you were not afraid to let the chips fall where they may. I gather from that that you are not afraid of the US government, you are not afraid of the Memphis Police Department. If they are liable, you are going to say they are. Isn't that what we agreed to?

I think the testimony here that you've heard and the proof that you've heard indicates clearly that there is more than just Mr. Jowers involved. He was a small-time greasy-spoon café operator who played a insignificant part in this case if any. If you will study over the reports I've provided for you and the exhibits, think about all the testimony that has been given here and what really happened, your verdict would have to be that the US government, the FBI, Memphis Police Department, and others were involved in this conspiracy to murder Dr. King.

It is a shameful, terrible thing that happened here in Memphis. I'm sorry and I apologize to Mr. King that it did. You'll never have a more serious opportunity to sit on a jury than this where the issues are more serious. Whatever you say will

be recorded in history, and this will be it. We expect this case to end after this. It has been going on for years, but we think it is going to end with your decision in this case. Please give it serious consideration and please think about a judgment against others besides Mr. Jowers. He played a small part in this case.

Think about the other part that Mr. Ray played, Mr. Liberto played. You've got testimony here from a witness that is uncontradicted saying that Mr. Liberto told me he had Martin Luther King assassination. Think about. There is only one thing to do, and that's to say that we, the jury, find that the US government, FBI, state of Tennessee, Mr. Liberto, Mr. James Earl Ray--they were all involved in a conspiracy to murder Dr. Martin Luther King. That's the only decision you can make. Thank you.

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**(Dr. Pepper responds to Mr. Garrison's summation. Summary follows)**

I didn't realize I was going to have to try Mr. James Earl Ray's guilt or innocence in this courtroom, but counsel has raised it, so I should address some of the issues. Mr. Ray had a habit of marking maps. I have in my possession maps that he marked when he was in Texas, Montréal, and Atlanta. It helped him to locate what he did and where he was going. The Atlanta map is nowhere related to Dr. King's residence. It is three oblong circles that covered general areas, one where he was living on Peachtree. He did this. He did this up in Montréal at the Neptune bar, did this in Texas when he was going down to Mexico and Laredo. It was a habit of James's.

James never stalked Martin Luther King. He was moved from place to place on instructions. He was told to go somewhere and he would go. Was given some money, told to come to New Orleans and he would be given money. James Earl Ray was in Los Angeles and was told to go to New Orleans. When Martin Luther King came to Los Angeles, James Earl Ray left. Was there first and he left. He didn't stay in Los Angeles. That was the time he left for Atlanta when Martin Luther King came there in March. He was in Atlanta when Martin Luther King was there part of the time, but Dr. King was in and out of Atlanta a great deal of the time. So he would have to be there some time. Ray was not in Selma when Martin King was in Selma. That is a myth. He didn't stalk Dr. King. There was no reason.

He wasn't in New York when Dr. King was in New York. He wasn't in Florida when Dr. King was in Florida. He wasn't in Chicago when Martin King was in Chicago. He worked in Winnetka, Illinois, for a period of time.

Mr. Ray was not in prison 99% of his time. Before he went into the Army he held

down jobs. When he came out he held down jobs. When he got fired, that's when he started to get in trouble. He hung out in bars occasionally and somebody might suggest a good idea about how to get some money. So James fell into it. He was, as Mr. Garrison says, a penny-ante-crook. He knew nothing about firearms. The man who sold in the rifle, Donald Woods, said he never saw a person who knew less about firearms than James Earl Ray. He used to carry a pistol. When he would stick up a store he would carry a pistol with five bullets in it. I said James, why not six? He always kept the firing pin chamber empty. He was embarrassed to tell me why. One time literally he had an accident and shot himself in the foot. So he kept the firing pin chamber empty. When he was arrested at Heathrow in London, his gun had only five bullets.

He was somebody who was capable of being used for a crime like this--gullible, needing money, on the run. He could be used, he was used, he was told only what he needed to know. That's how these things operate. Once he came under the control of this fellow, he would be told where to go, what to do, only what he needed to know.

He bought the wrong gun. He bought a 243 Winchester. Raoul said no, he wanted a 30-06. He pointed it out in a brochure and Ray went and got it. The very fact that he bought it, and then immediately exchanged it indicates that somebody is controlling him or telling him to do something.

Yes, he heard about the assassination on the car radio. He came back around to park the car on S. Main St. as Raoul instructed him, and at the time the police were all over the place. He is an escaped convict. He is not thinking of Martin Luther King. He is thinking of being an escaped convict and being stopped. So he takes off. The more he drove, the more he listened to the radio, the more he realized he was in serious trouble.

One of the problems James Earl Ray faced and the lawyers for him faced was the fact that he was a classic con. If he believed someone was trying to help him, he would not name that person. In my view, he mistakenly believed he was being helped, particularly when he was in Canada. But he would never tell us who was assisting him--he would not rat on them. When he was captured after one prison escape and asked to explain how he got out and got away, he refused to say. When I pushed him on it, he said the guard fell asleep. I said, why didn't you tell me that? He said, I might need him another day. Ray was that kind of character.

I looked at Ray from 1978 to 1988, only began to represent him in '88. 10 years after I started on this case I consented to represent James Earl Ray when I became totally convinced after 10 years of looking at the evidence that he had no knowing involvement. He pled guilty because that was the thing to do. Mr. Garrison read to you the response to the judge. What he left out was the fact that

Ray said yes, legally guilty. Legally because he was copping a plea. He never confessed. The media has always said he confessed. He always insisted that he didn't do it, always wanted a trial.

When he fired Haynes, Foreman came in. December 18 Foreman came on this case, formally into Memphis for the first time for a hearing. 2 PM Foreman's local counsel was meeting with the prosecutor, Canale, to start plea-bargaining negotiations. We have the minutes of the meeting. Imagine that, without any knowledge of Ray and all.

On February 21 he was writing to his brother that he expected a trial to start perhaps in April. That late they had been stitching him up all that time. Finally Foreman tells him he's got to plead guilty, they are going to fry your ass, they convicted you in the paper, they are going to send your father back where he was a parole violator 40 years ago, they are going to harass the rest of your family, and besides--says Foreman--I'm in poor health and can't give you your best defense.

James always said he had to get rid of that lawyer and didn't think the Judge would change him, so he copped a plea on March 10, thinking he'd get a new trial. The motion was denied on March 13, and he tried ever since. He filed motions. The judge died. Judge Battle died with his head on James Earl Ray's application for a new trial, died in his chambers with his head on those papers at the end of March. James was denied that trial.

When a sitting judge dies, normally when a motion is pending, it is granted. There were two motions pending. One was granted. One was not. James Earl Ray remained in prison. I believe firmly that Mr. Ray is innocent, and an unknowing patsy in this case.

As far as Ms. Spates's testimony, I referred to it earlier. The statements that you read under oath in her deposition were paragraphs specifically from an affidavit that she had given subsequently to her interview by the TBI in the Atty. Gen.'s office here. From what she told me, that was a terrifically pressured interview that they gave her--distorted, inaccurate, untruthful, and that's why she gave that other story. And she reluctantly put Mr. Jowers right in the middle of it. Having said that, Mr. Garrison is right, you can read the Atty. Gen.'s report. Take a look at it. Remember one thing when you do: the man who headed that investigation sat there. He was one of the witnesses Mr. Garrison called that we were unable to examine before the court of appeals said you are not going to talk to any of those people. Mr. Glankler sat in that chair. I gave him 23 names, asking if he interviewed these people in his investigation, these witnesses with vital evidence that you've heard. I think he actually interviewed two. That's the investigation the Atty. Gen.'s office did. So look at that report in that kind of context.

As to the House Select Committee investigation, Representative Foutroy is very uncomfortable with the results of that investigation, very unhappy, and has been for a number of years. He has indicated that they didn't have enough time, and might have done better if they did. He said he thinks that at other times the staff misled them.

The evidence on Raoul speaks for itself. Mr. Jowers himself has identified Raoul from the spread of photographs that I showed him when Dexter King and I met. He identified him as the man who came into the restaurant, sent by Liberto.

Mr. Garrison and I do agree on a lot of things, but one thing in particular is that Mr. Jowers is a small part of this whole thing. He owned this Café, and he had a debt, an obligation, to Mr. Liberto. He was prevailed upon to become involved in this assassination. He didn't go out looking for it. I think he got a substantial amount of money, I'm not certain how much, for his involvement. I think that is what the stove money was all about but I'm not certain of that. We will never know that, I suppose.

Mr. Jowers has unburdened himself to the King family. It is late in his life. For whatever reason, he has come forward and has, as Mr. Garrison has told you, voluntarily told elements of the story -- just elements, protecting himself as he can because he is worried about being indicted. We don't think there is any interest in indicting him, but that is his fear.

What we don't believe is that Mr. Jowers was unknowingly involved. We've put into evidence the Prime Time Live interview with Sam Donaldson, and in that transcript it is very clear. He tells different nuances of the story, but it is very clear that he knew what was happening. Amb. Young and Dexter King have said that the one thing they did not believe about him is when he said he didn't know. You can understand why he would say that, because the son of the victim is sitting right in front of him. How does he say, I knew, I was a part of this, I was a knowing part of it? So he said, I don't know. We don't believe that.

We believe the evidence of Bill Hamblin, who said McCraw told him what happened to that rifle, but told him over a period of 15 years when he was drunk each time. Maybe McCraw would lie sober. When he was drunk, Hamblin said, he spoke the truth--and he told him the same detail again and again. Had he been sober and told one story and then another, then you would say there was some prevarication, but Hamblin said same story again and again and again but only when he was intoxicated. On the basis of that we believe that Mr. Hamblin is telling the truth, that the murder weapon is at the bottom of the Mississippi River where it was thrown by Mr. McCraw.

No matter how small the part Mr. Jowers played in this whole sorry episode, he nonetheless played a part and is a conspirator. He is guilty, liable in this court of conspiracy because he was involved. James Earl Ray is not here to defend himself, but I had to give you information about him. I believe in respect of James's memory, but irrespective of that, even if you found that James was involved up to his neck, that does not absolve Mr. Loyd Jowers or the governments or the governments' agents who have been involved in this case.

A verdict of an existence of conspiracy, as Mr. Garrison quite rightly said, does mean that there is a conspiracy involving all of the elements that you have seen here today, and the award of damages, nominal though it is, is also to be a part of your verdict.

Thank you. We are asking you to send this message from this courtroom across the land. Though they will probably never know the details of what you have heard, unless researchers want to come in and read all of this, they will not be able at least to suppress the mighty Wurlitzer sound of your verdict. That's the message we ask you to send from this courtroom to the rest of this country and indeed the world, who are concerned about the assassination of Martin Luther King and his loss to civilized mankind. Thank you.

**(The Court instructs the jury. Summary follows.)**

Ladies and gentlemen, in this case the plaintiffs, Coretta Scott King, Martin Luther King, III, Bernice King, Dexter Scott King and Yolanda King have sued Loyd Jowers and other unknown conspirators alleging that the defendant Jowers was a participant in a conspiracy to do harm, and that as a result of that conspiracy that harm was done to Dr. Martin Luther King, that he was killed in the process.

To that, the defendant Loyd Jowers has pleaded or said that he is not guilty. In the alternative, Mr. Jowers has also alleged that if he was involved, it was a minute part of the conspiracy and that in addition to his conduct, there were additional participants, namely James Earl Ray, the government of the USA, government of the State of Tennessee, City of Memphis, Memphis Police Department, Shelby County, and his was only a minor part, and he also alleges that there was participation on the part of Frank Liberto and Earl Clark.

You are to decide this case only from the evidence presented at this trial. The evidence consists of the sworn testimony of the witnesses who have testified, both in person and by deposition, the Exhibits that were received and marked as evidence, any facts to which all the lawyers have agreed are stipulated, and any other matters that I have instructed you to consider.

There are two kinds of evidence: direct and circumstantial. Direct evidence is direct proof of a fact such as testimony of a witness about what the witness personally observed. Circumstantial evidence is indirect evidence that gives you clues about what happened. Circumstantial evidence is proof of a fact or a group of facts that causes you to conclude that another fact exists. It is for you to decide whether a fact has been proved by circumstantial evidence. If you base your decision upon circumstantial evidence, you must be convinced that the conclusion you reach is more probable than any other explanation. For example, if a witness testifies that a witness saw it raining outside, that would be direct evidence that it was raining. If a witness testifies that the witness saw someone enter the room wearing a raincoat covered with drops of water and carrying a wet umbrella, that would be circumstantial evidence from which you could conclude that it was raining.

You are to consider both direct and circumstantial evidence. The law permits you to give equal weight to both, but it is for you to decide how much weight to give any evidence in making your decision. You must consider all the evidence in the light of reason, experience, and common sense. Although you must consider all the evidence, you are not required to accept all the evidence as true or accurate.

You should not decide in issue by the simple process of counting the number of witnesses who have testified on either side. You must consider all of the evidence in the case. You may decide that the testimony of a few witnesses on one side is more convincing than the testimony of more witnesses on the other side.

Certain testimony has been presented by deposition--testimony taken under oath before the trial and preserved in writing or on videotape. You are to consider that testimony as if it had been given in court. You are the sole and exclusive judges of the credibility or believability of the witnesses who have testified in this case.

You must decide which witnesses you believe and how important you think their testimony is. You are not required to accept or reject everything a witness says. You are free to believe all, none, or part of any testimony. In deciding which testimony you believe, you should rely on your common sense and everyday experience. There is no fixed set of rules to use in deciding whether you believe a witness, but it may help you to think about the following questions: was the witness able to see, hear, or be aware of the things about which the witness testified? How well was the witness able to recall and describe these things? How long was the witness watching or listening? Was witness distracted in any way? Did the witness have a good memory? How did the witness look and act while testifying? Was the witness making an honest effort to tell the truth or did the witness evade questions? Did the witness have any interest in the outcome of the case? Did the witness have any motive, bias, or prejudice that would

influence the witness's testimony? How reasonable was the witness's testimony when you considered all of the evidence in the case? Was a witness's testimony contradicted by what the witness has said or done at another time or the testimony of other witnesses or by other evidence? Has there been evidence regarding the witnesses intelligence, respectability or reputation for truthfulness? Has the witness's testimony been influenced by any promise, threat or suggestion and did the witness admit that any part of the witness's testimony was not true?

There may be discrepancies or differences within a witness's testimony or between the testimony of different witnesses. This does not necessarily mean that a witness should be disbelieved. Sometimes when two people observe an event, they will see or hear it differently. Sometimes a witness may have a lapse of memory. Witnesses may testify honestly but simply be wrong about what they thought they saw or remembered. You should consider whether a discrepancy relates to an important fact or only an unimportant detail. Usually witnesses are not permitted to testify as to opinions or to conclusions. However, a witness who has scientific, technical or other specialized knowledge, skill, experience, training or education may be permitted to give testimony in the form of opinions. Those witnesses are often referred to as expert witnesses.

You may remember that Judge Joe Brown came in and was qualified as an expert in firearms. You should determine the weight should be given to an expert opinion. You should consider the education, qualification and experience of the witness and the credibility of the witness in the facts relied upon by the witness to support the opinion and the reasoning used by the witness to arrive at the opinion. You should consider each expert opinion and give it the weight, if any, that you think it deserves. You are not required to accept the opinion of any expert.

The defendant in this case, Lloyd Jowers, is accused of conspiracy. Conspiracy is an agreement to perform an illegal act. In order to establish an action for civil conspiracy, there must be a combination between two or more persons to accomplish by concert an unlawful purpose or to accomplish a purpose not in itself unlawful by unlawful means. In connection with concerted action, it is not essential that each conspirator had knowledge of all the details of the conspiracy, but there must be an overt act. When this act occurs, it is not necessary that the party is aware of the nature of the harm to be done or the person against whom the harm will be done. It is not a defense that someone else may have played a greater part than another.

Neither is it your responsibility to identify other co-conspirators if you find that they do exist. It is no defense that someone else might have played a role or possibly a greater role than Loyd Jowers. Also remember the question is not



whether Loyd Jowers conspired with James Earl Ray. The question is, did Jowers conspire with anyone in a scheme that brought harm to Dr. Martin Luther King.

In this case suit has been brought for damages alleging that an illegal act occurred causing the death of Dr. Martin Luther King. In this action the plaintiff has the burden of establishing by a preponderance of evidence all the facts necessary to prove the following issue: that is, that Lloyd Jowers conspired with others who are not parties to this action to commit an act which resulted in the harm to Dr. Martin Luther King.

The term "preponderance of the evidence" means that amount of evidence that causes you to conclude that an allegation is probably true. To prove an allegation by a preponderance of evidence, a party must convince you that the allegation is more likely true than not. If the evidence on a particular issue is equally balanced, that issue has not been proved by a preponderance of the evidence and the party that has the burden of proving that issue has failed.

You must consider all of the evidence on each issue. A stipulation is an agreement. If the parties have stipulated that certain facts are true, they are bound by this agreement, and you are to treat these facts as proved. The parties have stipulated that should you find that they are entitled to recover in this case, that the dollar amount should not exceed \$100.

Members of the jury, now that you have heard all of the evidence in the arguments of the lawyers, it is my duty to instruct you on the law that applies in this case. It is your duty to find the facts from all the evidence in this case. After you determine the facts, you must apply the law that has been given to you whether you agree with it or not. You must not be influenced by any personal likes or dislikes, prejudice or sympathy. You must decide the case solely on the evidence before you and according to the law that is given to you.

All of the instructions are equally important. The order in which these instructions are given has no significance. You must follow all of the instructions and not single out some and ignore the others. In reaching your verdict you may consider only the evidence that was admitted. Remember that any questions or objections, statements or arguments by the attorneys during the trial are not evidence. If the attorneys have stipulated or agreed to any fact, however, you will regard that fact as having been proved. The testimony you've been instructed to disregard is not evidence and must not be considered. If evidence has been received only for a limited purpose, you must follow the limited instructions you were given.

Although you must only consider the evidence in this case in reaching your

verdict, you are not required to set aside your common knowledge. You are permitted to weigh the evidence in light of your common sense, observations and experiences. The court has given you various rules of law to help guide you to a just and lawful verdict. Whether some of these instructions will apply will depend upon what you decide are the facts. The court's instructions on any subject, including instructions on damages, must not be taken by you to indicate the court's opinion or the facts that you should find or the verdict you should return.

You have taken notes during the trial. Once you retire to the jury room, you may refer to your notes, but only to refresh your own memory of the witnesses' testimony. You are free to discuss the testimony of the witnesses with your fellow jurors, but each of you must rely on your own individual memory as to what a witness did or did not say. In discussing the testimony, you may not read your notes to fellow jurors or otherwise tell them what you have written. You should never use your notes to persuade or influence other jurors. Your notes are not evidence. Your notes should carry no more weight than the unrecorded recollection of another juror.

Your attitude and conduct at the beginning of your deliberations are very important. It is rarely productive for a juror to immediately announce a determination to hold firm for a certain verdict before any deliberations or discussions take place. Taking that position might make it difficult for you to consider the opinions of the other fellow jurors or change your mind even if you later decide that you might be wrong. Please remember that you are not advocates for one party or another. You are the judges of the facts in this case. Each of you should deliberate and vote on each issue to be decided. Before you return your verdict, however, each of you must agree on the verdict to be reached so that each of you will be able to state truthfully that the verdict is yours.

The verdict you return to the court must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each juror agree that your verdict must be unanimous. It is your duty to consult with one another and to reach an agreement if you can do so without violence to individual judgment.

Each of you must decide the case for yourself, but do so only after an impartial consideration of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to re-examine your own views and change your opinion if you are convinced that it is not correct. But do not surrender your honest conviction as to the weight or effect of the evidence solely because of the opinion of your fellow jurors or for the purpose of returning a verdict.

If a question arises during deliberations and you need further instructions, please print the question on a sheet of paper, knock on the door of the jury room and

give the question to my court deputy. I'll read the question and I may call you back into court to try to help you. Please understand that I may only answer questions about the law and cannot answer questions about the evidence.

For your benefit, I have prepared a jury verdict sheet. Let me remind you that although certainly the life of Dr. Martin Luther King would certainly be more than \$100, you are not called upon to assess a real value to this case. The parties are seeking only nominal damages. So if you find at all for the plaintiffs, I'll remind you again that you cannot award any more than what they are asking for.

The Circuit Court is a court of unlimited jurisdiction, with no limit to the amount that can be recovered, but in any case you can only award the amount that is being asked or less. So remember the \$100 limit on the request.

The jury verdict reads as follows:

Did Lloyd Jowers participate in a conspiracy to do harm to Dr. Martin Luther King? Yes or no?

If your answer to the first question is no, then that's the end of your deliberations. If your answer to the first question is yes, then we have this question:

Do you also find that others, including governmental agencies, were parties to this conspiracy as alleged by the defendant? Yes or no?

What is the total amount of damages (not to exceed \$100 ) to be awarded to the plaintiffs?

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Ladies and gentlemen, you will now retire and select one of you to be the presiding juror for your deliberations. As soon as you have agreed upon a verdict, you will sign the verdict form and return with it to this courtroom. You may deliberate only when all of you are present in the jury room. And you may not resume your deliberations after any break until all of you have returned to the jury room. You can never discuss the case in splintered groups but only when all of you are together and deliberating. The alternates will not be allowed to deliberate with you. Normally we excuse them at this time but I'm requesting that you remain here but do not discuss the case during the deliberations, but remain until the final verdict has been returned. We hope it doesn't happen but there is always the possibility that you might have to enter into the deliberation.

During the course of the trial there were certain Exhibits that were presented. These will be available to you if you find that they would help you in your

deliberations, all but the deposition testimony.

(The jury began its deliberations at 12:32 PM)

(The court stood in recess until 3:02 PM.) (Summary follows.)

I understand the jury has reached a verdict. They've indicated that they want a picture of themselves. I'm authorizing one picture. The photographer is to make sure there are no additional copies. I'll have copies made and send them to the jurors.

(Jurors answer in chorus affirmatively to all questions from the Court.)

Have you reached a verdict?

Do you all agree with this verdict?

Did Lloyd Jowers participate in a conspiracy to do harm to Dr. Martin Luther King?

Did you find that others, including governmental agencies, were parties to this conspiracy?

Was the total amount of damages to which the plaintiffs were entitled \$100?

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Thank you for your participation. It was longer than we had predicted. You hung in there and took your notes and were alert through the trial. We appreciate it. Our courts cannot function if we don't have jurors who accept the responsibility such as you have. I may or may not recognize you if I see you on the street someday, but if you would see me and recognize me, I would appreciate you coming up and reminding me of your service here.

You were directed not to discuss the case when you were first sworn. Now that your verdict has been reached, I'm going to relieve you of that oath, meaning that you may or may not discuss it. It is up to you. No one can force you to. As soon as I get a chance to shake your hands, you will be dismissed. You are what I call Trojans. You may retain your notes if you want to. I guess that's about it.

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