

Nothing new in this

[CB] MARTIN LUTHER KING (Pepper) / 1

UNSOLVED MYSTERIES — PRODUCTION #1477-XXX
"MARTIN LUTHER KING": INTERVIEW WITH WILLIAM PEPPER

[TRANSCRIBER'S NOTE: SUBJECT IS A FAST-TALKING LAWYER WHO SEEMS TO HAVE INVENTED HIS OWN SYNTAX AND PUNCTUATION (OR LACK OF) SYSTEM. WE'LL BE AS ACCURATE AS HIS CRAZY SPEECH PATTERNS ALLOW.]

THIS IS COSGROVE-MEURER PRODUCTIONS' *UNSOLVED MYSTERIES*. THIS IS THE "MARTIN LUTHER KING" PIECE, AND THIS IS THE TRANSCRIPT TAPE FOR THE INTERVIEW WITH WILLIAM PEPPER.

MARK.

INTERVIEWER Okay, ah, Mister Pepper, if you'd just gimme your full name first with the correct spelling.

W. PEPPER Ah, it's, ah, William F. Pepper.

INTERVIEWER Okay.

W. PEPPER P-E-double P-E-R.

INTERVIEWER Okay. And [CLEARS THROAT] your association currently with Mister Ray is...?

W. PEPPER I have—ah, I've been his lawyer since about 1986, but I handled really only his appellate work, for the most part.

if there'd be no trial at all, 'cause then nothing would come out, and he w—ah, would have the story. So all of these factors you can see would—ah, certainly contaminated an independent and adequate defense. James became upset with the arrangements, so he fired Haines in the belief that Percy Foreman, who—who— with whom he spoke—would break the contracts and would give him an adequate defense. Foreman said he would have no difficulty breaking the contracts; James certainly should have a trial, and he would arrange for it to be done; but then, ah, the irony is: how was Percy Foreman to be paid? That was never really, seriously considered and was glossed over at the time— well, as soon as Percy came on the case, of course, he just turned right around, and he replaced himself [BACKGROUND NOISE] in the contract with Huey—he re—he replaced Haines in the contract with Huey, so Foreman entered into the same arrangement; so there is James back again with his defense being paid for by a book writer and a—and—and a—and a lawyer taking him on who really did not intend to defend him—and did not intend to go to trial, at all. And that was, ah, made well—ah, made clear, ah, step-by-step, because, on the—on the 18th of December, ah, shortly—a little m—a little more than a month after Foreman came on the case—having done no investigation at all, he agreed with his co-counsel, Stanton, that they should approach the, ah, Shelby County District Attorney, ah, and—with a plea. A plea offer was made by the defense at two-thirty in the afternoon of December 18th. James first learned about this plea offer—and the negotiations that were going on—on the—at the mid—on the middle of February. His lawyers kept this from him all that time, as they went about the business of trying to structure a plea; and all of that time, James thought he was going to trial. First week in February, he wrote a letter to his brother, talking about his expectation of going to trial now in April. Then, in April. So he believed he was actually going to trial all this time, and behind his back, his lawyers were negotiating the plea.

INTERVIEWER And ultimately how did they convince him to go along with them?

W. PEPPER Well, ultimately Percy Foreman came down on him like a ton a' bricks and said he was—he had—he—we—he had concluded that he would be found guilty—that a Memphis jury could not acquit him—that there was a great deal of anger toward him in the City of Memphis, ah, and so, therefore, he couldn't get a fair trial—that he, Foreman, would—as James knew, was not very well, and

he couldn't, ah, give him his best effort, anyway—ah, that his father, who had violated his parole forty years ago in the—in the State of Iowa, was gonna be shipped back as a parole violator, ah, to spend his last, ah, ah, ah, years in, ah—in prison out there—ah, that his family—his brothers, Jerry and John—were going to increasingly be—and continually be harassed by the authorities, ah, ah, for—ah, and—and—and any slight infraction, and that these—these pressures would continue to bear on the family. And that, ah, James would likely get the death penalty, in any event, because it was such an outrageous, ah, crime—even though the death penalty, ah, had not been used in the State of Tennessee for, ah, a period of over eight years. Prior to that time. So all of this effort built up—James consider, on Mar—March 7th—remember that the proceedings—the guilty plea proceedings were on the 10th a' March—as late as the 7th, he considered firing Foreman. Became convinced that the judge would not yet, again, allow him to replace his lawyer, so he figured he would go along with it, although, even at the pr—proceedings themselves, he raised certain objections, ah, ah, th—that, ah, made everyone there very uncomfortable—but he decided to go along with it, get out from their clutches, get in the state penitentiary and then, ah, start his fight for a new trial. And he did that, as I—ah, as we know from, ah, the 13th of March onward. Up to the present time, he's been trying to get this trial.

INTERVIEWER Ah, was he also offered something—you told that he—he could get a pardon or something a few years later—I read somewhere about that.

W. PEPPER Yes, James, ah—

INTERVIEWER I'm sorry—we'll cut and change rolls here.

[BACKGROUND CONVERSATION]

CAMERA ROLL 7; TAKE 7 UP.

MARK.

INTERVIEWER Tell me about these off—this offer that was made to, ah—to James concerning his plea.

W. PEPPER Yeah. Ah, Bradford Huey was being a messenger in this, ah—in this circumstance, in my—in my view, and he was representing some powerful interests who could make these arrangements. Ah, there's been a great desire for this case to go away now. For a very long time. And one a' the ways it goes away is if James finally admits he did it. Ah, and then becomes inaccessible. Ah, or if James is—is dead. And, ah, ah, of course, that tactic has been tried, ah, as well.

INTERVIEWER How so?

W. PEPPER Ah, in, ah— We know of at least, ah, two instances—and probably a third—in which, ah, ah, ah, James would've been killed. And was to have been killed. In 1978, a contract was—ah, was, ah, put out on him by a well-known, ah, ah, Memphis, ah, underworld figure and club owner. Ah, who, ah, made the offer to an inmate of the Shelby County Jail. And, ah, the contract was five-thousand dollars, and this—and this inmate was asked to, ah, ah, arrange for someone up at Brushy Mountain to do it for whatever figure, ah, that could—ah, that he could make the arrangement for—subbing it out, if you will. He took some information about James, decided that this was not something he wanted to get involved—and he also was suspicious of the—of the offer itself; because, at the time it was made, it was made from a suite of rooms at a ho—at a hotel where this—ah, this—this person—this, ah, club owner was—was being, ah—being put up by the Federal Government. See, he was a, ah—a federal witness against, ah, ah, the Governor of the State of Tennessee and several others in his administration, ah, ah, as a part of a federal prosecution. So this, ah, Shelby County inmate was very suspicious, when he spoke with this chap in the, ah—ah, at this suite of rooms, because he figured, at that point in time, he was under the control of the Federal Government, and that this offer, in fact, was being done at the bidding of, ah—of certain, ah, in—individuals and s—and forced inside, ah, of the—the—the, ah, Federal Government, and he got very nervous about that—thought he might even being s—being set up in some way. So what he did instead, this inmate, was to call Mark Lane's office in Memphis, and, ah, two of Lane's, ah, ah, assistants went out and took, ah, statements from him and drew affidavits. Now, I—fourteen years later—spent a fair amount of time with this same inmate. And have gotten him—taken him back over this story, and, ah, he s—he tells basically the same story today that he did

then. And it's not in his interest to do so, but he has done so. And so that was one attempt that I believe was a serious effort, ah, to end James', ah, life—gain his silence forever. The other instance had to do with, ah, ah, an escape—James escaped from, ah—from Brushy Mountain, ah, earlier than this—the—earlier than the, ah—than the Kershaw-Bradford Huey offer—he, ah—he—he went on the run. He—he was one of a number of prisoners who—who escaped somehow. And he was out in the—in the, ah—in the mountains there—virtually before his feet hit the ground on the other side of the wall, there were, ah, F.B.I.—there was an F.B.I. team, ah, on the scene—between thirty and fifty F.B.I. agents in flak jackets. Ah, heavily armed. Set up a base camp, ah, and they were clearly, ah, there for one purpose. What's curious as to how they—they got there so quickly. Ah, but they were there at the time of the escape. Now, ah, the—the governor at the time—Ray Blanton—received a phone call, ah, from, ah, the, ah, Chairman a' the Select Committee, Lewis Stokes. And Blanton told me about this phone call. And he said he was told that the, ah, staff a' the Select Committee, ah, had learned that, ah, ah, ah, the F.B.I. were going to kill James on this escape attempt. And he, Stokes—and that committee was gonna lose their star witness, and Blanton was gonna lose his—his m—his, ah, most famous prisoner, if he didn't do something about it—so Blanton, in effect, got a tip-off from the Select Committee that there was gonna be an assassination. Of James Earle Ray. And the fact that the F.B.I. were there in such force, taking control of that scene—I mean, it's—ah, w—was extraordinary—this is an escaped prisoner; no one had invited—he's in a state facility, remember—no one had invited the F.B.I. in; they just appeared. In enormous force and numbers. Blanton, to his credit, w—went immediately to the scene and ordered the F.B.I. out a' the state. Said his—his, ah—his people were entirely capable of handling this; there's nowhere, ah, Ray was going to get away—this was a—these were impenetrable mountains. Ah, he, ah, didn't know his way around, anyway, and the—ah, they would find him, and they would bring him back—well, they refused to leave. Blanton then got furious. And he gave a final order, and he said, if they were not out of there within a designated period a' time, he was going to have them all locked up and put in the—in the same cell that Ray came out of. When—when he gave them that ultimatum, then the, ah—then the F.B.I. departed the State, of—of, ah—of Tennessee—they departed that immediate area and, ah—and went away. But those're two instances, in my view—there was

a third—in 1981, James was stabbed. Twenty-two times in the—in the penitentiary. And he was stabbed by a—a, ah—by some—some—allegedly by some black prisoners. Although the only witnesses who were there—present to testify—ah, were white prisoners who happened somehow to be on the scene and were able to testify against, ah, those black prisoners—James would not give evidence against them—that's part of his code. But what lay behind that attempt is a—is—is another matter, and I d—I really don't have enough information to be—ha—make—make any firm conclusions, ah, as to that.

INTERVIEWER Ah—

W. PEPPER But it seems, whenever James Earle Ray is about to testify before a—ah, give you an example—a Congressional committee, or there is some possibility of an application for a new trial being granted—that this type of activity somehow appears and, ah—and—and—and is foisted upon him, as though to remind or to silence.

[BACKGROUND CONVERSATION]

INTERVIEWER Okay, let's stop.

[BACKGROUND CONVERSATION]

THIS'LL BE CAMERA ROLL 8, TAKE 8.

MARK.

[BACKGROUND CONVERSATION]

INTERVIEWER Let me just ask, first of all, what are your feeling about the truth of the existence of Raoul?

W. PEPPER I believe the shadowy figure exists, ah, and, ah, ah, that James is, ah—is being truthful in respect of—of, ah, his role in these events. I mean, it's been, ah, ah, very difficult, ah, to as—to ascertain and to come up with any—with hard information about the existence of Raoul, but I believe he does exist, and I believe the Select Committee knew he existed. And I've—I've talked to, ah—and have interviews with witnesses who've pretty—pretty clearly indicated to me that they knew he existed.

INTERVIEWER Has James ever gone any further in terms of identifying him beyond just simple Raoul?

W. PEPPER Well, he's—he's given a description of the, ah—of the chap. Ah, you have to remember, James is, ah—ah, is a—is a classic con. He is determined that he will never be, ah—never assist the state in the prosecution of anyone. I once put it to him: If that meant he would spend the rest of his life in jail, would he still hold to that—that principle? And he indicated that he would. Ah, he seems unshakable in respect of this—it's a very difficult thing for those of us to—who are outside of that culture to understand, but, ah, it, ah—he—he—he's an old-fashioned con.

INTERVIEWER Now, what about— [CLEARS THROAT] Tell me what you know about James Hardin. And how that relates to this Raoul character.

W. PEPPER Well, ah, I don't know a great deal about James Hardin—or J.C. Hardin—ah, except that, ah, someone, ah, by that name did approach, ah, ah, Allan Thompson, who was, ah, managing the, ah, Saint Francis Hotel where James was staying. And that, ah, that person was looking for James. At point in time. Now, whether that's his real name, or whether he has another name, is, ah—I don't really know. The physical description given of that person is similar to description that James has provided of, ah, Raoul. Ah, ah, from other sources, ah, I've also learned that, ah, ah, ah, this individual—or someone like this individual with this name—ah, was an asset of the F.B.I.—a full-time asset. Of the F.B.I., which meant that he was—he was, ah, on their payroll on a pretty regular basis. That would be an extraordinary connection, if one could, ah, actually, ah, tie it down—fact that, ah, a person who was, ah, seeking—ah, make contact with James at the Saint Francis Hotel was also an F.B.I., ah, asset. And that is what Hardin—ah, by whatever name he uses—ah, ah, ah, ah, appears to be.

INTERVIEWER Have you ever asked James if Hardin is Raoul?

W. PEPPER Ah, James, ah, has always refused to get into the game [GASP] of identifying photographs of individuals. Percy Foreman tried to have him do it—others have tried. And he—he—he is not, ah—ah, he has at various times said: Well, this person looks something like him. Or: This—this photograph looks something like— But

he's not going to make a positive identification. A ph—now, photo identifications are tricky, at best. In this situation, what he fears is that, ah, ah, if he ever identified someone positively, ah, and, ah—and he was being set up, then the government would come on with a—a—a—a—a system record indicating that he'd been in prison all—during all relevant period of time. So I think it's, ah— Ah, it—it's—that's been a position he's taken; he's not given any identifications. But, ah—and—and—and the name wouldn't necessarily mean anything to him. The name, J.C. Hardin, does not mean anything to him—I can say that.

INTERVIEWER Okay, if you could just—let me just, ah, go over that once again. You could just begin by saying, ah, you know: The name, James Hardin, doesn't mean anything to—

W. PEPPER Um-hum.

INTERVIEWER —to James Ray... And—and explain why.

W. PEPPER Well, because he—it—

INTERVIEWER I'm sorry—if you could just begin with that statement—

W. PEPPER Yeah—

INTERVIEWER —I, ah—

W. PEPPER —the name, James Hardin—

INTERVIEWER I'm sorry.

W. PEPPER The name, James Hardin—or J.C. Hardin—does not mean anything to James Earle Ray. James knew this person under the name of Raoul. Ah, ah, what his real name might be, ah, he—he would have any idea—he wouldn't be given that information. So, ah, the name is really irrelevant.

INTERVIEWER So, ah— So as far as the connection—let me just re-ask you again. What're the chances that Raoul could be James Hardin?

W. PEPPER Well, I mean, I think the—the—the chances are, ah—I mean, it's—it's—it's—it's a question—it's a question of odds and statistical probability. The fact—the—the—the chances are, ah—I wanna

say probable, but they are—they're—they're certainly quite possible, because this is a person who was seeking James out at one point in time and who knew where he was. It's also a person who has government connections. And, ah, it—it is—it is, ah—it is very—

INTERVIEWER I'm sorry—

W. PEPPER —possible—

INTERVIEWER —we have a—have a noise problem back here. Let's cut for a minute.

THIS'LL BE TAKE 9.

MARK.

INTERVIEWER Okay, what—what does James say about the possibility of James Hardin being Raoul?

W. PEPPER James does not know the name, James Hardin or J.C. Hardin; he doesn't recognize it, but, then, he wouldn't. He knew this person under the name of Raoul. If, ah, Raoul really, ah, was—is J.C. Hardin or James Hardin, ah, that's not something that James would have personal knowledge of. Ah, this person did attempt to seek out James at the Saint Francis Hotel. There are indications that he was—he was an F.B.I. asset at the time. And so it's, ah—it is significant, and he may well be a significant, ah, ah, ah, person. He in—he—he may in—even—even be Raoul. But this is beyond James', ah, r—realm of awareness.

INTERVIEWER And what about the—the possibility of identifying him through a photograph?

W. PEPPER James doesn't get into that. Ah, the—there've been many efforts to try to have him do photo identifications of people. He's terrified that it—it—even if someone does appear to be that—ah, the person he knew, and he were to give an identification—that he could be set up, and a—a record could—could be produced to show that this person was in prison, and that would—that would just discort—destroy his credibility. He has said at various time that, ah, certain individuals look like or appear to—to look—have the characteristics of this—this person he knew as Raoul, but he's

not gonna g—get into that game of, ah, giving positive identifications.

INTERVIEWER Okay.

[BACKGROUND CONVERSATION]

INTERVIEWER Tell me—

[BACKGROUND CONVERSATION]

INTERVIEWER Tell me again, ah—or explain to me what you've discovered. In your investigation concerning the existence of Raoul.

W. PEPPER

Well, in the course of the, ah—the investigation that, ah—that's been conducted over—over a period of time in respect to the existence of this, ah—this character—ah, ah, we c—we un—ah, located a witness, ah, named Rosenson. Now, Randy Rosenson was a—ah, was, ah, the name—or Randy Rosen was the name on a card that James found in the Mustang one time when he was cleaning it out, before coming across the border from Tijuana into—to Los Angeles. And that card, ah, and that name on—and on a business card that—which also had the initials, L.E.A.A., for the—the Law—Law Enforcement Assistance Administration—has long, ah, been a source of—of concern and interest to James. So he tried to find Rosenson for quite a period of time. He tried also to ascertain whether or not the L.E.A.A., ah, had a—had any kind a' program going in New Orleans, because it was a New Orleans L.E.A.A., ah, ah, office card. And he—he was unsuccessful. In recent times, we've been able to establish that, in fact, the L.E.A.A. did have a pilot project in New Orleans around this time, and we were also able, ah, ah, to locate, ah, Randy Rosen or Randy Rosenson, as is—is his name. He had a number of aliases. Ah, after days of, ah, interview and interrogation of—of Rosenson, we became aware of the fact that, ah, ah, he—he did, in fact, know a shadowy figure, ah, who might well have been Raoul. And he was the subject of in—of intensive interviews by the House Select Committee on Assassinations—he, Rosenson. They interviewed him in Knoxville, Tennessee, Richmond, Virginia, ah, Charleston, South Carolina and Atlanta, Georgia. And their main concern in the course of all a' these interviews [BACKGROUND NOISE] was Raoul. And any information he could give them about Raoul. Now, ah, I also spoke with Rosenson's—ah,

one of Rosenson's lawyers—a fellow called Gene Stanley, who's a former Assistant U.S. Attorney in Nashville. Now, I first met Gene Stanley in 1978, fourteen years ago. And we had a lengthy discussions about his representation of Rosenson and, ah—w—with the Select Committee—and his views and, ah, his—his recollection of what took place at that time. My notes of that—ah, those meetings back in '78 indicate quite clearly that, ah, ah, Gene Stanley was told by one of the staff counsel that the Select Committee knew that Raoul existed—they had no doubt that he existed—in fact, they know—knew—they knew who he was. And they provided a name to Stanley at that time; and I know that name, but I'm not going to use it now, because n—w—ah, names, ah, tend to—as I said earlier—tend to be irrelevant here. These people often function under, ah, ah, three or four different names in the course of a week, so a name is not really important, and—but the fact that this person existed, and that he played the role—ah, someone like the role, in any event—that James said he did—

[BACKGROUND CONVERSATION]

W. PEPPER

—is, ah—is significant. I've, ah, spoken again with Gene Stanley, and, ah—and in—more—more recently, and he—he recalls the interest of the Select Committee in Raoul—their constant questioning of his client in respect of this person, and their focusing on the photographs of one person in particular. So the bottom line is that Raoul exists. And the Select Committee knew he existed, and they also knew that the—he—he was not, ah, Jerry Ray or anyone—either one of the Ray brothers.

INTERVIEWER

Okay. Cut. Good.

[BACKGROUND CONVERSATION]

CONTINUATION OF THE INTERVIEW WITH WILLIAM PEPPER,
AND THIS CORRESPONDS WITH SOUND ROLL 3, CAMERA ROLL
9, TAKE 10.

MARK.

INTERVIEWER

Once again, just toward the end there—what's the bottom line in terms of the—you know, the House Subcommittee's work and so

forth and their knowledge and so forth of what was really going on?

W. PEPPER Ah, there's no doubt in my mind that the Select Committee knew that Raoul existed. And that they, ah—they probably even knew, ah, who he was or—or is, at this point in time. And that information has, ah—has been buried in embargoed, ah, along with, ah, the rest of the files that, ah, really should a'—should've been released and, ah, should, to this day, ah, be opened up to the public. Bottom line is that, ah, Raoul exists, and it's been known for some period of time that he exists. And, ah, the American public have been denied that truth. [BACKGROUND NOISE]

INTERVIEWER What is your feeling—ah, first of all, ah, gimme the physical description of Raoul.

W. PEPPER Well, James has, ah, given a description of a slightly built man, five-seven, five-eight, about a hundred-and-forty, a hundred-and-forty-five pounds, Latin complexion, ah, sort of dark hair and, ah, ah, ah, n—n—nothing unusual in terms of his, ah, facial characteristics, at all. Now, having said that, ah, ah, James is determined—you must understand—not to be a witness for the prosecution. And, ah, ah, since he has given this description, ah, one has to take in it the, ah—in, ah—in, ah, the total context of his view of, ah, himself and, ah—and his, ah, unwillingness ever to be an informant. So I'm—I'm not, ah—I'm not certain that that's an accurate description, at all. But I will say it does reflect, ah, size of some of the clothing that have, ah—that has been—ah, has surfaced in this case. A pair of undershorts were found, ah, in the evidence pile that, ah, ah, simply could not fit James. [LAUGHS] They're much to sh—ah, much to, ah—much to small for him. So, ah, there is that, ah—there is that consistency.

INTERVIEWER [UNCLEAR] dress—was—was he, ah, polished businessman type or—

W. PEPPER He would—

INTERVIEWER —maybe—

W. PEPPER —ah, Ja—James has described him as being neatly dressed in a suit. Ah, but a shirt open at the neck. Not a ta—not wearing a tie. But certainly not unkept and, ah, somewhat meticulous.

And—and having in his back, ah, rear, righthand pocket a, ah—what, ah—what, ah—what could well have been a walkie-talkie, when he saw him in the room.

INTERVIEWER Based on all of your work, what is your feeling in terms of James Earle Ray being the lone assassin?

W. PEPPER Well, my belief is—and, ah—and this is one the be—ah, it's—it's not a gut feeling as much as it's actual and a—a—a, ah—a—a belief that's formed out of an analysis of, ah—of evidence and—and, ah, interviews and material that's come available. Ah, ah, ah, that there is—th—there is no way that James Earle Ray is a lone assassin. James Earle Ray is the classic patsy. Martin King was, ah—was killed as a result of a—a conspiracy. Memphis happened to be the—the site and the place in which that murder was carried out on April 4, '68. But there were previous, ah—there're previous sites. There was an a—there was an offer and attempt to kill him in—in Louisville in 1965 that involved members a' the Louisville Police Department and F.B.I. agents. This was revealed to the Select Committee by a—a patrolman, who, ah—whoogs sh—credibility they could not shake, and the fellow's name was Clifton Baird; and to this day, ah, ah, that story rings true—even tape recorded the—the offer—turned the tape over to the, ah—ah, to the Select Committee. That was an effort. We have uncovered another effort on, ah—ah, ah, an offer that was made in, ah, January of '68, ah, barely four months before the actual assassination, and it was made in the town of Appalachia. And it involved, ah, ah, ah, ah—the story is told by a driver of Sam Giancana, who drive Giancana to a meeting at which an offer was made. By federal, ah—he identified them as federal officers—federal agents—because he had seen them in earlier dealings with Giancana down in, ah—in Florida, when they were involved in varieties of, ah, anti-Cuban activities—and that he recognized these two agents. Ah, and, ah, ah, he, ah—he's b—that man is dead now, but he tried to get that story out for a number of years. So what I'm saying is: there, ah—there were previous efforts to end Martin King's life. And, ah, in my view, ah, this—this—this final, unsuccessful one was the result of a contract that was taken out by certain elements of organized crime, involving, ah, funds that were provided by very powerful financial interests—private interests but financ—financial interests in America—and, ah, the entire effort was, ah—with the clear division of labor—ah, was facilitated by, ah, certain, ah, individu-

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als and instruments of government. Both local, state and, ah, federal, as well.

INTERVIEWER Ah, what scenario have you put together in your mind—if any—of actually what happened that day?

W. PEPPER Well, [SIGHS] it's too—

INTERVIEWER And if you don't wanna—

W. PEPPER —long—it's—

INTERVIEWER —get into that conjecture, you—

W. PEPPER Yeah, I—I'd—

INTERVIEWER —don't have to.

W. PEPPER —I'd—I'd like to not—I'd like to not get into that—

INTERVIEWER That's fine.

W. PEPPER —whole thing, because—

INTERVIEWER All right.

W. PEPPER —ah, first of all, it takes a great deal of time, and, ah, it's, ah—

INTERVIEWER That's fine. The, ah— Let's cut for a second. Are there any area—

THIS'LL BE TAKE 11 UP.

THIS'LL BE TAKE 11.

MARK.

W. PEPPER —who were on duty at the time. And, ah—

INTERVIEWER Okay, ex—explain to me, if you will, this, ah—this conversation [UNCLEAR].

W. PEPPER

John McFarren was one a' the leaders of, ah, ah, civil rights activity in the State of Tennessee—number of years. He lived in Fayette County in a little town called Summerville. Fayette County's one a' the most racist—if not the most racist—generally acknowledged to be the most racist county in Tennessee. John, ah, carved a—a niche for himself in trying to establish, ah, voter registration rights on behalf of, ah—of black people and, ah, ah, just was—was generally the pre-eminent civil rights leader in that area. Now, you—he—he ran and does run a small grocery shop and a—a—and a gasoline station, ah, in Summerville. That's his livelihood. He, ah, would go to Memphis once a week—usually on Thursday—to do—do his shopping—make the rounds of the produce houses. On Thursday, April 4, 1968, John was doing this. And he was making the rounds of, ah, the various produce houses, and late in the afternoon he arrived at, ah, L.L. and L.—Loberto, Loberto and Latch—a produce company. And, ah, as he went into the, ah, ah—to the produce company, ah, ah, Frank Loberto and the owners and, ah—and Latch, ah, ah, were—ah, were up front in a lit—in a little sort of like, ah, ah, a small office near the—near the entrance, which was an open—sort of an open office. He went about—he—ah, gathering his things—as he did—and he heard a—heard the phone ring. Ah, phone was picked up, ah, by, ah—answered by Latch and passed over to Loberto. Ah, he heard, ah, Frank Loberto, ah, become angry and yell into the telephone, ah: You—ah, you know what you have to do; shoot the son of a bitch when he comes out on the balcony, and don't bring your ass around my place again. And don't call me here anymore. And—and then he heard the phone hang up. It r—it rang again. And heard li—he heard—his attention was—was sort of, ah, aroused—his interest piqued—and he heard Latch say to Loberto: Look, it's him again. He took the phone, and he said: Look, you go to New Orleans when this is done, you pick up your five-thousand dollars from my brother, and that's it. Get the job done; I don't care how you do it; get the job done—words to that effect. And he slammed the phone down again. Well, John, ah, ah, didn't pay too much attention to this, ah, phone call at the time, made his purchases and left and drove back to Summerville, about forty-five minutes or so—get back up to Summerville. It was then about six-fifteen—ah, I suppose about twenty minutes or so after he arrived back there—that he learned that Martin Luther King had been shot. He knew then what he had overheard. He knew that he had overheard a significant conversation in respect of this killing. [BACKGROUND NOISE] He spoke to the,

ah—a fellow call—who was the head a' the Tennessee Commission On Human Rights—Ba—Baxton Bryant. Ah, and Baxton told him what he had heard. Baxton Bryant suggested that he, Bryant, arrange a meeting, ah, with the appropriate law enforcement officials. John agreed to give his statement, and he came down late on a—on—on, a—on a Sunday evening and sat in a meeting at the Peabody Hotel with a senior Memphis police, ah, officer and a senior F.B.I., ah, field office person. And he told his story. They thanked him for his story and took it and went away. John McFarren has also told his story to the House Select Committee on Assassinations—thanked him for his information and went away. He's told it to the Justice Department, ah, who, ah, conducted, ah, their own investigation of the F.B.I. investigation—they took his story and went away. No one has ever done anything with respect to John McFarren's allegations. All the Loberto family—both in Memphis and New Orleans—were, ah—were interviewed, and, a' course, they denied everything. Ah, Frank Loberto's brother, Sal, in—in, ah, New Orleans was, at the time, interviewed, ah, and, ah, ah, nothing ever came of it. So the story has been largely forgotten, ah, and ignored. And never properly investigated. Now, John McFarren has suffered nothing but, ah, harassment and intimidation in the twenty-four years since. He's been beaten up a number of times, he's been hospitalized, there have been attempts to kill him, he's, ah—his gasoline supplies have been cut off. Ah, his, ah, delivery of, ah, crude oil has been, ah—has been, ah, stopped. He's—he's suffered every conceivable type of harassment—until the—'til this day, when, ah, I s—I say he has, ah—he—he shows the signs of the—the beating that he has taken, but he still goes about his business, and he has still—he still sticks to his story. Although he's so reluctant, anymore, to come forward. Ah, because of the experiences—and also because of the fact that nothing has ever been done. No one has ever r—seriously pursued this line of inquiry, which, in my view, is, ah, the—the most critic—ah, one a' the most critical aspects of the case. John McFarren was the right person, ah, but in the—in the wrong place at the right point in time in terms of this case. [BACKGROUND NOISE] And his facts have been ignored.

INTERVIEWER Okay, let's cut. Good.

[NO SLATES; STARTS IN PROGRESS]

W. PEPPER —in a rural area of the state. La—ah, that—that area is largely recognized as probably the most racist area. In, ah—in Tennessee. Ah, this man, ah, had a regular routine once a week of going to, ah, Memphis and visiting the various produce houses and making his purchases. Bringing the goods back to his, ah—his store, where—where he sold them. Well, on, ah—on—on April 4th, ah, which was a Thursday, his normal—his normal day for these, ah—these purchases, he found himself late in the afternoon at the, ah, Loberto, Loberto and Latch produce house in Memphis. Ah, he went in past the little—

INTERVIEWER I'm sorry—let's—let's just—let's just say—ah, let's cut for a second. We probably should mention Loberto, Loberto, either.

[BACKGROUND CONVERSATION]

THIS'LL BE TAKE 13 UP.

MARK.

INTERVIEWER Okay—

W. PEPPER Ah, I—

INTERVIEWER —so—

W. PEPPER —so late on Thursday afternoon, April 4, he found himself at the, ah, produce house of, ah, ah—which was his—to be his last stop for the day. It was, ah, L.L. and L. Produce Company, and he went in and passed the, ah, small office on the entranceway, where the—the two principals were, ah—ah, were talking, and just went about his business of picking up his, ah—his goods. Ah, he heard the phone ring once, and, ah, sort of out of one ear, he, ah—he—he heard, ah, ah, one a' the principals becoming angry, and, ah, ah—a fellow he referred to as the fat man—yelling into the telephone, ah: Shoot the son of a bitch when he comes out on the balcony, and don't bring your ass around my place again. And don't call me here anymore. Words to that effect. Ah, then the phone was hung up. He continued gathering his, ah—his, ah, purchases. And he heard the phone ring again. And the first man, ah, said to the other: It's him again. And he heard the fellow, ah, ah, ah—after listening on the phone apparently for a period of time say: Look, you go to New Orleans and pick up the

f—ah, your five-thousand dollars from my brother and get the job done—I don't care how you do it; just get the job done, and don't call me here anymore. Again, words to that effect—the phone was slammed down, and he didn't think anything of it, and he drove back to Summerville. About fifteen past six—ah, he'd only arrived, ah, fifteen, twenty minutes earlier—he learned of the assassination of Doctor King, and he knew that the conversation he heard was significant. He called a man who was a, ah—a high-ranking official with the Tennessee Commission On Human Rights, whom he knew. And that fellow suggested that he arrange a meeting with a high-ranking police authority in Memphis as well as a F.B.I. official, and, ah—and that meeting was held on a S—late on a Sunday evening at the Peabody Hotel, and this story was told. And nothing happened. The story was told again to, ah, ah, the Justice Department, ah, investigators, when they looked into the F.B.I. investigation of the case—nothing happened. Story was told again to the House Select Committee On Assassinations. When they, ah, inquired down this line, and nothing happened. Oh, members of that particular family were interviewed, and there was some paper produced, but no in-depth investigation has ever resulted from this story and, ah—and this experience. But what has happened is that this, ah—this man, who still runs his grocery store and his garage in rural Tennessee, has suffered, ah, ah, an extraordinary amount of harassment and intimidation. He's been beaten up, shot at, hospitalized. He's, ah—his, ah, gasoline has been cut off, and his crude oil deliveries have been stopped at various times. Ah, every—ah, every means that could be used to silence him—ah, short of murder, and that has been tried, as well—ah, has—ah, has taken place. To the point, ah, ah, where, ah, th—twenty-four years later, he really doesn't wanna discuss this case. He doesn't wanna talk to anybody. He's lost, ah, ah, all—confidence or hope that what he overheard—which I believe was a—was a—a critical bit of information that's been ignored in this case—ah, he's lost all hope that this would ever be explored. For him—he was the wrong man in the wrong place at the wrong time. For those people who are interested in what really happened to Martin Luther King, he is, in fact, a key person in the right place at precisely the right time, and that lead is one that has not been pursued. And should've been—and should be to this day.

INTERVIEWER Thank you. Let's cut.

[CB] MARTIN LUTHER KING (Pepper) / 48

[END OF INTERVIEW WITH WILLIAM PEPPER.]

[CBI] MARTIN LUTHER KING (Pepper) / 2

INTERVIEWER And, ah, just gimme a little summary of how you happened to get involved with this case.

W. PEPPER Ah, this is after the death?

INTERVIEWER Um-hum.

W. PEPPER Yeah. In 1977—[BACKGROUND NOISE]—I suppose it was—late '76 or '77, ah, ah, Ralph Abernathy asked me to go up to Brushy Mountain Penitentiary with him, arrange an interview and, ah, ah, ah, effectively interrogate James Earle Ray for, ah, a period of time. I did that, and we met with him for over five hours, ah, one afternoon. And, ah, that was the first involvement with the case.

INTERVIEWER Now, you actually had some association—

W. PEPPER [CLEARS THROAT]

INTERVIEWER —with Mister King, I believe. From a previous [UNCLEAR].

W. PEPPER In 1966, I was a journalist in Vietnam, and he read some a' the w—some of my work, ah, when I came back—asked to meet with me—we met in '67—late '66—early '67, I think it was. And, ah, I opened my files to him, as he was—he was interested in the devastation that was going over th—ah, going on in Vietnam—particularly the human devastation. And, ah, for that—from that time on, really, we, ah—ah, we became quite close friends, and he, ah, as you know, came out against the war on April 4, 1967. I then, at his request, worked, ah, politically during the course a' that year—the—with, ah, the National Conference for New Politics, which was an or—umbrella organization designed to oppose the war and provide a political alternate to Lyndon Johnson. And that alternative, ah, ah, was to be a, ah—a King-Spock ticket—an independent ticket. And, ah, it didn't come to be, but it, ah—it, ah—it—it was well-developed over the course of '67.

INTERVIEWER [CLEARS THROAT] If you would, ah, let's begin by, ah—

W. PEPPER [CLEARS THROAT]

INTERVIEWER —[UNCLEAR] give me a—a rundown of the scenario that—in— involving Mister Ray—that the government claimed occurred. On the day that, ah, Mister King was killed.

W. PEPPER Um-hum.

INTERVIEWER Run that through for me once—the government version.

W. PEPPER Well, the government maintains, ah, that, ah, James Earle Ray was a—a lone assassin. This is not an unfamiliar scenario to Americans. Ah, that he, ah—he stalked Doctor King, ah, for a period of time prior to the assassination—that he purchased a rifle, and that he came to Memphis with that rifle. And that, at, ah, one point in time in the course of the afternoon of April 4th, he lay in wait. And, ah, when Martin King appeared on the balcony, ah, that he assassinated him, ah, singlehandedly, ah, and made his escape and, in the course of making his escape, ah, dropped a bundle of evidence in front of, ah—in the doorway of a—of a—of a shop—K—Knife Amusement Parlor on—on South Main Street. Having dropped that evidence, ah, because he was startled by supposedly viewing police, he then jumped into his car and sped away and, ah, made it eventually to Atlanta and on from Atlanta to Canada and, ah—and then make his way to the U.K. Where—ah, Portugal, back to the U.K., where he was eventually apprehended. But it's—it's a—it's a simplistic lone-assassin scenario—they have him acting, ah, ah, entire alone with no assistance whatsoever and, ah, really with no motive.

INTERVIEWER Let's go through—

W. PEPPER [CLEARS THROAT]

INTERVIEWER —[UNCLEAR] some a' the major—

W. PEPPER Um-hum.

INTERVIEWER —well, let me just ask this. How do you feel about the truth of that scenario? And why?

W. PEPPER Well, I mean, ah, I—I think it doesn't stack up from a variety of standpoints. Ah— Ah, ah, to know James Earle Ray is to know that, ah, he is not capable of pulling off, ah, a crime of this magnitude. He simply doesn't have the—the—the—the compe-

tence—the ability to do it. He, ah, ah, has virtually never handled a rifle. Ah, is—is not a good shot. And all of his previous criminal history does not involved crimes of violence or anything of this sort, at all. James—when, ah—ah, when James used to carry, ah, a—a pistol with him, he would always keep the firing pin chamber empty. Ah, because he was af—f—frankly quite afraid he would shoot himself or have an accident with it—he's very uneasy with weapons, and he only used them in the c—in the course of, ah, his, ah—his petty, ah, robberies for purposes of display. So it's—it's not a—it's not in style—ah, it's not—it's not his—his type of crime, in the first place. Secondly, James is not a racist. Ah, ah, ah, he—he's had no history of racism—ah, of— one talks to people who've been in prison with him or who've known him as he grew up—he never had any antagonism toward blacks—never got involved with, ah—with any kind of racial—ah, racially oriented, ah, ah, hate groups or anything of that—anyone of that sort. He's also not a violent person; he's never been involved in violence. And, ah, has tended always to mind his own business. So, ah, it's—it's—ah, the—the—the race motive is, ah—is a phony issue. He didn't receive any money. There was no, ah—ah, he—he—he had, ah, petty sums of money that he was provided, as he w—as he went along and—during the period of his fugitivity, but he never received any serious, ah, amounts of money. So there's no m—there's no money motive there. So—so none of that makes sense. Ah, in terms of under—ah, any—any underpinning of the—of the crime, it—it doesn't fit at all.

INTERVIEWER Okay, now what I'd like to do—I'm assuming we had a little bit of vacuum cleaner in one a' those—

W. PEPPER [CLEARS THROAT]

[BACKGROUND CONVERSATION]

INTERVIEWER I'm just gonna go over a couple a' those areas again.

W. PEPPER Sure.

INTERVIEWER Specifically. In terms of Mister Ray's personality—describe it for us in terms of how it would fit the government's scenario.

W. PEPPER Um-hum.

INTERVIEWER Or not.

W. PEPPER James Earle Ray is a loner. He's a quiet person who, ah, has always attempted to keep to himself. In prison or outside of prison. He's n—he's not an extroverted top—type of person. He doesn't seek trouble—has not been involved [BACKGROUND NOISE] in violence. Crimes of violence have not had, ah, ah, any connection with him at all. He's not a racist. He, ah, has no, ah, abiding hatred or obsessional hatred, ah, for black people. So none of these attributes are a part of James' personality.

INTERVIEWER The area of motive.

W. PEPPER Well, ah, the government has floated a number of motives. Ah, none of which stack up. Already said that he's not a racist, as in—had no indication of any, ah—any obsessional, ah, racism or hatred of black people. Ah, money—he, ah—there was no—there was no offer on the table for him—he did not receive any money—there's no indication that, ah, he was—ah, ah, he had a contract to carry out this job. Ah, he received subsistence monies over the course of his fugitivity from a handler, who was, ah, moving him around the country and creating a paper trail of his—of his movements and, ah, in respect of purchases. The other area of motive that the government has alluded to from time to time—and they pick this up from, ah, an author called Bradford Huey—William Bradford Huey—ah, has to do with James, ah, having a need to puff himself up and become a—a—ah, a—a bigger person and to—to make some sort of imprint and some sort of name for himself. Ah, it—it—it simply doesn't fit at all; James doesn't have any desire to be recognized at all—if he—if—throughout his life, if he had an—an opportunity—just liked to—sort of like just meld right into the background and not be noticed. So I—I don't see a motive at all.

INTERVIEWER [CLEARS THROAT] What about his familiarity with weapons—and, specifically, could he have been—

W. PEPPER [CLEARS THROAT]

INTERVIEWER —[UNCLEAR] expert marksman enough to actually accomplish that feat?

W. PEPPER No, he wasn't, ah—he—he wasn't—

INTERVIEWER I'm sorry—if you could just begin by—

W. PEPPER Yeah.

INTERVIEWER —saying—

W. PEPPER Yeah.

INTERVIEWER —He was not...

W. PEPPER Ah, ah, James is not competent with weapons at all. He fired a rifle, ah, really only on two different types of occasions in his life. When he was a—when he was a boy of 12 or 13 years of age, he used to occasionally take his father's twenty-two and go hunting for squirrels. Ah, he might've done that, oh, eight or ten times, and he might've killed, ah, half a dozen squirrels or so. Ah, at—at, ah, fairly close range—and that's when he was a child. Ah, ah, beyond—from that time until he was in the Army, he never handled a rifle—hadn't—ah, never owned one, never handled one. In the Army, he was trained with an M-1, and he had to take the usual, ah, ah, marksmanship, ah, e—ah, tests. There were three levels of, ah—of, ah, rating, ah, ah, ability in the—in the Army, and James was at the lowest. If you don't qualify as the—at the lowest level—which is called a marksman—ah, you, ah—you have to continue to—to practice until you do. Ah, and—and so he was at the lowest level of, ah—of ability. Other than that, ah, he has had no experience with, ah, rifles or guns at all. And the only, ah—ah, would buy a pistol, if he would—had—if he was involved in trying to pull a robbery, he would buy a pistol for that, ah—for that, ah, occasion only. And then, as I mentioned earlier, would keep the, ah, firing pin chamber empty, so he would only have, ah, ah, say, five bullets in a s—in a—in a, ah, six—ah, six-shot revolver.

INTERVIEWER [CLEARS THROAT] So his abilities with weapons—

W. PEPPER [CLEARS THROAT]

INTERVIEWER —ah, how did—how does that relate to the scenario? Of putting one bullet in a rifle—

W. PEPPER It doesn't.

INTERVIEWER —and killing with one shot.

W. PEPPER It doesn't. The idea of, ah—of putting a single, ah—a single shot—loading by hand a single shot into, ah, that thirty-ought-six and, ah, t—gambling everything on that one shot makes no sense whatsoever. Ah, it wa—it—for ah, ah—person of James' lack of experience, it would've made much more sense to have a clip there, where he would've, ah—he would've had multiple shots, should he have missed. Ah, it—it doesn't tie in at all.

[BACKGROUND CONVERSATION]

INTERVIEWER Okay, let's stop.

[BACKGROUND CONVERSATION]

INTERVIEWER And we're gonna sort of change our rolls here.

[BACKGROUND CONVERSATION]

OKAY, WE'RE GOING TO CAMERA ROLL 2; THIS'LL BE TAKE 2.

[NO SLATES; STARTS IN PROGRESS]

INTERVIEWER —in terms, again, of the believability of this government scenario. How do you relate to this whole area of Ray supposedly leaving—dropping this bundle—all the fingerprints on it and so forth—I mean—

W. PEPPER Um-hum—it—

INTERVIEWER —how—

W. PEPPER —doesn't make any sense. Ah, ah, they have him running down a flight of stairs and out onto South Main Street, ah, seeing a police car parked—ah, pulled up in the, ah, edge, ah, of the fire station lot, ah, near the—near s—near the st—street itself, panicking and then dropping this bundle—it doesn't make sense at all. I've, ah, spent a fair amount a' time with—ah, interviewing the, ah—the, ah, driver of that police cruiser that they say was there. That—and—and, actual—it's—ah, he's now a cap—police captain in Memphis—his name is Douglas—in actual fact, that police cruiser was, ah, pulled 'way back by the, ah—ah, the

northeast door of the station. 'Way out of sight—there's no way that, ah, James could either seen him, or he could've seen James; it s—it simply did happen. The scenario is a fabrication.

INTERVIEWER And what about the fact that—

W. PEPPER [CLEARS THROAT]

INTERVIEWER —James' fingerprints were the only fingerprints on the gun?

W. PEPPER Well, the—ah, there's a great deal of dispute about that. Ah, in—in—actual fact, ah, the House Select Committee only found one pinky print on the telescope—nothing on the rifle itself. Now, the F.B.I. expert said he found, ah, a—a thumbprint, ah, ah, elsewhere on the—on the rifle, but that was not sustained by the Select Committee's analysis a' the evidence. So the—the whole—all a' the fingerprint evidence has been blown 'way out of proportion—[BACKGROUND NOISE]—the interesting thing about the fingerprints—aside from the fact that it was only a pinky print on the—on the—on the telescope—is that there are a whole range of fingerprints that have never been properly identified in this case. James—none of James' fingerprints were ever found in the room where s—he supposedly was and where he moved furniture all around—according to them—no fingerprints were found in the bathroom. No fingerprints of James were found in the Mustang. Instead, however, there were many other fingerprints that, ah, they chose not to identify in all of those places—including on the Mustang—great number of fingerprints all over that car that s—for—somehow, ah, was not of interest to the investigators. So the—the—the fingerprint evidence that, ah—ah, is—is very weak, ah, against James and very questionable in terms of the, ah—the numbers of prints that, ah, they have not chosen to identify.

INTERVIEWER Ah, backtracking just for a moment—why would anyone drop a bundle—

W. PEPPER [CLEARS THROAT]

INTERVIEWER —that obviously that contained so much incriminating, ah—

W. PEPPER There's no reason. I mean, there're a lot a' personal items of, ah—of James' that were just deliberately left there for the purpose of tying him to that scene. Ah, there is no reason at all.

Ah, as a part of his instructions, he was told to go and rent a room in this rooming house. And, ah, he—he did that—he was then instructed, also, to bring some of his belongings up and leave them there. He did that. Ah, it's these belongings that turned up, ah, in front of, ah, Knipe's Amusement Parlor.

INTERVIEWER What about the government's ballistics tests and connecting the bullet that killed King with the rifle?

W. PEPPER They—they could not do that. There's been no matching of the death slug to the rifle. Ah, under—ah, and there—ah, even the most optimistic view of that evidence could not claim that. In fact, the class characteristics—and I'm just be a bit technical—the class characteristics of, ah—of the bullet produced by that rifle are what's known as, ah—ah, there are six lan—six lands and six grooves in a right twist. Those are general characteristics. Now, those characteristics would be produced by thousands and thousands of—of, ah—of rifles. The individual characteristics were nonexistent—in other words, they could not take the most critical elements of, ah—through microscopic ed—ah, ah, evaluation—and find individual markings—individual characteristics on the—on the death slug and match them to that rifle. So there has been no match at all. Of the, ah, death slug to the rifle.

INTERVIEWER [CLEARS THROAT] What about this eyewitness? Mister Stevens [UNCLEAR].

W. PEPPER Well, Charlie Stevens has been discredited now for, ah, almost the duration a' the case—from the very evening of the case, he was discredited. Captain Tommy Smith of the Memphis Police Department, who interviewed him, told me the—the man—the man was, ah, so intoxicated he could hardly stand up. Ah, James McCraw, a taxi driver, saw him [BACKGROUND NOISE] a few minutes to six—refused—refused to—to—to haul him—he was called to pick him up and drive him—[BACKGROUND NOISE]—refused to take him, because he was so intoxicated at the time. Wayne Chastain, a journalist, saw him that evening—said he was also too drunk to stand up, and the witnesses go on that will attest to the fact that Charlie Stevens was simply, ah, ah, ah, unable to make any kind of identification at all. What you have to realize about, ah, Charlie Stevens is that he was looking for a reward. He was trying to get the hundred-thousand-dollar reward that had been put up for, ah, anyone who could identify, ah, the

slayer of Doctor King, so that became a—very much a business for him, and it became very much, ah, his concern to try to, ah, ah, be credible.

INTERVIEWER What're your thoughts in terms of—if James Earle Ray had not pled guilty—in other words, stood—had stood trial? Do you think he would've been found guilty or innocent?

W. PEPPER No, I think James would've been found, ah, not guilty. Ah, ah, I've no—

INTERVIEWER I'm sorry—if you could begin that again just—

W. PEPPER Yeah.

INTERVIEWER —by saying: If he had—

W. PEPPER Ah, I—

INTERVIEWER —ser—

W. PEPPER —think, if James had been—

INTERVIEWER I'm sorry—

W. PEPPER Yeah.

INTERVIEWER Go ahead.

W. PEPPER Yeah. If James had been given the—given a trial at that time, I think he would've been, ah, found not guilty. I don't believe, ah, that, ah, ah, the evidence, which was, ah, virtually, entirely circumstantial—in each and every instance could've stood up to the test of reasonable doubt. I think he would've been acquitted then. As I think he would be acquitted today.

INTERVIEWER Then the obvious question becomes: Why did he plead guilty?

W. PEPPER Well, he was under enormous pressure. There was enormous coercion on him. When they returned him from England, they put him in a specially designed cellblock in the—in the Shelby County Jail. Now, in that shellblock—in that cellblock, they put steel plates over the windows, so he had no natural light. They had

lights on twenty-four hours a day in the cellblock itself. He was continually, ah, ah, being filmed, and there were microphones everywhere. So he had—ah, he had no privacy at all—when he and his first lawyer, Haines, used to meet, they—they'd have to get down on their hands and knees and whisper in each other's ears, because they were sure that he—ah, it's certain that he was—they were being surveilled electronically. When he tried to sleep at night, he'd have to put a blindfold over his eyes. Now, he was under these—ah, lived under these conditions [BACKGROUND NOISE] for many, many months. Ah, ah, no—with no natural light and with, ah—with no fresh air. Ah, and with a—with a constant, coercive pressure of the—of this type of environment, ah, he became increasingly debuh—de—debilitated in terms just of his resolve. But that's not—that's not half of it; the other half of it is that, ah, he—ah, when Percy Foreman, his second lawyer, came on the case—ah, from the beginning, Foreman had no intention of trying the case and was determined to try to arrange a plea. And, ah, w—as it came closer and closer to the actual trial date, he s—he simply told James flat-out: I'm not gonna be able to give you my best, ah, efforts in this case; I—I'm convinced that you're going to be found guilty, and you must plead guilty—mounted the pressures on him, intimidated his family, ah, ah, and the combination of all of these matters led James to the conclusion that he should—he should give the plea, get out from under the clutches of these people and then file for a new trial—which he did three days after he issued the plea. You have to understand that he wrote to Judge Battle on March 13th, having, ah, entered the plea on March 10th. Now, Judge Battle died on March 31st, while he was considering a m—a motion to set aside the, ah—the plea and, ah, give a trial to James. Under Tennessee law, if a d—if a sitting judge, wh—whilst reading and considering a motion for a new trial, dies, automatically that new trial is given. Now, there was one other trial—or there was one other motion pending for a new trial—pending before Judge Battle at the time he died. It's the case of Tennessee Versus Stanley G. Webster. Now, Mister Webster got his new trial. James Earle Ray did not.

INTERVIEWER If that law was in effect, why didn't he?

W. PEPPER Well, that's a good question. Ah, it seems that the—throughout there have been special laws and regulations that have applied to this case and to this defendant.

lights on twenty-four hours a day in the cellblock itself. He was continually, ah, ah, being filmed, and there were microphones everywhere. So he had—ah, he had no privacy at all—when he and his first lawyer, Haines, used to meet, they—they'd have to get down on their hands and knees and whisper in each other's ears, because they were sure that he—ah, it's certain that he was—they were being surveilled electronically. When he tried to sleep at night, he'd have to put a blindfold over his eyes. Now, he was under these—ah, lived under these conditions [BACKGROUND NOISE] for many, many months. Ah, ah, no—with no natural light and with, ah—with no fresh air. Ah, and with a—with a constant, coercive pressure of the—of this type of environment, ah, he became increasingly debuh—de—debilitated in terms just of his resolve. But that's not—that's not half of it; the other half of it is that, ah, he—ah, when Percy Foreman, his second lawyer, came on the case—ah, from the beginning, Foreman had no intention of trying the case and was determined to try to arrange a plea. And, ah, w—as it came closer and closer to the actual trial date, he s—he simply told James flat-out: I'm not gonna be able to give you my best, ah, efforts in this case; I—I—I'm convinced that you're going to be found guilty, and you must plead guilty—mounted the pressures on him, intimidated his family, ah, ah, and the combination of all of these matters led James to the conclusion that he should—he should give the plea, get out from under the clutches of these people and then file for a new trial—which he did three days after he issued the plea. You have to understand that he wrote to Judge Battle on March 13th, having, ah, entered the plea on March 10th. Now, Judge Battle died on March 31st, while he was considering a m—a motion to set aside the, ah—the plea and, ah, give a trial to James. Under Tennessee law, if a d—if a sitting judge, wh—whilst reading and considering a motion for a new trial, dies, automatically that new trial is given. Now, there was one other trial—or there was one other motion pending for a new trial—pending before Judge Battle at the time he died. It's the case of Tennessee Versus Stanley G. Webster. Now, Mister Webster got his new trial. James Earle Ray did not.

INTERVIEWER If that law was in effect, why didn't he?

W. PEPPER Well, that's a good question. Ah, it seems that the—throughout there have been special laws and regulations that have applied to this case and to this defendant.

INTERVIEWER Now, ah, I recall reading somewhere a comment from Judge Battle. Ah, basically where he talks about his, ah—ah, his concern over the guilty plea. Do you recall a comment [UNCLEAR]?

W. PEPPER Well, the judge at various times has, ah, had—ah, indicated an uneasiness, ah, over the guilty plea that James, ah, ah, rendered. And, ah, at various times, he'd indicated, ah, ah, ah, that he was possibly considering granting a new trial.

INTERVIEWER Okay. Let's cut for a second.

[BACKGROUND CONVERSATION]

THIS'LL BE TAKE 3 UP.

AND WE ARE GOING TO CAMERA ROLL 3, AS WELL.

MARK.

[BACKGROUND CONVERSATION]

INTERVIEWER Tell me about this map. And basically what, ah—what the government's case was on that and why you feel it was wrong.

W. PEPPER Well, ah, ah, the government, ah, maintained that it found a map of the city of Atlanta in James', ah, ah, rooming, ah, house, ah, in—in Atlanta. And on that map, it was alleged there were certain markings—certain circles—and they—ah, they claimed that those circles were, ah, ah, around or in the vicinity of Doctor King's, ah, ah, church, his home and the S.C.L.C., ah, headquarters—his organization's headquarters. In actual fact, ah, ah, James used to mark maps all the time—ah, ah, I've seen twenty or thirty maps of his, and—when he was in the city of, ah, Montreal, he would put circles around areas that—to get—help him get his bearings. Same thing in Texas, when he was—ah, when he was travelling through that area—we've seen—and in New Orleans—he—he wa—he was a map marker, if you will—and in respect of these—this Atlanta map, the circles were not around Doctor King's house or his church or his—they were around, ah, areas of—of Atlanta that were significant to James in terms of his movements there. Ah, th—ah, because they were in the vicinity, th—ah, the big leap was taken to indicate that he was stalking Doctor King, and he

was marking his—his whereabouts. This map was so discredited by, ah, ah, the Select Committee, ah, ah, On Assassinations staff, that the Select Committee did—itself didn't even raise it. So I think, ah—I think it's ludicrous.

INTERVIEWER The, ah— Go over those few elements of the State's case—that, basically, even though they were substantial—ah, or circumstantial—

W. PEPPER Um-hum.

INTERVIEWER —do have some substance in terms of his defense.

W. PEPPER There is no question that James, ah, ah, bought, ah, a rifle—a Remington seven-sixty Gamemaster rifle from Aeromarine Supply in Birmingham, Alabama—on the, ah—on the, ah, 29th of March he bought, ah, one rifle—he took it back, because it was rejected by, ah, his control agent, and he bought another one—this Remington on the 30th—he had a Redfield sight mounted on the rifle, and he took it away with him—there's no question about that at all. It is not the murder weapon, in my view, at all, and, a' course, it has never been established as the murder weapon, but it was a weapon found at the scene. So he bought that rifle. Ah, there's no question that James Earle Ray was in Memphis, Tennessee. On April 3rd, ah, and on April 4th, 1968. Also, no question that he—ah, he took a room in the, ah, rooming house at four-twenty-two-and-a-half South Main Street; he was there. Ah, he doesn't deny that. No question that he—his car was seen at the scene. His white Mustang was parked there on South Main Street in front of Jim's Grill. But, then, so was a second Mustang—there was another white Mustang parked just south of there around the same time. There were two white Mustangs there that afternoon, which the, ah—ah, the State's report had, in—in cases, conveniently, ah, neglected to, ah—to, ah—to mention. So there are those facts—evidence, ah, pertaining to him was found at the scene—he purchased the rifle—he had physical possession of the rifle for a period of time, and, ah, ah, it really comes down to that and—and—and—and that body of evidence alone.

INTERVIEWER Let's go through, if we can now, James' version.

W. PEPPER [CLEARS THROAT]

INTERVIEWER

Set this up for me in terms of why he claims that he was essentially set up.

W. PEPPER

James is a patsy. And he was a classic patsy. He was an escaped convict on the run. When he fled, ah, Jefferson City, ah, Penitentiary on the 23rd of April, '67, he eventually made his way to Canada. When he entered Canada, he was determined not to return to the United States; he wanted to get out of, ah, the United States and out of the North American Hemisphere entirely, and he was looking for a means to do that. He didn't really know how to do it, at that point in time, to be honest; he, ah— He, ah, stumbled around, looking for ways of getting a passport, received misinformation, and he—ah, ah, the first time in Canada—did not know how to do it. He eventually, ah, ran in—into, ah, ah, a chap whom he has called Raoul—and who was introduced to him by the name of Raoul—in a, ah—in a bar—the Neptune Bar down on West Commissioners Street in the—in the docks area of Montreal. And this fellow—and he struck up a conversation. And he offered to help James—he offered to help him get what he called travel documents and even pay him some money, if James would engage in some minor criminal activity with him—well, minor or not—he asked him to take contraband across the border. Ah, James agreed to do that, received a small a small amount of money and a promise of travel documents. He thought, ah, that, ah, ah, this was the—ah, his only alternative. He always explored other alternatives, but this seemed to be the likely one—he believed this fellow; he seemed sophisticated, a man of the world, knowledgeable in terms of these things, and he figured, well, if he did a few—ah, ah, a few things for him, perhaps, ah, he would get his travel documents and could eventually leave. His first-choice place to go was really Australia. 'Cause of English—ah, English-speaking—and, ah, the—the culture would—would've been more compatible than other places. Well, what Raoul did from that point on was to, ah, ah, keep James on a string. Have him at various points and places, pay him bits of money, have him do various things and really, pretty much keep him th—on a string, so that he was available, as it turns out, for use anytime that they wanted to use—ah, always with the promise of these travel documents. So, ah, I think one can see the entire scenario of James' movements over the course of that last year of Martin King's life—as well as his own—ah, being moved around the country—being told to purchase first some photographic equipment, then other items, so that a paper trail is created. He

purchased a Mustang, he opened a bank account, he opened a safe-deposit box. Ah, ah, connected with that banking arrangement, and he— He was in places at specific times and points—there was a record of James Earle Ray under the alias of Eric Starvo Gault, ah, moving around the country. And the ultimate instruction, of course, was to buy this gun. Which was to, ah, be found at the scene—as a throw-down, in my view—as, ah, ah, the—the weapon—ah, the alleged weapon that would've killed Doctor King.

INTERVIEWER Okay. Let's go through, if we can, just in a little more detail a couple a' these stops along the paper—

W. PEPPER Um-hum.

INTERVIEWER —trail. Following his meeting Raoul in Canada, he then went to, ah, I believe, Birmingham.

W. PEPPER Um-hum.

INTERVIEWER And, ah, correct me if I'm wrong here—but basically, ah, it—it was around that time that he first purchased the Mustang, I believe. Can you just, ah—ah, let's walk through these step-by-step, if we can.

W. PEPPER Surely. Yes, ah, following the meeting with Raoul in Canada, ah, he was in—instructed to go to Birmingham. And to—they were to meet up again in Birmingham, which they did. Ah, he was to check General Delivery at the post office. Raoul left an instruction as to when he would arrive and where—where they should meet—they were to meet at a place called the Starlight Club. Ah, ah, when they met, it was decided that, ah, ah, James should have an adequate automobile. And the—ah, he—he looked in the—in the newspaper—found a—a wh—a Mustang for sale, r—ah, suggested that to Raoul—he was given the cash to buy the car—nine—one-thousand-nine-hundred-and-ninety-five dollars—he bought the car, so he now is possession of a white Mustang, which he always considered was, as he put it, "our" car, because someone else provided the money—really w—he didn't really regard it as his own property. So now he ha—now he had the Mustang, and he was in Birmingham, Alabama. Okay. Ah—Then wh—wh—

INTERVIEWER Then from there, I believe there was a trip to Mexico and New Orleans and then Los Angeles.

W. PEPPER Yes, he—he, ah—he—ah, New Orleans was always the pivotal contact point. He had a telephone number in New Orleans, and he—where he, ah, could call for instructions, and a—and a—a backup number in Baton Rouge, Louisiana. That he could use for instructions. So th—that was his telephone contact. Ah, New Orleans figures prominently in this, ah, whole scenario, because it was obviously a base of operations for Raoul. Ah, R—Raoul's assignment, ah, to James was that he should go—they would go to Mexico—James would help him carry some contraband across the—the border into Mexico—not out, but into Mexico. And, ah, this James did, as well—he carried it out—he was paid so much money, and then, ah, he indicated to Raoul that he would be g—going into Los Angeles; and Raoul indicated that they should keep in touch, which they did. James wandered through Mexico and eventually went into, ah, Los Angeles and took up a residence there.

INTERVIEWER And then, after his period of time in Los Angeles—then Atlanta and then ultimately—

W. PEPPER Yes, he made—

INTERVIEWER —ah—

W. PEPPER —one trip from Los Angeles, ah, to New Orleans, where he had a brief meeting with Raoul—by his own account—and received some money and then returned to Los Angeles and eventually, ah, on the, ah, 17th of March, ah, began his trip east to Atlanta, because Ra—Raoul indicated that, ah, they were to meet in Atlanta.

INTERVIEWER Okay, and then, ah, Atlanta, I believe, is where—where Raoul brought up this business of buying the gun.

W. PEPPER Yes, I think it—ah, ah, it, ah, appeared that he wanted the gun originally to be bought in Atlanta—James indicated that he had Alabama identification, and it would be more credible, should he be pushed to be able to provide some identification, that it be purchased in, ah—in, ah, Alabama. And so th—that's why the gun was eventually purchased in Birmingham.

INTERVIEWER Okay, set that up for me—ah, I mean—

[BACKGROUND CONVERSATION]

THIS'LL BE CAMERA ROLL 4, TAKE 4.

MARK.

[BACKGROUND CONVERSATION]

INTERVIEWER Back to this progression of the meeting with Raoul. Explain to me—set up for me again this—this meeting in Atlanta, where the, ah—ah, the gun was first brought up and why.

W. PEPPER Well, Raoul indicated [SIGHS] to—to James that, ah, the next bit of activity they were gonna be involved in had to do with, ah, selling guns. And the scenario that he developed was one which involved the—the—the purchase of, ah, sort of sample weapons. And that he, Raoul, would show to these gunrunners. And, ah, once they then, ah, made a selection or made a choice—so the story went—ah, they would be bought in volume. And that would be transported across the—ah, the Mexican borders and, ah, then presumably go somewhere in, ah—in Latin or South America. James didn't have any a' the details. It's an interesting thing to note about James' relationship with Raoul—is that he never asked any questions. He would be given a minimal amount of information, and he would function on that, and—and, ah, he—he didn't feel that it was his responsibility to ask questions. He was being paid, so he did what he was told. He's an ideal patsy.

[BACKGROUND CONVERSATION]

INTERVIEWER Okay—I'm sorry—I just need to go over that part again. Explain to me—in Atlanta—the meeting about the gun.

W. PEPPER Okay. Ah, when James and Raoul met in—in Atlanta, and the, ah—the issue of gunrunning was raised for the first time, Raoul indicated that they were going to, ah, ah, need to buy a—a weapon or weapons, ah, as samples to show to these, ah, gun purchasers. And then, when a decision was made as to which type of weapon they wanted—ah, so the story went—they were going to buy them in volume and ship them across the border into Mexico for use, presumably, in Latin or South America. That was

the—ah, sort of the basis now for the, ah, purchase of a—of a weapon. James didn't ask any questions, but this was typical of his relationship with Raoul—he said he was paying money—ah, I was—ah, I was providing him with certain services, and it was not my, ah—my role to ask questions. And so he, ah—he did not ask questions.

INTERVIEWER Now explain the gun purchase and what went on from there.

W. PEPPER The original, ah, ah, purchase site, ah, was to've been in Atlanta—at least by Raoul's, ah—ah, by Raoul's indication. James, ah, a—suggested, ah, Alabama, because he been—ah, had identification there. And in case he needed to use it, he—ah, he would be able to produce some. So it was agreed that the gun would be bought in, ah—in Atlanta and in Birmingham. And, ah—

INTERVIEWER I'm sorry—that the—the gun would be bought—

W. PEPPER I beg your pardon.

INTERVIEWER That's okay.

W. PEPPER Bought in Alabama. And in, ah—in Birmingham.

INTERVIEWER Okay, let's just pick that up again—

W. PEPPER Yeah.

INTERVIEWER —[UNCLEAR].

W. PEPPER Okay—so it was a—it was agreed that the gun would be bought in Alabama. And, ah—and in Birmingham. And when they got to that city, a decision was made to go to the Aeromarine Supply Company and buy it there.

INTERVIEWER Now, ah, just take me right through it—he bought the gun, but apparently that wasn't the right gun.

W. PEPPER Right. Th—he bought the—he bought a rifle at, ah, Aeromarine Supply—he bought a—it was a, ah—it was a two-forty-three calibre—and, ah, when he took it back to Raoul to show it to him, Raoul rejected it. S—and said: No, that's not the right one. James had a—had a brochure of, ah—of hunting rifles that were

available, and so he—he showed, ah, this brochure to Raoul, and Raoul pointed out the Remington seven-sixty Gamemaster. And said that is the one he should buy. James went promptly to an outside telephone and called the Aeromarine, ah, Supply Company and spoke with a—the manager there—Donald Wood—and indicated that, ah, he, ah—he wanted to exchange the gun. For a larger calibre—a thirty-ought-six. Ah, Mister Wood said: Well, come—come by the next day—which he did—return the old gun, and he—he would be glad to exchange it. So that's what took place. And on the 30th of March, then, he obtained the, ah—the Remington. Which was the desired gun. What's interesting—when, ah—when one questions James about the specifics of the rifle he purchased, he really doesn't know much about it. He said: All I did was to read from the brochure—the guy pointed it to me—pointed out the gun—I read from the brochure—he really doesn't understand much about guns. And, ah—and this was reflected in the, ah—ah, the comments of the man who sold it to him.

INTERVIEWER Did Raoul say why he needed that particular type a' gun?

W. PEPPER No. And James didn't ask.

INTERVIEWER Now we're getting into April. And we have James, ah, ah, going to Memphis. Set that up for me—

W. PEPPER Um-hum.

INTERVIEWER —and then his meeting with Raoul there and the rifle transaction and so forth.

W. PEPPER Well, he was told to arrive at the New Rebel Motel on the 3rd of April. So, ah, James maintains that he made his way gradually to Memphis, ah, I—ah, from Birmingham. And he did end up at the New Rebel Motel on the 3rd of April, and there's no denying that. He's—he says that, late that evening, Raoul arrived, and he turned the gun over to him at that time. And it was at, ah, that meeting, ah, that he was given the address of the—the rooming house on South Main Street. And told to be there around three o'clock the following afternoon and to meet in the grill underneath the rooming house—there was a grill called Jim's Grill, and he was to meet Raoul there. So he's given those details—Raoul went away with the gun—James never saw the gun again. And he—he

planned to be there at or around three o'clock the next day, and he—and he was there around that time. Raoul was not there in the—in the, ah—in the first instance, when he went into the grill, ah, but he, ah, was there the second time. When he—when he, ah, went back in to check a little later.

INTERVIEWER Okay, now, just, ah, to clarify—he—he—he—the—he saw the gun last when?

W. PEPPER He saw the gun last, ah, late in the evening of February 3rd—of—sorry—let's take that again.

INTERVIEWER That's all right.

W. PEPPER He saw [LAUGHS] the gun last late in the evening of April 3rd at the—

INTERVIEWER Okay, let's just—let's just go through that part once again where—ah, explain to me again—he goes to Memphis and where he meets—where he exchanges the gun—

W. PEPPER Um-hum.

INTERVIEWER —and then from there.

W. PEPPER All right. He was instructed to meet Raoul in, ah—in Memphis on the evening of, ah, April the 3rd. He made his way slowly from Birmingham to Memphis, and he did, in fact, arrive at the New Rebel Motel, which was the designated place, ah, on the—on the 3rd of April. Raoul did not show up until late that evening, and it was a stormy evening—in fact, there were, I think, tornado watches in Memphis at that time, and there was rain, and, ah, there were high winds, as well. But ar—but late that evening, Raoul did show up, and he entered James' room at the New Rebel Motel. James exchanged the gun, ah, for, ah, a—an address where he w—where they were to meet the next day. Raoul took the gun away and gave him an address of a rooming house—four-twenty-two-and-a-half South Main Street—and it—and w—he was instructed to meet Raoul in a—in a bar, which was underneath that, ah, rooming house. Called Jim's Grill. And, ah, that is the last he saw of the gun—on April the 3rd, ah, ah, '68, that gun was taken away from the room, and that's the last time he ever saw it.

INTERVIEWER And what happened the next day at the rooming house?

W. PEPPER The next day, he arrived at, ah, the grill about th—around three o'clock or a little later, 'cause he went to the wrong place—it's not unusual for James—there was a—a Jim's Bar up, ah, on—on the other side of the street on South Main, and he went in there first, and, ah, eventually he found his way to the—to the—to Jim's Grill, the proper place, but Raoul wasn't there. So he came out—eventually he went back in there again to—and he checked a little bit later—he d—he s—ah, states that he did meet him there. And, ah, then, ah, the, ah, activities of the afternoon carried on; he was told to go and rent a room. Ah, just a, ah—a sleeping room, not a housekeeping room. And, ah, he went up, and he, ah, saw the landlady, and he, ah, went about the business of renting that room—the room, 5-B.

INTERVIEWER Then what was he told as far as his activities for that afternoon?

W. PEPPER Well, he was—he was told, in the first instance—Raoul came up and joined him in the room, and he was told in the—ah, in the first instance, that he should bring some of his belongings up there. He didn't bring a great deal of, ah—of his personal effects up, but he did bring some—some things, and, ah, ah, ah, he didn't trust the place; there were no locks on the doors, and, ah, it was a—ah, it was a flop—flophouse of the worst sort. So he didn't bring a great deal of, ah—of, ah—of, ah, his, ah—either—his equipment or his personal belongings there—just—just some basic items. And he left them there in the room. But he was next instructed to go up the street to, ah—to purchase some binoculars. So he—ah, he trudged, ah, up s—ah, South Main Street, ah, to look for a place called the York Arms, ah, where he was, ah, going to be able to buy these binoculars. He didn't go far enough, and so he—he couldn't find the store, and he came back and went upstairs and told them he couldn't find it, and he was told, ah: Continue up the street; it was further along. Back down he comes, and he—then he walks all the way up, and he does find it; it was several blocks north. Of the rooming house. He, ah—he purchased the binoculars, brought them back down—he was—he was instructed to buy infrared binoculars, but they didn't sell that kind. He would've had to go to an Army surplus store for those. So he brought the regular, conventional, ah, binoculars back to the rooming house, took them up to the room and, ah, ah, threw them on the bed, as he said, and, ah, ah, ah, Raoul accepted

those. Ah, he then, ah, ah, went, ah—went downstairs—ah, he wanted to get something to eat, and, ah, he, ah, s—made a vair—a variety of short visits in, ah, the Chiska Hotel at, ah—went back, ah, across the street to another place to get a sandwich, and he was in that immediate area during all of this time. Now, finally Raoul had told him that he should go to a movie and absent himself, ah, for a couple of hours, but to leave the Mustang where it was—Raoul, ah—R—he mus—must remember, always had a set of keys to the Mustang—to leave it where it was, because he might need it later on. When he, ah, came down, James, for a period of time, sat in the Mustang, ah, thinking about what he was going to do—

INTERVIEWER I'm sorry—we're gonna cut for a second—

W. PEPPER Yeah.

INTERVIEWER —we're changing—

THIS IS A CONTINUATION OF THE INTERVIEW WITH WILLIAM PEPPER.

MARK.

[BACKGROUND CONVERSATION]

INTERVIEWER Okay, so pick it up once again—he come r—ah, James comes down, and he sits in the Mustang for a while—

W. PEPPER He was sitting in the Mustang for a period of time, and, ah, ah, he—he doesn't remember exactly how long, but fifteen, twenty minutes or so. It's very interesting—I've been able to corroborate that by locating witnesses who actually saw him sitting in the Mustang. Ah, at that—at that point in time. These are witnesses that the, ah—somehow that the investigators and the—the—the police and the F.B.I. could never find. We found a number of those types of witnesses, who have never been talked to in a period of, ah, twenty-four years. So he, ah—he was sitting there for a while—then he—then he—then he went across to get a sandwich—across the street to get a sandwich, and, ah, he remembered that he had this—th—this slow leak in a fl—a flat tire that he had—that he had changed, and he had the, ah—the tire in the trunk, and it, ah—it would—it meant—meant the car was

without a spare, so he thought he should have it repaired. If he could. And, ah, he—that's when he came back and got into the car and, ah—and drove away to find a service station. He thought he'd have it repaired and then bring the car back and leave it for, ah—for Raoul. This is now approaching six o'clock. I located two witnesses who, ah, ah, were—were crossing a street—had just left Jim's Grill some moments before, and they're walking north on South Main Street—and who recalled, as he—ah, as they were [BACKGROUND NOISE] about to cross, ah, ah, an intersection with South Main Street—it happened to be Vance and South Main—this, ah, white Mustang came around the corner. And—and, ah, they recall it vividly, because it almost—ah, it almost hit one of them, and one—one, ah, fellow pulled th—pulled his colleague back. Ah, so, again, that's corroborated—the fact that he—he—ah, that there was a Mustang leaving that area around that time—just before six this was, now. Ah, a few minutes—ah, maybe ten-to-six—something on that area. Ah, and it was corroborated by two, ah—two eyewitnesses, who—one of whom almost got run over by the Mustang—although it wasn't speeding—he said, nevertheless it was just coming around the corner. So then he went off to this service station. And—to try to have his tire repaired. Now, we, ah, ah—we're not a—able—I've not been able to locate this—the service station attendant, because it's—he's believed dead. Name was Willy Green. But, ah, I did, ah, located a reporter who interviewed him, and who he—and he gave a positive identification, ah, of a photograph of James Earle Ray as being the man he saw at his service station around six o'clock. So, ah, ah, ah, th—these are corroborative, ah, elements of the story that seem to—seem to, ah, ah, hold up.

INTERVIEWER Now, how does it strike you, though, that all of these investigations have occurred—I mean, ch—this—this story from James he's maintained pretty much all along.

W. PEPPER Um-hum.

INTERVIEWER That none a' these—and none a' these witnesses like the gas station attendant were ever discovered. I mean, 'cause, as far as the awareness of House Subcommittee and so forth—they were under the understanding that James' story could not be corroborated.

W. PEPPER

That's right. I found that an—an extraordinary number of witnesses were never talked to. Who never were interviewed, and whose—whose stories were lost. Ah, the official scen—ah, the o—the official, ah, position of the—of the state was that the shot was fired from the bathroom window in the rooming house. In fact, the—the fatal bullet, in our view, was—was fired from the—from the brush—from the bushes down below. And, ah, we have, ah, various individuals who, at the time of the killing, ah, ah, give eyewitness accounts of either seeing a person in the bushes, ah, at—at the instant of the shot—actually g—a person actually rising and moving back toward the rooming house—or having seen a puff of smoke arising right from the—from the brush. Now, I've—I have taken statements from people who, ah—who were in—in that, ah—in that category. One is Earl Caldwell, a *New York Times* reporter, who was in room two-fifteen and who saw—ah, was—was right—right by his, ah—his room and who actually saw the assassin or an assistant—it's not clear which—but he definitely saw a figure in the brush, ah, just, ah, immediately after the shot. The person was crouched and was rising up and was turning to go back toward the building. Solomon Jones, Doctor King's driver, also saw a figure in the brush—a hooded figure. Ah, f—a chap, ah, that seemed to have a sweatshirt with a hood over his head turned—turned, going back toward the—the building. Reverend James Orange, one of Doctor King's party, saw a puff of smoke from there right after—right afterward. So it's pretty clear to us, ah, that that shot was fired from the brush. It was also pretty clear to the authorities—the higher-level authority—police authorities in Memphis and the F.B.I., in my view, because, at crack of dawn the next morning, a public works team was sent to that brush area and cut down all of the brush—all of the mulberry bushes that were there were stripped, and the—the—the—the area was laid bare. Now, that was done, in my view, to cover the fact that it—there could ever have been concealed a sniper in the brush. By cutting that—by t—so tampering with that crime scene, they made it impossible. I know Earl Caldwell has said over years—people have said: Well, we've seen photographs of that area—which were, of course, taken the next day and thereafter—there's no possibility that a sniper could hide there. Earl says: Well, I saw him; he was covered in this brush—there was brush there. Well, there was brush there; Earl Caldwell was right, as were—as were others. But that brush was cleaned thoroughly—cut down, raked up, ah, the next morning. As were the trees cut prior to the assassina-

tion—it's very interesting that there's a—ah, if one looks at a—a photograph and sees a bra—a large branch hanging over the wall of, ah—of that area across the street— Well, that branch was cut relatively soon, ah, prior to the assassination; and I know that, because I interviewed a, ah—a fireman who had one piece of information, and he wa—he was walking down there in the evening and—of the—after the assassination, and he saw something that struck him—he saw white wood. He saw the, ah—the, ah—where that branch was—was cut, he saw the wood was still white. Which indicated and put a—and imprinted in his mind the fact that that branch had somehow been cut fairly recently. And that's all that fireman contributed to the body of knowledge about this case. But it's a—but it's—it's critical, because that branch, if it had extended straight up—it was quite a lengthy branch and could've, ah—it could very well have, ah—have blocked the bathroom window and made a bathroom, ah, ah, scenario i—incredible. So it was cut.

INTERVIEWER Let's pick it up where, ah, James—he's now at the gas station.

W. PEPPER Um-hum.

INTERVIEWER Take me from there, now.

W. PEPPER Um-hum. Well, he was at the gas station, trying to get this tire repaired, and, ah—and he states that, ah, he—he—he couldn't—ah, it was too busy a time of day; they—he would've had to hang around too long, so he—he didn't stay there; he got in the car—he thought he would then simply go back and leave the car at the, ah—at the rooming house. So he went—ah, ah, he—he went, ah, by way of, ah—of North Second, ah, ah, ah—I'm sorry—South Second Street and, ah, came up to a street called Calhoun, which ran—ah, which—which ran into South Main. But it was—it was south of the area—south of the rooming house area; and as he got to the corner of Calhoun and South Main, ah, he saw already that there were—there w—there were police barricades and policemen everywhere. Well, [BACKGROUND NOISE] the state makes a great deal a' the fact that James fled the scene—you know, they—ah, but James was, ah, one must remember, a fugitive; he was on the run, and, ah, he was certainly not going to hang around where—wherever he saw police; so he turned left and went—ah, headed in the opposite direction and, ah, began to make his way out of Memphis.

INTERVIEWER Now, ah, supposedly there were some eyewitnesses in that one area where the—the bundle was found, who not only heard this bundle drop and saw it but also saw a Mustang go by right after that.

W. PEPPER Yes, that appears to be the case—there were, ah—there were t—there were two people in, ah, ah, Mister Knipe's store—in addition to Mister Knipe—one, ah, ah, was a chap called Julius Graham, and the other was a fellow called Vernell Finley—they were customers in that store. Unfortunately, they're both dead, but they did give statements to the police. And the statements are—are—are—are reasonably, ah, ah, the same. What they allege was that, ah, at one point, they saw a person—ah, they heard a thump outside the door of this shop, and they saw a person, ah, proceeding south after dropping, ah, ah, this bundle—whatever it was. Shortly thereafter—they didn't see him enter a car, but shortly thereafter, they did see a white Mustang pull away. Now, that Mustang was the second Mustang. It was parked south of Knipe's, whereas James' Mustang was parked north of Knipe's. You have to understand, Jim's Grill, where, ah—in front of which James parked, was north of Knipe's Amusement Parlor, and, ah, that's where James parked. South of that is where the second Mustang was parked. Now, that was the Mustang that they saw the person enter and drive away. Both, ah, Finley and Graham and also—and also Mister Knipe—and, ah, he's—he's a—he's also deceased. The interesting pa—point about that second Mustang is that it had Arkansas plates. And we know it had Arkansas plates—not Alabama plates, but Arkansas plates—because Charlie Hurley, who was coming to pick up his wife, who worked right across the street at the Seabrook Paper Company, pulled up behind it. It was in a position where he normally waited for h—where he normally parked and waited for his wife; but that day, he had to pull up—ah, it was parked there, and he pulled up behind it. And when he pulled up behind it, he happened to notice the Arkansas plates, because someone at work had similar—a similar car and also had Arkansas plates, and so it stuck in his mind. So, ah, he noticed the Mustang at approximately, ah, ah, ah, the—ah, ah, early—a little earlier in the afternoon, and, ah—as did his wife, when she came out and got into the car, and they drove away.

INTERVIEWER Tell me again what Charlie Stevens saw. And how basically that [UNCLEAR]—

W. PEPPER

Charlie Stevens al—alleges that he saw a man leaving the, ah, second floor of the rooming house after the shooting, ca—ah, carrying something. Ah, he, ah, identified the man as being the same person—ah, in one instance the same person who rented the room from Misses Brewer; but he only saw a—a profile, he said, and he saw it fleetingly; and at various times—

[BACKGROUND CONVERSATION]

GOIN' ON TO CAMERA ROLL 6, TAKE 6.

MARK.

INTERVIEWER

Pick that up again with, ah, ah, Charlie Stevens, if you will—ah, explain what he saw and why that really isn't relevant.

W. PEPPER

Charlie Stevens' statement was that he saw the profile of a man leaving the second floor a' the rooming house carrying something, and that that profile, ah, reminded him of the person who rented the room from Bessie Brewer earlier that afternoon. Ah, at various time, however, Charlie Stevens has said that, ah, he—he— he didn't recognize him—didn't see anything—couldn't make an identification—again—so his statements have been v—have been, ah, inconsistent from time to time. And, of course, we believe that he was simply too intoxicated to have seen anything.

INTERVIEWER

Following, ah, James Earle Ray leaving the area—ah, summarize for me where he went, how he left the country and how he was ultimately arrested.

W. PEPPER

He made his way, ah, to Atlanta—he drove to Atlanta, a bundle— abandoned the car in a, ah—in a housing development parking lot. Ah, picked up his, ah—some—some effects that he left at the rooming house there—some laundry—and then took a bus to Cincinnati. And moved on from Cincinnati into, ah—to Detroit and on into Canada. To Toronto. Ah— He [SIGHS] at—at— attempted to get, ah, ah, birth certificates—eventually, ah, obtained a passport, ah, by providing an affidavit that he was Canadian citizen, which was a means of obtaining a passport that he—he didn't know existed, ah, until this travel agency t—ah, woman told him the second time around. Ah, he got his passport, ah, ah, and, ah, ah, eventually left the country and went to England. Ah, w—he—he, ah, went from, ah, Heathrow, ah, to, ah—to Portugal,

and he was hoping really to leave and to go d—ah, to go to, ah, Africa from Portugal. In—under one guise or another. And he simply couldn't management and wasn't successful—came back to Heathrow, stayed in London for a period of time, whilst he explored the possibilities of going to one or another foreign country. Eventually decided he was going to try to go to, ah—to Africa by, ah—by, ah, travelling through Brussels, making some connections in Brussels and going on. And he, ah, was—was picked up at Heathrow Airport on, ah—when he—ah, when he was, ah, see—seeking to get to Brussels. Ah, there was a mistake in the spelling of his name on the passport, and he had had to have that corrected, and, ah, ah, there was a watch out for him at that point in time under the name of George Raymond Snedd, and he was picked up, and he was held in London. At first, he, ah, fought extradition, ah, was advised that, ah, it was futile, and that he wouldn't be allowed funds for, ah, the appeal. Ah, of the denial of his, ah, request—his application. And so he decided to return to the United States. A, ah—he had, ah, two lawyers of choice—one was F. Lee Bailey, who wouldn't take the case, and the other one was Arthur Haines, a Birmingham, ah, ah, lawyer, who—who agreed to take the case. So he, ah—Arthur Haines was his first lawyer, and, ah, he was flown to Millington Air Force Base outside of, ah, Memphis. Arrived about three o'clock in the morning on, ah—on the—on the, ah—on the—the 20th of, ah, July, and, ah, then his ordeal began.

[BACKGROUND CONVERSATION]

- INTERVIEWER Okay—if you can just pull your jacket down—
- W. PEPPER Um-hum.
- INTERVIEWER —just a shade, [UNCLEAR]. The, ah— Explain to me again just how long James had asserted this story about Raoul and ultimately why he nevertheless pled guilty.
- W. PEPPER He has taken this position of the existence of Raoul, ah, right from the beginning. This is always—I mean, from the—from the moment when he started to speak to his lawyer, he told him of meeting Raoul in the Neptune up on—in Montreal. So he's been consistent with that. There's been inconsistency in respect of certain specific details, but the twenty-four have passed, and, ah, it's a—ah, he's assimilated a lot of information—that's true—but

also his memory has dimmed. And so there were—there—in terms—in terms a' some a' the details, ah, ah, ah, he has at various times made different statements. But, ah, he— When he was under the control of the, ah, Shelby County Sheriff's Department and in that jail under those circumstances, ah, that were, ah, ah, psychologically, ah, ah, debilitating, in—in the view of just about everyone I know, ah, he gradually was worn down. Ah, he came to believe that, ah, his first lawyer, Arthur Haines, [BACKGROUND NOISE] was not serving his interests well, so he fired him. See, James was an indigent. This was a highly complex case. It required an investigation all over the United States, because he travelled all over the United States. Indeed, ah—ah, indeed, to Canada and the, ah, U.K. and Portugal, as well. It was not gonna be an inexpensive defence; it was going to cost a very considerable amount a' money, and he had no money. So he could not afford adequate counsel, unless there was some special arrangements. Those arrangements were—Arthur Haines entered into a contract with an author—William Bradford Huey—and the deal was that Huey would provide, ah, money for the defence—for Haines—in—in, ah, exchange for information that James would provide him, and he then—he, Huey, would then attempt to investigate the case as a—as a reporter. So we are faced with a situation where Arthur Haines would be a messenger for a writer; he would carry questions to James from the—from the author, James would write the answers, Haines would take them back to Huey, Huey would then go about his business of investigating. James early on became convinced that Huey was providing the F.B.I. with certain, ah—ah, certain information, because they were turning up at, ah—at spots and seeing people, and they normally wouldn't've—have even know about. So he came very uneasy with this whole relationship. Effectively, a—an—an author was determining the policy and the strategy of the defense here. It was essential to—ah, for the value of Huey's property—and, ah, he was paying for literary property—it was essential to the value of this property that James not take the stand. Because, if he took the stand, everything he said was in the public domain. And that didn't serve, ah, Huey or his publishers interests, so Huey was putting a great deal a' pressure on Haines for James not to—not to testify—James wanted to testify. The deal eventually was, ah, ah, ah, ah, that, ah—in fact, Haines was not going to put, ah, James on the stand; he would have a trial, but Haines would keep him off the stand. This would serve Huey's interests, and yet there would be a trial. The ultimate, ah, benefit to Huey would be