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INVESTIGATION OF THE ASSASSINATION
OF MARTIN LUTHER KING, JR.

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APPENDIX TO
HEARINGS

BEFORE THE

SELECT COMMITTEE ON ASSASSINATIONS

OF THE

U.S. HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

VOLUME XIII

(SCIENTIFIC REPORTS)

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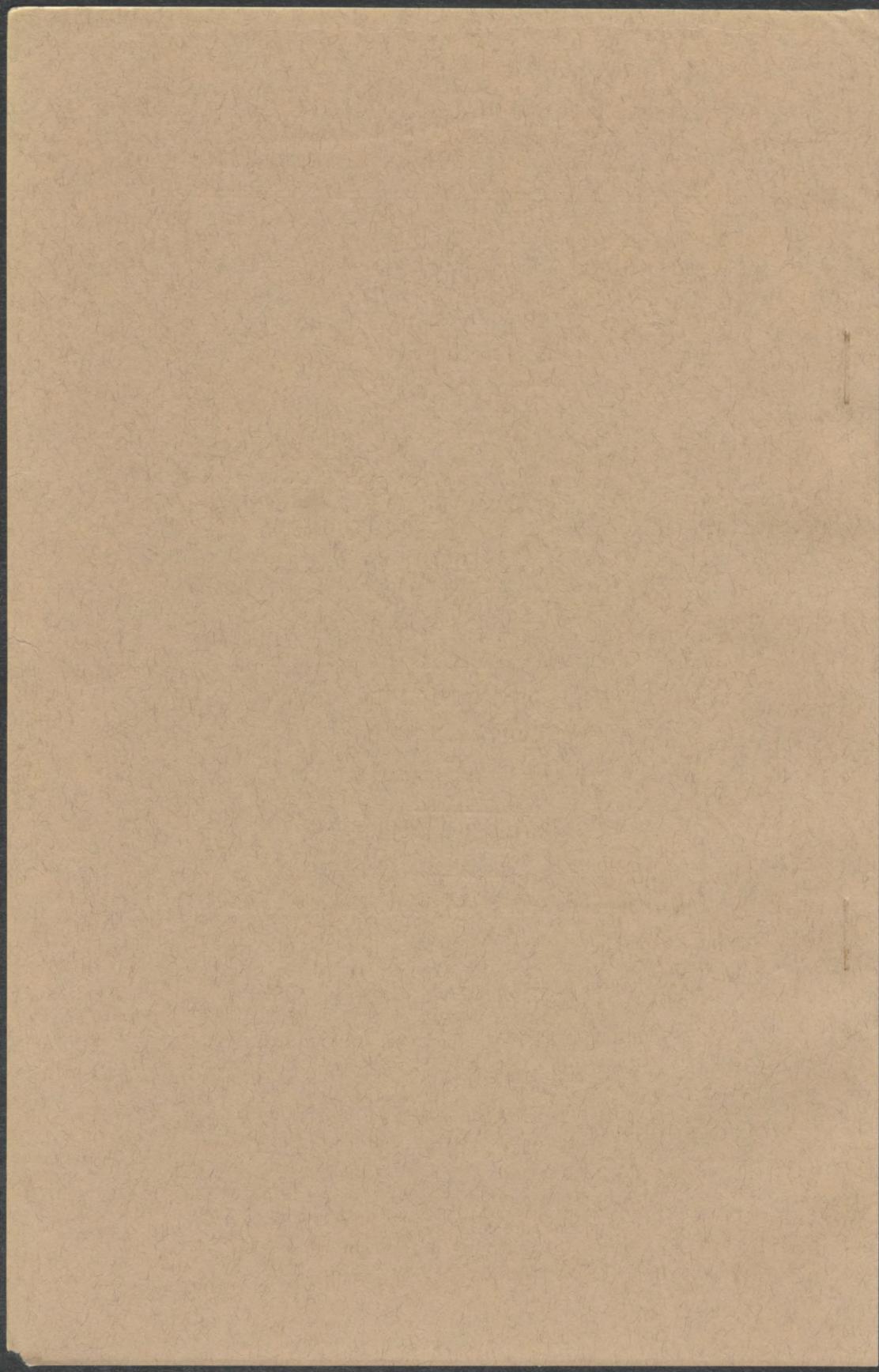
(SUPPLEMENTARY STAFF REPORTS)

MARCH 1979

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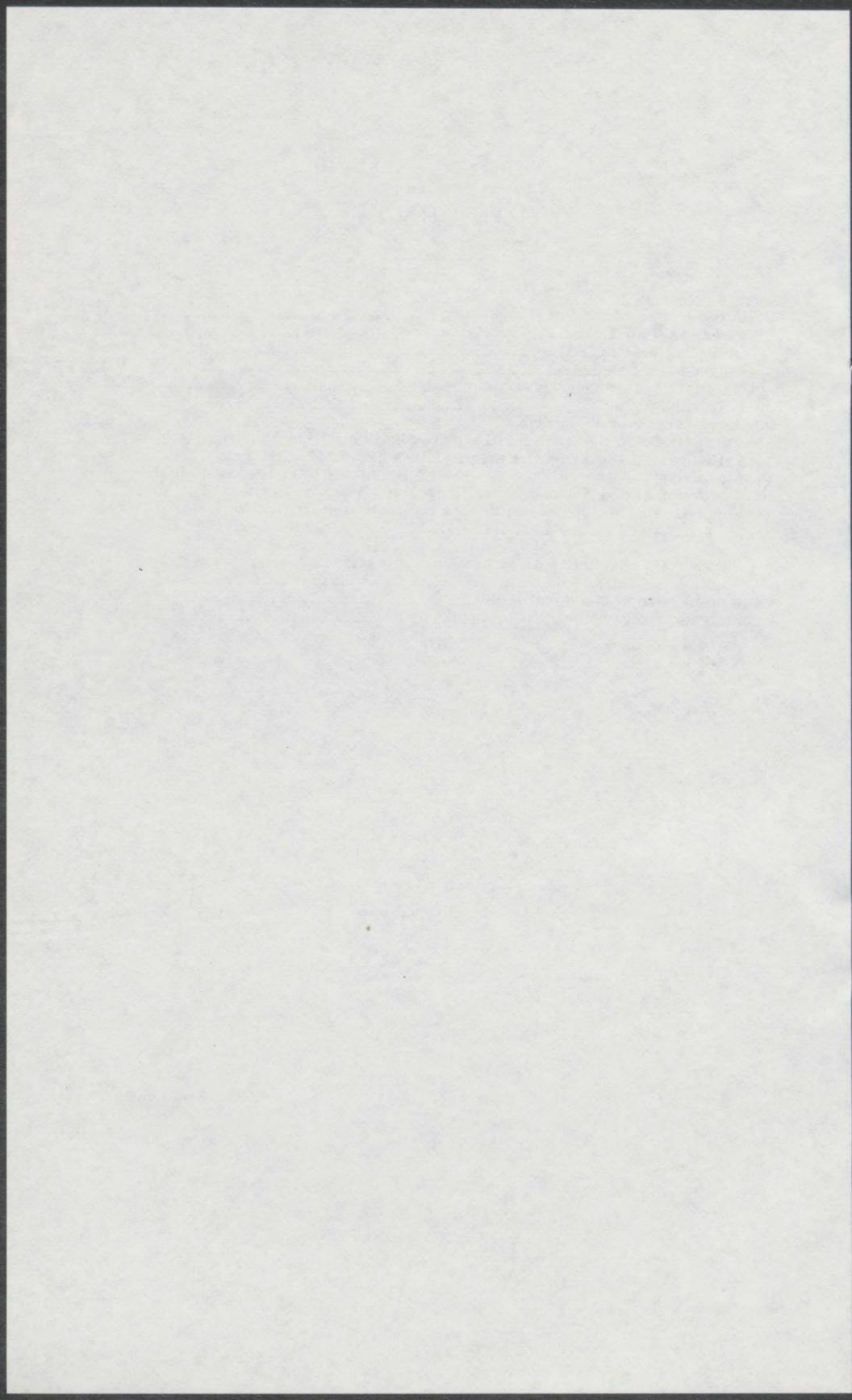
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SCIENTIFIC REPORT ON THE SUBJECT OF
THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

By

THE FORENSIC PATHOLOGY PANEL

MICHAEL BADEN, M.D.,
Chief Medical Examiner of New York City, N.Y.

JOHN I. COE, M.D., *Chief Medical Examiner of Hennepin County, Minn.*

JOSEPH H. DAVIS, M.D., *Chief Medical Examiner of Dade County, Fla.*

Report to the
Select Committee on Assassinations
U.S. House of Representatives
Ninety-fifth Congress
Second Session

March 1979

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INTRODUCTION

(1)* Dr. Martin Luther King, Jr., was fatally wounded at 6:01 p.m., as he stood in front of his room, No. 306, on the second-floor balcony of the Lorraine Motel in Memphis, Tenn. Within minutes, an ambulance was dispatched to the scene from Memphis Fire Station No. 3 at Third and Linden Streets. While enroute to St. Joseph Hospital, the ambulance crew administered oxygen to the unconscious Dr. King and tried to stop the bleeding.

(2) Dr. King was admitted to St. Joseph emergency room No. 1 at 6:15 p.m., and was examined initially by Ted J. Galyon, M.D. In his report concerning the emergency room treatment of Dr. King, Dr. Galyon noted that the victim was unconscious. He observed a "large gaping wound in the root of the neck on the right which was not actively bleeding . . ." (1) and blood covered Dr. King's neck, shoulder, and clothes. Dr. Galyon noted a palpable heartbeat and radial pulse, and began blood transfusions. John Reissner, M.D., began a second cutdown for a transfusion through the saphenous vein of the left ankle.

(3) Rufus Brown, M.D., the chief surgical resident-in-charge of the emergency room, arrived at 6:18 p.m. and made a tracheotomy incision in the neck because breathing had ceased. That operation, into the trachea or windpipe, was completed with the assistance of Jerry Barrasso, M.D., a general surgeon, who came into the room at 6:22 p.m. The cardiac monitor indicated weak to no heart function. Intracardiac adrenalin was injected into Dr. King and cardiac massage begun.

(4) Dr. Galyon and Dr. Barrasso explored the neck and concluded there was a complete loss of spinal cord substance in the lower neck area between the seventh cervical and first thoracic vertebrae. A neurosurgeon, Fred Gioia, M.D., confirmed this diagnosis. At this time, Dr. King's pupils were dilated, and the electrocardiogram indicated no heart function. Resuscitative efforts were continued, but there was no indication "of any kind of vital signs." Dr. King was pronounced dead at 7:05 p.m. by Dr. Barrasso. Death was attributed to a gunshot wound to the right side of the face and neck.

(5) Postmortem X-rays were taken before Dr. King's body was removed to the John Gaston Hospital city morgue. Officers of the Memphis Police Department retained Dr. King's clothing and other belongings that they recovered in the emergency room. Shelby County Tennessee Coroner J. W. Ross and Shelby County Medical Examiner Jerry T. Francisco, M.D., recommended that an autopsy be performed.

*Arabic numerals in parentheses at the beginning of paragraphs indicate the paragraph number for purposes of citation and referencing; italic numerals in parentheses in the middle or at the end of sentences indicate references which can be found at the end of each report or section.

County District Attorney Phil N. Canale ordered the autopsy after notifying the next of kin, Mrs. Coretta Scott King, wife of Dr. King, as required by Tennessee law. (2)

(6) Dr. Francisco began the autopsy of Dr. King at 10:45 p.m. that same evening. (3) He removed a deformed bullet from Dr. King's back, scratched the autopsy No. 252 on the fragment, photographed it, and then gave it to Lt. James D. Hamby, Memphis Police Department. Lieutenant Hamby gave it to agents of the Memphis Federal Bureau of Investigation field office, and the bullet, as well as other evidence, was sent to the FBI Laboratory in Washington, D.C., early in the morning of April 5, 1968. It was identified as a .30-06 caliber, metal-jacketed, soft point Remington-Peters bullet.

(7) On April 11, 1968, Dr. Francisco submitted his autopsy findings, a report which became a public document under Tennessee law.

(4) He concluded that Dr. King's death was the result of a single "gunshot wound to the chin and neck with a total transection of the lower cervical and upper thoracic spinal cord and other structures of the neck." (5) He also noted that these injuries were fatal shortly after Dr. King was wounded.

(8) Dr. Francisco testified to his findings on March 10, 1969, at the guilty plea hearing of the accused perpetrator, James Earl Ray. At this hearing, the prosecution entered into evidence proof of the corpus delicti, or body of the crime, as required by Tennessee law. Francisco said, among other things, that he had visited the crime scene at the instruction of the prosecution, and that, in his opinion, the angle of the bullet through Dr. King's body was consistent with a shot fired from the second-floor bathroom window at the rear of a roominghouse located at 418-422½ South Main Street. (6) Other evidence indicated this was the site of the origin of the shot.

(9) Several critics have taken issue with Francisco's testimony concerning the angle of the shot. (7) Some have charged that his testimony was deficient, that it provided no basis for the conclusion that the shot came from the bathroom window, and that he did not state he knew where Dr. King was standing, the direction he was facing, or whether he was leaning over when he was shot. In addition, at least two eye-witness accounts placed the origin of the shot in a clump of bushes beneath the windows of the roominghouse, not the bathroom window. Solomon Jones, Dr. King's chauffeur in Memphis, said that he saw someone run from these bushes, on the embankment sloping down from the roominghouse, immediately after the shot was fired, and Harold Carter reportedly heard the shot and saw a man with a rifle run from the bushes.

(10) Questions also have been raised about the autopsy report itself. Critics have asserted that there are several ambiguities and errors in Francisco's report. First: That although two entry wounds are mentioned in the chin and neck, there is no explanation of how the bullet exited from the first wound. Second: The angle of the bullet's trajectory and its path through the body was not clearly delineated, further clouding the issue of the shot's origin. Third: The bullet fragment removed from Dr. King was not weighed and Dr. Francisco did not mention whether other bullet fragments were present in the body. Fourth: It was charged that Dr. Francisco failed to include the results of post-

mortem X-rays in his report. Finally: Dr. Francisco did not attempt to identify the "blackened debris" found in the entrance wound.

(11) To fulfill one aspect of its obligation to investigate all of the circumstances surrounding the death of Dr. King, and in its attempt to resolve the issues raised by critics, the committee convened a panel of forensic pathologists to review the medical treatment provided Dr. King and the autopsy procedures and conclusions.

(12) From among the nine leading forensic pathologists it had previously engaged to evaluate the death of President John F. Kennedy, the committee chose three pathologists to study the death of Dr. King. (The selection process is reviewed in the introduction to the John F. Kennedy medical panel's report.) Each panel member is an experienced medical examiner, qualified to conduct medical-legal investigations to determine the cause of death in cases of violent, suspicious, unexplained, unexpected or medically unattended deaths, and specifically trained to evaluate attendant aspects of death that might have medical-legal significance. The forensic pathologist has expertise, by training and experience, in correlating circumstances of death, the evidence at the scene of death, the autopsy, and toxicologic and other laboratory findings, to evaluate injury or illness and to determine the cause of death. A medical-legal autopsy includes determination of the identity of the deceased, the cause and manner of death, and other information that may be of value in subsequent proceedings. In this instance, the three member panel reviewed medical reports, physical evidence, photographs, X-rays, clothing, scene investigation, the autopsy findings, and microscopic slides.

(13) The three forensic pathologists chosen to serve on the committee's King panel were Dr. Michael Baden, chief medical examiner of New York City; Dr. John I. Coe, chief medical examiner of Hennepin County, Minn.; and Dr. Joseph H. Davis, chief medical examiner of Dade County, Fla.

(14) Dr. Michael Baden received an M.D. degree from New York University School of Medicine in 1959 and completed his residency in pathology at Bellevue Hospital in 1964. He has been a visiting professor of pathology, Albert Einstein School of Medicine, adjunct professor of law, New York University Law School, and lecturer in pathology at the College of Physicians and Surgeons, Columbia University. A lecturer at various law and medical schools on legal medicine, he is presently an associate professor of forensic medicine at the NYU School of Medicine.

(15) Dr. Baden was a special forensic pathology consultant to the New York State Organized Crime Task Force that investigated the violence and deaths at Attica Prison in 1971, and he is a member of New York State Commissions investigating deaths in prisons and mental hygiene hospitals. He is the author of numerous professional articles and books.

(16) Dr. John I. Coe received his M.D. degree from the University of Minnesota in 1945 and completed his residency in pathology in 1950. He received certifications in pathologic anatomy and forensic pathology from the American Board of Pathology.

(17) Dr. Coe is a fellow of the American Society of Clinical Pathologists and the American Academy of Forensic Sciences. He is a

founding member and 1979 president of the National Association of Medical Examiners, and also belongs to the International Academy of Pathology, among other professional organizations. He is a professor of pathology at the University of Minnesota. Dr. Coe is the author of numerous articles that have appeared in professional journals, and he has contributed to several books.

(18) Dr. Joseph H. Davis received his M.D. degree from Long Island College of Medicine in 1949 and completed his residency in pathology at the U.S. Public Health Service Hospital in New Orleans. He received his certifications in pathologic anatomy and forensic pathology from the American Board of Pathology.

(19) Dr. Davis has served as vice president of the American Academy of Forensic Sciences. He has been a vice president and, from 1975 to 1976, president of the National Association of Medical Examiners.

(20) Dr. Davis is chairman of the Florida Medical Examiners Commission and a professor of pathology at the University of Miami Medical School. He has written numerous articles for professional journals.

(21) The medical panel was assisted by Ida Dox, a medical illustrator with the Georgetown University School of Medicine and Dentistry in Washington, D.C.

(22) Ms. Dox graduated from Tulane University in 1951 and from the Johns Hopkins University Medical School Department of Art as Applied to Medicine in 1954. From 1954 until 1957, she was a medical illustrator for the Anatomy Department of the Georgetown University School of Medicine and Dentistry, and since 1957 she has worked as an illustrator with the Department of Medical-Dental Communication at Georgetown. Over 4,000 of her illustrations have been published in medical journals, textbooks, and periodicals.

(23) The committee asked the members of the King forensic pathology panel to consider the following issues:

(24) 1. Was the damage to Dr. King's body and clothing consistent with that normally caused by a missile of the type recovered from his body?

(25) 2. What medical treatment was administered to Dr. King by the ambulance crew hospital staff? Was it responsible and complete? Were reports of medical treatment and accompanying exhibits accurate and complete?

(26) 3. What autopsy procedures were followed? Was the autopsy conducted responsibly and in accordance with prescribed practices of forensic pathology? Were autopsy reports and accompanying exhibits accurate and complete?

(27) 4. Does the trajectory of the bullet as it can be determined from the entrance wound and the path of the bullet through the body indicate the point of origin of the shot?

(28) The panel was encouraged to explore any additional issues relating to the death of Dr. King that it deemed appropriate.

(29) On May 26 and 27, 1978, the forensic pathology panel met with the committee and medical illustrator Ida Dox at the committee offices in Washington, D.C. The panel examined the available evidence relating to the injuries sustained by Dr. King, including the clothing worn by Dr. King at the time of his death; the bullet fragment recovered from his body; color and black and white photographs and 35-millimeter slides taken in the emergency room and during the course

of the autopsy; microscopic slides and tissue blocks from the autopsy and the neuropathology study; medical reports, notes and documents submitted by the physicians who treated Dr. King and the medical examiner; X-rays; and firearms evidence, including a preliminary report of the committee's firearms panel. The committee obtained evidence from the offices of the Shelby County medical examiner, the Shelby County attorney general and the Criminal Court of Shelby County. The materials were stored in the committee's security unit, and all available original materials were examined in the committee's offices.

(30) The panel visited the scene of the homicide in Memphis on June 10, 1978, with Herbert G. Koogle and Joe M. Stewart of Koogle and Pouls Engineering, Inc., the committee's civil engineering consultants who surveyed the scene. While in Memphis, the panel members also interviewed Dr. Francisco, Dr. Galyon, and Dr. Brown.

(31) The panel consulted with other specialists in the course of their work. At the request of the panel, Dominic J. Cara, M.D., Memphis, Tenn., reexamined the X-rays that were taken at the St. Joseph Hospital emergency room, and David O. Davis, M.D., Washington, D.C., independently reviewed those X-rays. The panel also asked McCrone Research Institute, Chicago, Ill., to analyze particulate matter in the skin on the microscopic slides that had been prepared from the autopsy.

I. SUMMARY OF THE EVIDENCE

(32) The King forensic pathology panel reviewed the following evidence related to the death of Dr. Martin Luther King, Jr. (Federal Bureau of Investigation questioned evidence index numbers or Q numbers are noted where appropriate.)

A. *Physical evidence*

(1) Clothing worn by Dr. King at the time he was shot:

- (a) White shirt (Q76).
- (b) Necktie (Q77).
- (c) Suitcoat (Q78).
- (d) Trousers (Q79).
- (e) Socks (Q80 and Q81).
- (f) Undershorts (Q82).
- (g) Undershirt (Q83).
- (h) Shoes (Q84 and Q85).
- (i) Handkerchief (Q235).

(2) Materials from Shelby County Medical Examiner Dr. Jerry T. Francisco's autopsy:

- (a) Microscopic slides (15).
- (b) Paraffin blocks (14).
- (c) Microscopic slides of brain sections (18).
- (d) Paraffin blocks of brain sections (18).

(3) Firearms evidence:

- (a) Remington Gamemaster .30-06 rifle with a Redfield telescopic sight (Q2).
- (b) Peters high velocity centerfire cartridge box (empty).
- (c) Five unfired Remington-Peters .30-06 cartridges (Q4-Q8).
- (d) Four military .30-06 caliber cartridges (Q9-Q12).

- (e) Bullet fragment recovered from Dr. King's body (Q64).
- (f) An expended Remington-Peters .30-06 Springfield cartridge case (Q3).
- (g) Browning rifle packing box (Q1).
- (h) Remington Gamemaster rifle packing box.

B. *Photographic evidence*

- (1) Photographs of Dr. King's white shirt (Q76), necktie (Q77), and suitcoat (Q78).
- (2) Postmortem photographs taken in the emergency room and at the autopsy:
 - (a) Color 35-millimeter slides (20).
 - (b) Color prints (from slides) (20).
 - (c) Black-and-white prints (14).
 - (d) 35-millimeter slides of brain sections (6).
- (3) Photographs of the crime scene.

C. *X-rays of Dr. King (10), some duplicates, from St. Joseph Hospital and the office of the Shelby County medical examiner*

(33) The panel also reviewed reports and notes written by the physicians who treated Dr. King at the St. Joseph Hospital emergency room, as well as the reports of Dr. Francisco. On June 10, 1978, the panel examined the scene of the homicide in the Lorraine Motel/Brewer roominghouse area of Memphis, Tenn.

II. OBSERVATION AND ANALYSIS OF THE EVIDENCE

A. *Physical evidence*

(1) Dr. King's clothing:

(34) The panel examined the clothing worn by Dr. King at the time he was shot on April 4, 1968. The clothing had been analyzed by the FBI Laboratory in Washington, D.C., during its 1968 investigation of the assassination. The panel studied the clothing and made the following observations:

(35) (a) Black suitcoat (Q73) with a single button in the front, manufacturer Petrocelli label—distributed by Zimmerman of Atlanta, Ga. Three defects are present in the right lapel, damaging the outer suit fabric which is not torn completely through. The point of disruption begins 2 inches above and medial to the small 1-inch lapel notch. The defects extend upward along the edge of the collar for 2 inches, revealing the inner liner material. The lower defect is triangular, measuring approximately 0.3 by 0.4 inch; the middle defect is irregular, measuring approximately 0.6 inch at its widest point; and the superior defect is approximately 0.4 by 0.4 inch with a rip extending 0.5 inch laterally along the upper margin of the defect. The tan-colored lapel lining of coarse weave material is intact except for a tiny vertical rent, approximately 0.3 inch in length, at the uppermost defect. The edges of the cloth were frayed, but the collar is not perforated completely through its multiple layers. The outside and inside of the coat's collar and back show apparent bloodstains. The right sleeve of the coat and the material immediately above the right inside pocket had been previously cut.

(36) (b) A narrow-collared, long-sleeved white shirt (Q76), Arrow label, made of Dacron polyester. The top button is missing but the

button threads, although frayed and bloodstained, are still on the shirt. When viewed with the collar down in the usual wearing position, one defect completely penetrates through the collar on the right, disrupting the top seam along the upper edge of the shirt. The defect begins about 1 inch from the front of the collar and about 0.3 inch from the side of the free edge of the collar. The margins of the defect are frayed and irregular. When viewed with the collar spread flat, the defect varies from 0.5 to 1.4 inches wide by 3 inches in length. Immediately adjacent to the upper edge of the large defect is an additional small superficial defect that does not completely perforate the collar but only affects the outer layer. This defect measures approximately 0.4 by 0.2 inch, about 0.4 inch from the side of the collar, and is similar to the three superficial defects on the collar of the suitcoat. The shirt cloth had a chemical odor and purple to red dye specks on the material. The panel was advised that the odor and specks were the result of testing by the firearms panel. The back of the shirt and the right shoulder are stained by what appears to be old dried blood. The shirt sleeve has been cut.

(37) With the suitcoat and the shirt in the usual wearing position, the defect in the shirt would be immediately below the angle of the jaw with the coat collar a little lower and to the side of the jaw. The defect of the shirt corresponds to the neck injury described in the autopsy and shown in the autopsy photographs. The thin strand of skin between the skin defects approximates the uppermost edge of the shirt collar.

(38) (c) A gold and black necktie (Q77), labeled Apparel Shop. The tie is severed just to the right of the knot, and the edges are frayed.

(39) (d) A white T-shirt (Q83) of Lewis manufacture, size M. Its collar, apparently bloodstained, is free of defects. The shirt has been cut in the front. The panel also examined other miscellaneous items of clothing, which were free of any significant defects: a bloodstained handkerchief (Q235); one pair of black trousers that matched the suitcoat (Q97) (28½-inch inseam measurement); one black slip-on right shoe (Q84); one black slip-on left shoe (Q85); one black boxer shorts, Sherwood brand, size 34 (Q82); and one pair of black socks (Q80 and Q81).

(2) Materials from the autopsy:

(40) The panel examined 15 hematoxylin and eosin stained slides from the autopsy. Each slide was labeled "A-68-252 mm" except one slide of a larynx section labeled "Francisco, Decal, P.D." Eighteen additional hematoxylin and eosin stained slides were of the central nervous system; they were labeled "A-68-252LH," and numbered from 1 to 17, two slides having the number 13.

(41) Three duplicate sections of skin are mounted on one microscopic slide. Numerous hair follicles and sebaceous—oil—glands with melanin pigment of the hair and the basal epidermal layers characterize the skin. The epidermis and underlying tissue along one edge are disrupted showing changes typical of a gunshot entrance wound. Hemorrhage without reaction is evident. There are several black opaque fragments of material in the margins of the tissue depths, varying in size, with the largest approximately 30 by 100 micra. The fragments do not transmit light. The edges of the largest fragment tend

to be rather sharp. This amorphous debris is not characteristic of gunpowder residue and there is no other evidence of such residue. Another slide of the skin was made after reembedding, according to Dr. Francisco, and has the same characteristics as the previous slide but lacks epidermis and is seen from a different angle.

(42) One slide of a larynx and vocal cord shows extensive hemorrhage in the submucosal and muscular tissue. The cartilage shows some ossification along one edge.

(43) Two slides of lung show intra-alveolar hemorrhage focally and focal intrabronchial hemorrhage. Sections of thyroid gland reveal scant interstitial hemorrhage. A coronary artery section has a minimal to moderate amount of arteriosclerotic plaque formation—an indication of hardening of the arteries—containing a few lipid—fat—deposits. Two slides of the heart are not remarkable. The liver shows pronounced vacuoles within the cytoplasm diffuse throughout the lobules but not involving every cell. The pancreas, spleen, kidney, prostate and adrenal glands are not remarkable. No sickling of the red blood cells is evident.

(44) The opaque debris in the skin section noted above could not be further defined by light microscopy. The panel submitted to McCrone Institute, Chicago, Ill., two slides for analysis of the dark, opaque material. In subsequent analysis, this material was identified as lead particles, and it was the interpretation of the panel that they were derived from the bullet proper after impact. The particles were not gunpowder residue. The following report, dated August 10, 1978, was submitted to the panel by Mr. Skip Palecik, senior research microscopist with McCrone.

(45) We have identified the black amorphous particles in the tissue sections which you submitted—2 slides labeled A68-252 mm—as particles of lead metal.

(46) The particles were examined microscopically when they were found to be completely opaque by transmitted light * * * and silver-gray by reflected light. * * * Particles were present in the same position in each of these serial sections. The presence of striations on the surface indicated the metal was soft. They can be accounted for by the edge of the microtome blade used to cut the sections. The striations all run in the same direction on each of the particles which confirms that they were caused by the microtome blade and are not, for example, due to the rifling of a gun.

(47) The particles were then readily identified as a gray metal, ruling out such metals as copper, brass and bronze, for instance. With your permission we cut out a small circle of coverslip * * * and removed and washed the 60 x 21 mm particle of metal shown in the figure. This was then mounted on a beryllium plate with amyl acetate and collodion for analysis with the electron microprobe analyzer.

(48) The analysis shows the particle is principally lead, possibly with a trace of zinc. Some silicon, sulfur and potassium were also detected. The silicon may be due to glass particle contamination on removal of the sample from the slide. The traces of sulfur and potassium could be due to contamination from the explosive power used to propel the projectile. The

possible sources of these minor elements is, however, open to speculation since they may conceivably be associated also with the tissue dyes used, the tissue itself or a fixative.

(49) The 18 hematoxylin and eosin stained slides of the central nervous system include sections of cervical spinal cord. One spinal cord slide shows a scant amount of hemorrhage beneath the arachnoid membrane along the edge. Tissues from the injured area of the spinal cord were not submitted for gross or microscopic evaluation.

(50) The paraffin blocks obtained from Dr. Francisco corresponded to the microscopic slides received and reviewed by the panel, except for one section of skin, mentioned above, that had been reimbedded and recut.

(3) Firearms evidence:

(51) The panel examined the following firearms evidence (FBI questioned evidence index numbers or Q numbers are noted where appropriate).

- (a) Model 760, Remington Gamemaster, .30-06 caliber pump-action rifle, serial number 461476, with a Redfield brand two-to-seven-power telescopic sight (Q2).
- (b) A Peters .30-06 Springfield caliber cartridge box. (The box was empty and the surface was soiled with fingerprint powder. The box contained a styrofoam receptacle.)
- (c) Five unfired Remington-Peters .30-06 Springfield caliber cartridges with the bullets pulled and separated from the powder (Q4-Q8). (Each bullet had been cut longitudinally to expose the core.)
- (d) Four military .30-06 caliber cartridges of Remington-Peters manufacture with the head stamp RA55 (Q9-Q12).
- (e) A bullet fragment in a small cardboard pillbox (Q64), labeled "A68-252 Bullet removed from Dr. Martin Luther King on 4-4-68, at 2140. Placed in plastic by J. Francisco No. 252 on base." (The evidence envelope contained a major portion of a bullet jacket with "252" scratched on the base, and showing six right hand grooves. A corresponding fragment of a lead core and a small fragment of bullet jacket were also present. Some specks of transparent material consistent with dehydrated tissue removed from the bullet were also included in this exhibit.)
- (f) An expended Remington-Peters .30-06 Springfield caliber cartridge case (Q3). (There was no powder debris inside the cartridge.)
- (g) A Browning rifle packing box (Q1).
- (h) An empty, cellophane-wrapped cardboard box, labeled "Remington Gamemaster Slide Action High Power Rifle, serial No. 461476, model 760, .30-06 Springfield, stock number 9684."

(NOTE: The panel was informed that the alleged murder weapon was recovered inside the Browning box (Q1) on April 4, 1968, in the doorway of Canipe's Amusement Co. at 424 South Main Street, Memphis, Tenn. The Remington box was found subsequently by the FBI during the course of its 1968 investigation of the death of Dr. King.)

(52) The medical panel reviewed a preliminary report of the King firearms panel including the results of the Greiss nitrite tests and four

11- by 14-inch glossy sheets of paper upon which testing had been done for nitrites. One sheet contained a test fire pattern of gunpowder residue labeled "3 to 6 inches away" that bore an orange stain. The other three sheets, dated September 24, 1977, were patterns of Dr. King's jacket, shirt and tie that showed no stain, indicating no nitrites were present and, therefore, a firearm was not discharged in close range of the clothing.

B. Photographic evidence

(53) The panel examined 20 35 millimeter color slides taken at the time of the autopsy. Eighteen of the transparencies were numbered and labeled "Medical Photography UTCHS and BMC, Memphis, Tenn.," and the other two slides, numbered 19 and 20, were labeled "Kodachrome duplicate" and dated "November 1978 F10." The transparencies reviewed included the following views:

- (1) Right side of the face with gloved fingers approximating the wound margins.
- (2) Bullet fragment, poorly lighted from the side. (This photograph was made before autopsy case number "252" was inscribed on the bullet.)
- (3) An underexposed photograph of the bullet fragment from the side.
- (4) Entrance wound of right cheek with partial abrasion collar along upper anterior margins. The head is supported by an autopsy block.
- (5) The back with a mass under the skin to the left of the midline at the inner margin of the scapula (shoulderblade) and several inches below the level of the shoulder.
- (6) Corner of the right side of the mouth with the wound edges approximated.
- (7) The right cheek with the inferior posterior aspects of the wound margins approximated by fingers. (A thin strip of skin separates the face portion of the wound from the neck portion.)
- (8) Neck portion of the wound with fingers approximating the cheek wound margins.
- (9) More distant photograph showing the head supported by an autopsy block.
- (10) Deformed bullet fragment base alongside a ruler.
- (11) Upper part of the body seen from behind.
- (12) Poorly lighted photograph of the base of the recovered bullet fragment.
- (13) The thin strand of skin that separates the cheek from the neck injury is shown. The strand is narrow, indistinct in its posterior margin, and the epidermis is not completely intact. The fractures of the mandible are also apparent.
- (14) The right cheek showing an abrasion collar along the upper anterior margin closest to the mouth. There are small splits of skin at the upper and lower wound margins.
- (15) Wound area closest to the mouth, margins held in place. Poor lighting obscures detail.
- (16) Wound reviewed from the right with the head supported by a block. The depth of the wound is poorly illuminated.

- (17) View of the back.
- (18) Right side of the head turned to the left to stretch open the margins. The large triangular shaped defect of the right cheek and large oval defect of the neck, with only a thin strand of of tissue separating the defects, are apparent.
- (19) Transparency of a black-and-white print of Dr. King on a stretcher.
- (20) Transparency of a black-and-white photograph of the back.
- (54) Color prints made from the transparencies were also examined, as well as fourteen 8-inch by 10-inch black-and-white prints taken at the emergency room, including nine of the wound and five of the back. The black-and-white photographs show a healed transverse scar above the nipple level extending from the chest midline toward the right armpit. There is a healed midline vertical scar over the upper midsternum.
- (55) The panel also reviewed six 35-millimeter transparency photographs of formalin fixed brain (labeled "A68-252, May 1968, D3."). These photographs show the ventral and dorsal surface of the brain, three coronal cross sections, and the vessels of the brain dissected free. No evidence of brain injury is evident in these photographs. The cut margin of cervical spinal cord is slightly irregular.

C. X-ray evidence

(56) The panel examined two folders of X-rays. One folder, labeled "Department of Radiology, City of Memphis Hospital, University of Tennessee," contained three 17- by 14-inch copies of original X-rays including: a view of the head and upper chest with a trail of bullet fragments proceeding from right to left; a view of the upper abdomen and chest showing a portion of the bullet track; and a 17- by 14-inch duplicate of an original 11- by 13-inch X-ray showing the upper cervical spine and the lower chest region, that also reveals bullet fragments.

(57) The second folder contained seven X-ray films, including original and duplicate X-rays. The original showed the head and upper chest with a label in the upper right-hand corner "St. Joseph's Hospital, Memphis, Tenn." and the printing, "King, Mr. Martin L., No. 5016" and "April 4, 1968." The date is indented punched out, April 4, 1968, in the lower left corner. A fracture of the right mandible is apparent with some fine metal fragments discernible next to the fractured bone. Multiple radiopaque fragments extend from the right supraclavicular or collarbone region across the midline to the left with apparent destruction of the second and third thoracic vertebrae. The largest missile fragment is to the left of the midline in the upper back. The fragment track proceeds slightly downward from right to left and from front to back. The X-ray is indicative of a single-bullet track.

(58) Another X-ray, labeled in the upper right corner "King, Mr. Martin L., No. 5016" and "April 4, 1968," indicates the thoracic and lumbar spine. The heart appears enlarged and there are suggestive fractures of the second, third, and fourth thoracic vertebrae with small bullet fragments in the track.

(59) The third X-ray is a side view of poor quality. It shows radiopaque metal fragments in the upper portion.

(60) The remaining four smaller X-rays are duplicates with the identification label "St. Joseph Hospital, Memphis, Tennessee, King, Mr. Martin L., 5016, April 4, 1968" in the lower left-hand corner. One X-ray shows the lower part of the face, the neck and the upper chest, with fine metallic particles in the right supraclavicular region proceeding in a slightly downward direction into the area of the second, third, and fourth thoracic vertebrae. An underexposed view of the left lateral lower half of the skull and upper chest with many radiopaque metallic particles in the lower cervical region is apparent on another X-ray. The other two films are poorly exposed lateral (side) chest views.

(61) The medical panel is satisfied that the injuries shown in the X-rays are indicative of a single, highly destructive gunshot wound track producing a trail of metal bullet fragments after striking the mandible, with the largest fragment removed by Dr. Francisco beneath the skin of the left upper back and inscribed "252."

Supplemental X-ray interpretation

(62) The medical panel requested that the X-rays be reevaluated by Dr. Dominic J. Cara, Jr., Memphis, Tenn., who had examined the original X-rays at the time of the homicide. The panel asked Dr. Cara to restudy and validate the available X-rays. Dr. David O. Davis, chairman of the department of radiology, George Washington University Medical Center, Washington, D.C., a special consultant to the panel, was asked to independently review the X-rays.

(63) Dr. Cara's 1978 analysis of the X-rays substantially agreed with the findings he made 10 years earlier. On August 4, 1978, he submitted the following report:

(64) Four films are available for interpretation. They are in fact copies of original films of King taken at the time he was in the emergency room of St. Joseph Hospital on April 4, 1968. These films were made with a portable X-ray machine in the emergency room. The copies fail to demonstrate the detail that was present on the original films, but they can be interpreted satisfactorily. Films are of the cervical spine, the chest and the left shoulder area.

(65) The films of the cervical spine demonstrate a missile track outlined with multiple metallic fragments that begin in the right cervical area extending across the right apical area and then across the midline of the patient, and the main fragment lies in the region of the left shoulder area.

(66) The significant radiographic findings concerning bone detail are as follows:

(67) There is demonstrated in the lateral view absence of outline of the bone architecture of the posterior inferior aspect of the body of C-7. Also in the lateral projection is demonstrated a relatively large missile fragment measuring almost 1 cm. in size lying just dorsal to the disc space between C-7 and T-1. This fragment is considered to be in the lateral aspect of the spinal canal. In the AP view there is demonstrated a fracture of the transverse process of C-7 on the right side and a fracture of the transverse process of T-1 on the right side. There is a fracture of the first rib on the right near the vertebral border and a portion of the bone at this point has been

displaced. There is a disruption of the body of T-1 and T-2. A bone fragment is identified along the left side of the thoracic spine overlying the first thoracic vertebra and the first thoracic interspace. This fragment is from one of the thoracic vertebral bodies or a portion of a neural arch. There is a loss of bone substance of T-2. These findings indicate that the missile has passed along the right lateral aspect of the lower cervical and upper thoracic region fracturing bones as above described and indicating that the missile has passed through the spinal column, both the vertebral bodies and spinal canal.

- (68) The films of the chest and left shoulder area demonstrate the following:
- (69) There is contusion of the right lung and there is blood in the right pleural space, but no pneumothorax is demonstrated. The trachea is intact and the left border of the mediastinum is sharply delineated. There is no pathology involving the left side of the chest.
- (70) There are two metallic fragments overlying the bodies of T-4 and T-5 that maintain a constant relationship in the three frontal films of the patient, each of which is always taken in a somewhat different position. In view of the fact that they maintain a constant relationship to themselves and to the respective vertebral bodies, this places the missile fragments in the vertebral bodies or in the spinal canal. Logically they are in the spinal canal.
- (71) *Summary.*—It is known that the missile entered the right side of the patient in the cervical area near the thorax. It is known that the right first rib is fractured and also that the main missile fragment could be palpated in the region of the left shoulder posteriorly. The missile fragment did not enter the soft tissues of the mediastinum because there is no mediastinal hematoma, the left border of the mediastinum is normal, and there is no air in the mediastinum. There is no pathology involving the left lung. The fractures above described and the absence of mediastinal pathology indicate that the missile passed through the spine and spinal canal.
- (72) Dr. Davis independently examined the X-rays for the panel, and on August 10, 1978, he submitted the following report:
- (73) I have reviewed the films taken of Dr. King, at St. Joseph's Hospital in Memphis, Tenn., on April 4, 1968. They consist of an AP film of the upper trunk, neck and most of the head, labeled No. 1 (an original film), an AP film of the upper chest, mediastinum and lower cervical spine, labeled No. 2 (a copy film), a lateral swimmers view, with the patient supine, of the spine and mediastinum from C3 down to approximately T5 (labeled No. 3) (an original film), and a lateral view of the cervical spine, labeled No. 4 (a copy film).
- (74) There is a 1.5 x 1.5 cm metallic fragment just above the left third rib, approximately at the medial border of the left scapula. This missile apparently entered in the region of the right mandible, where there is a transverse fracture, near the

- mandibular angle, and as evidenced by the metallic fragments, coursed downward along the lateral aspect of the cervical spine, striking C7, T1, and T2 regions where it then crossed over the midline and went into the left upper chest region posteriorly and tracked to its final position.
- (75) There are fractures of the lateral mass of C7 on the right side, the transverse process of T1 on the right side, fractures through the right first and second ribs on the right side, proximally, just lateral to the transverse processes, and a vertical fracture, seen only on film No. 1, of the body of C7. There seems to be a break in the body of T2, along the left inferolateral region, suggesting that there is a significant fracture in the region of that break, and lack of visualization of the body of T2. Unfortunately, there are a great number of metallic fragments immediately overlying the T2 area, which makes evaluation somewhat difficult, but when combined with the lateral view, there is some suspicion that there has been significant damage to that vertebral body.
- (76) Just below and medial to the pedicle of T1, there is a fragment of bone, the origin of which is not identifiable, but which has a configuration suggesting that it is tubular, which could mean that it is part of the head of the right first rib. On the other hand, because of the nature of this injury, I cannot be sure that this is the source of that particular bony fragment, and it could conceivably even be from a vertebral body in that region.
- (77) There is soft tissue swelling behind the trachea at the C6-7, T1 level. Additionally, there is an air fluid level just anterior to the prevertebral soft tissue, which suggests that there is a pooling of secretions or blood in that region, perhaps in a cavity formed by the bullet, or possibly in the esophagus. There may well be some evidence of minimal cervical soft tissue emphysema, although this is less evident.
- (78) The right apical region is opacified and there is rather marked soft tissue thickening extending downward along the right chest wall. Whether this is due to old injury or new injury cannot be determined accurately, but one would presume that the upper lobe, apical, density is clot secondary to the recent injury.
- (79) OPINION: It is obvious that this patient was struck by a high velocity missile in the region of the right mandible, the course of which took a turn through the lateral cervical region, just lateral to the cervical spine, striking the cervical spine at about C7, and coursing downward medially from that point to its final resting place posteriorly in the thoracic cage at the medial scapular third rib area on the left side. While I have enumerated the identifiable fractures in the above discourse, I feel that it is very likely that the fracture of T1 and presumably of T2 are relatively extensive, although obscured by the overlying metallic fragments. It is very likely, in my opinion, that extensive injury to the spinal cord behind this area occurred, but I cannot be 100 percent sure; that is, without the shadow of a doubt, on the basis of these films.

FINDINGS OF THE FORENSIC PATHOLOGY PANEL

(80) On June 10, 1978, in Memphis, the panel interviewed Shelby County Medical Examiner Dr. Francisco, and Dr. Brown and Dr. Galyon, at the office of the Shelby County medical examiner. Also present were Deputy Medical Examiner Charles W. Harlan, M.D., Chief Deputy Medical Examiner James Spencer Bell, M.D., and Director of Toxicology David T. Stafford, M.D. (8)

III. INJURIES TO DR. KING (9)

(81) Dr. King was struck by a single rifle bullet tangentially on the right side of the face, one inch to the right of and one-half inch below the angle of the mouth. The missile entered the mouth, fractured the mandible (jawbone), exited the inferior aspect of the right side of the chin and reentered the base of the neck just above the collarbone, tearing the suit jacket and shirt collar. The bullet continued from right to left, from front to back and slightly downward in the body. (Fig. 1) The right cheek was burst open by the bullet,

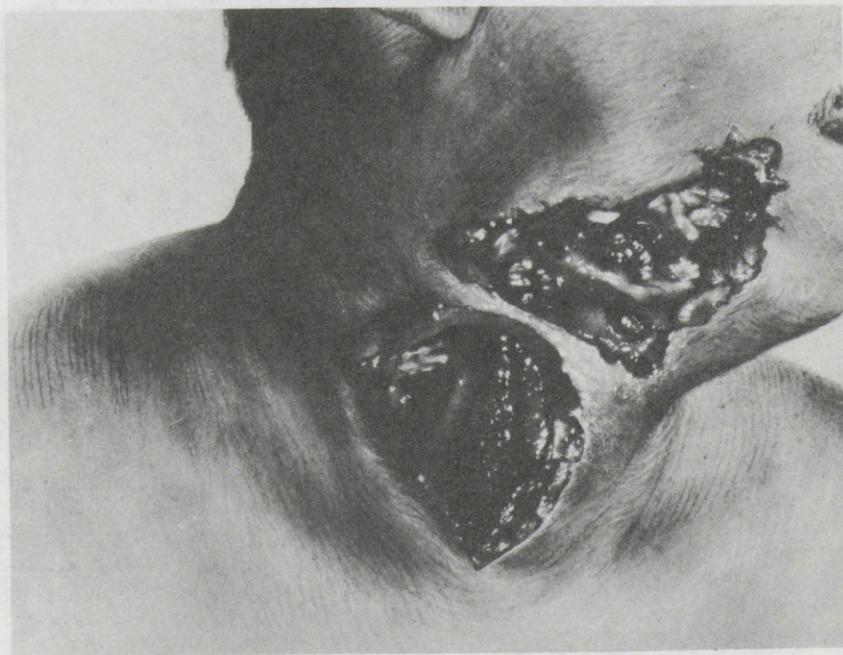


FIGURE 1.—Diagram of the entrance wound to the jaw and the reentrance wound to the neck after emergency treatment.

leaving a gaping wound about 3 inches long. The upper leading edge of the wound showed a one-eighth inch marginal abrasion indicative of an entrance wound. The destruction of skin and soft tissues of the cheek and chin obscured the exit perforation; the entrance and exit wounds were connected by a large excavated area. The bursting

lacerations were caused by the bullet's high velocity and the fracture effects of its impact on the mandible. No gunpowder soiling was present on the surface or inside the face or neck wound, indicating that the fatal shot had not been fired at close range.

(82) The neck injury caused by the bullet was modified by the resuscitation efforts in the emergency room: The lower border of the reentrance wound was elongated during the surgical attempt to stop the bleeding. In figure 2, the dotted line extending downward depicts

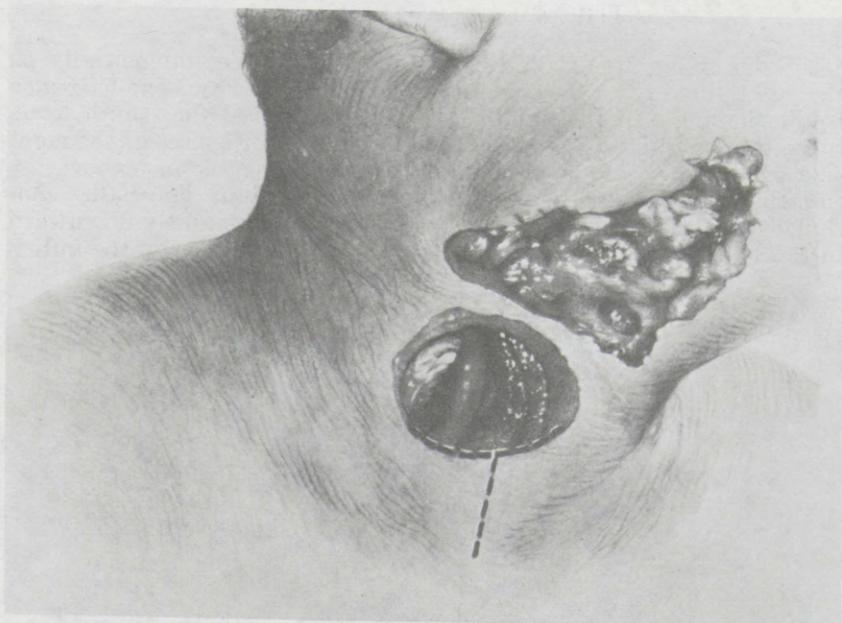


FIGURE 2.—Reconstruction of the reentrance wound to the neck before emergency treatment. The dotted line indicates the surgical incision made to enlarge the lower edge of the neck wound for resuscitative treatment.

the surgical incision made by the physicians in the emergency room to permit exploration of the wound. The size of the initial neck wound was reconstructed from photographs, X-rays, clothing, medical reports, interviews with the doctors, and the autopsy report. Dr. Francisco's report indicates that the skin defect in the neck was "3 inches in length." The perforations in the clothing and the absence of damage in the undershirt also assisted the panel in establishing the original wound size. A bridge of skin at the inner crease of the neck was intact and separated the exit perforation beneath the jaw and the reentrance wound in the neck. The bullet, partially deformed after striking the mandible, then tore the suitcoat collar, perforated the shirt collar, and severed the necktie just to the right of the site of the reentrance wound. (Figs. 3, 4, and 5.) The outermost layer of the suitcoat collar

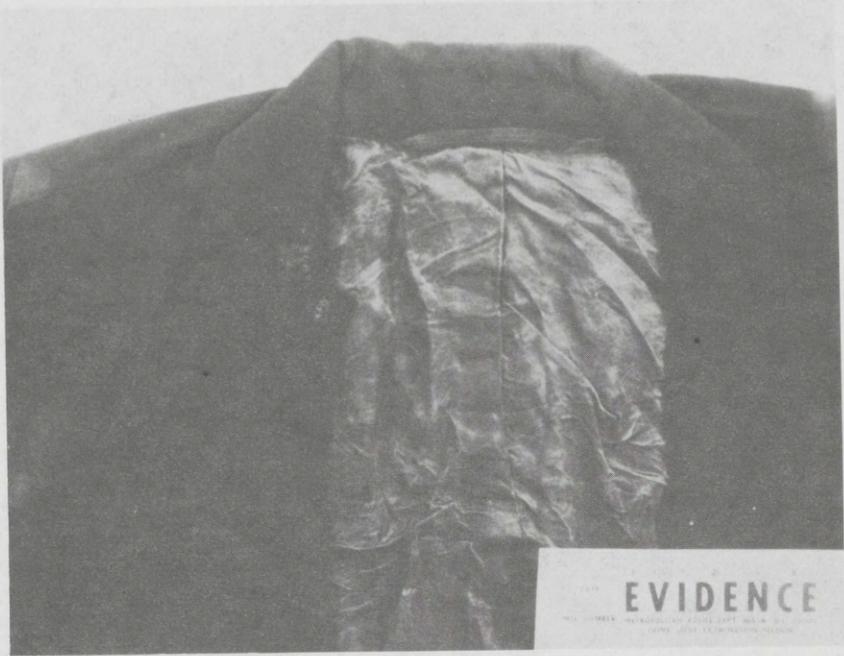


FIGURE 3.—Suitcoat (Q78) worn by Dr. King at the time of the shooting.

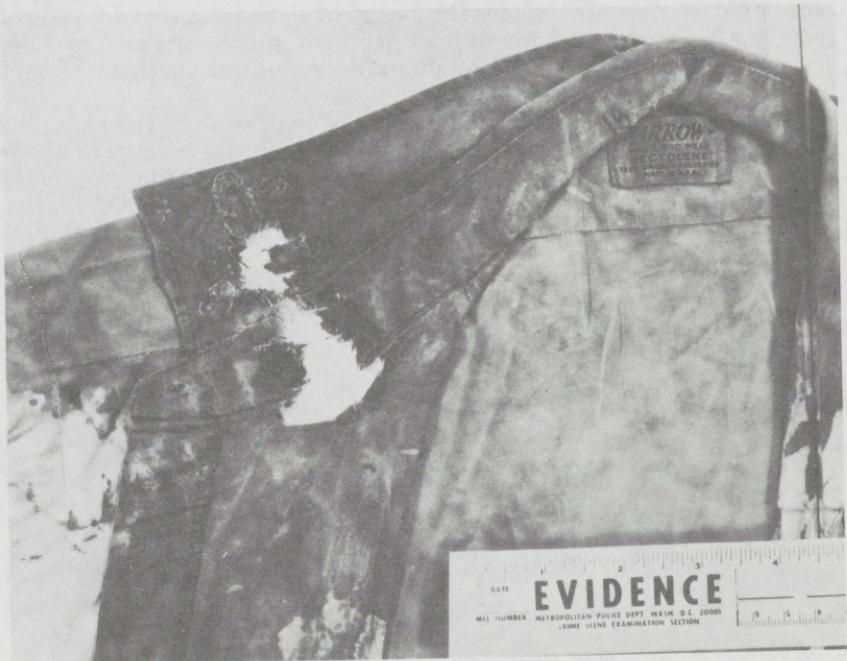


FIGURE 4.—Collar of shirt (Q76) worn by Dr. King at the time of the shooting, spread for observation of damage.

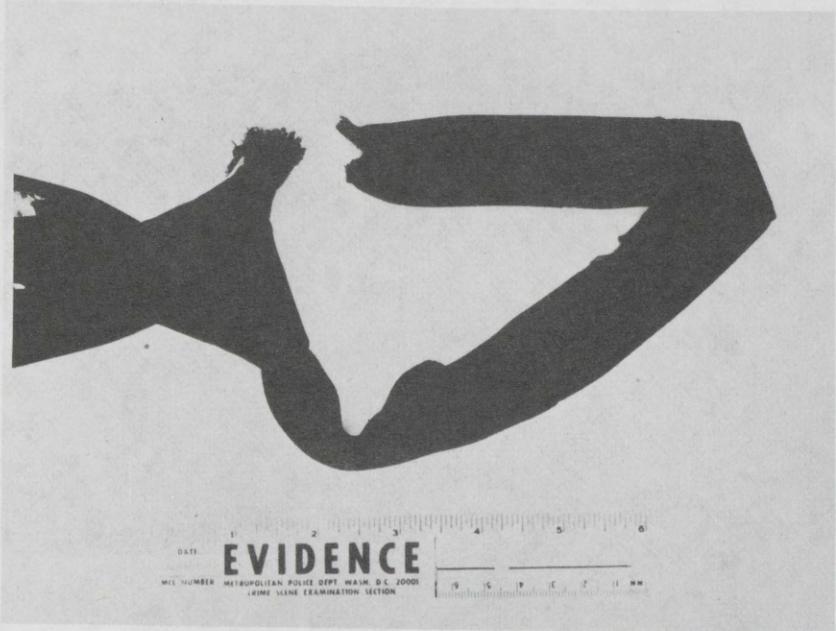


FIGURE 5.—Tie (Q77) worn by Dr. King at the time of the shooting.

material was torn immediately to the right of the large defect in the outer fold of the shirt collar. By means of microscopic and chemical tests, the firearms panel found lead particles in the shirt and coat defects but there was no trace of gunpowder, indicating that the shot had not been fired at close range.

(83) The X-rays showed fractures of the right side of the mandible with small metal bullet particles in the mandible. There were a few fragments in the skin at the base of the neck and multiple fragments were evident in the X-rays where the bullet reentered in soft tissues just above the right intact collarbone. (Figs. 6 and 7.) The track pro-

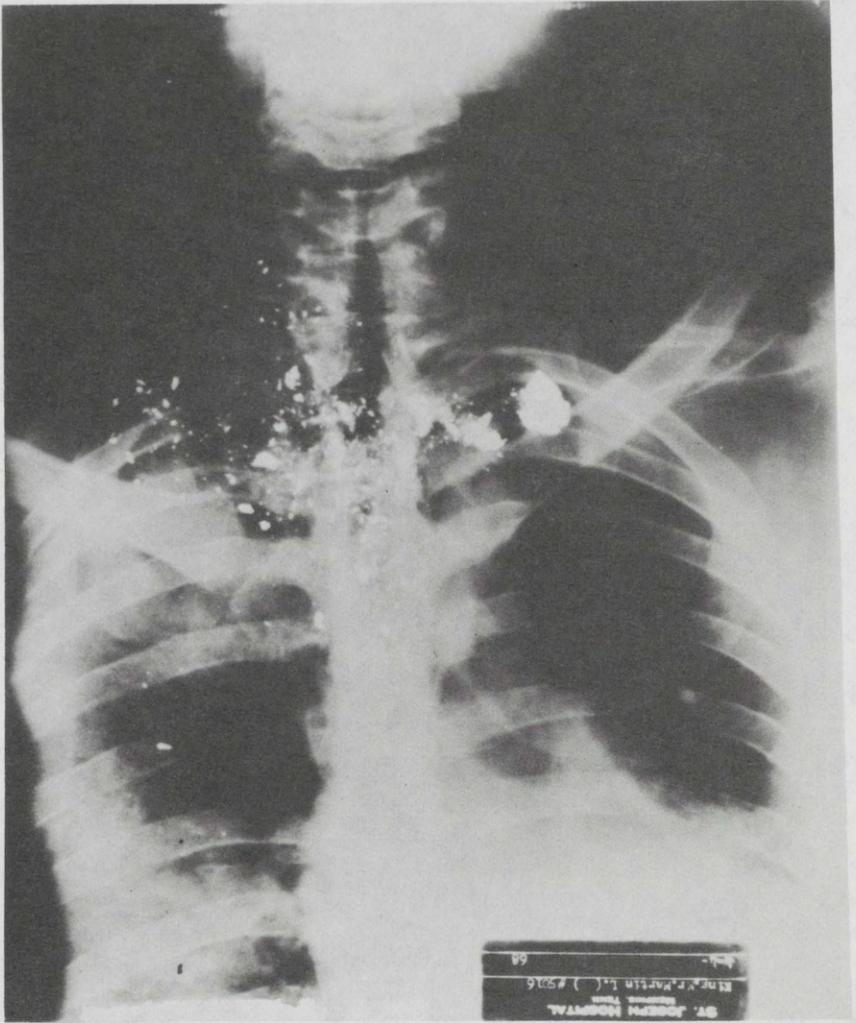


FIGURE 6.—X-ray of Dr. King after death and before autopsy.



FIGURE 7.—X-ray of Dr. King after death and before autopsy.

ceeded from the right to left, spraying fragments of metal in its course, downward at approximately a 30-degree angle, fracturing the right first- and second-ribs posteriorly and the lower cervical-upper thoracic spine, stopping just beneath the skin of the left upper back where a bullet was apparent. The seventh cervical vertebra and the first and second thoracic vertebrae appeared to be fractured and there was most probably injury to the spinal cord at this level. The specific extent of these injuries could not be determined conclusively because the track and spinal cord were not examined at the autopsy. Incorporating all the available information, the panel agreed with medical examiner Francisco's conclusion, based on his autopsy findings, that Dr. King's head was facing downward and to the right at the time he was struck by the bullet.

(84) Figure 8 is a reconstruction of the bullet pathway. The panel



FIGURE 8.—Reconstruction of the bullet pathway in Dr. King's body from photographs, X-rays, clothing, and medical and autopsy descriptions.

was unable to precisely identify all the injured structures in the neck from the medical and autopsy descriptions, so the extent of injuries is indicated by a broad shaded area. The panel did conclude that major blood vessels, including the external jugular vein, the subclavian artery, and the vertebral artery, were probably injured as was the right upper apical portion of the lung. The black material depicted in the drawing represents some of the metal fragments in the path of the bullet that were evident in the X-rays.

(85) A deformed .30-06 Remington-Peters soft-point rifle bullet was recovered from beneath the skin of the left upper back. According

to the firearms panel, this fragment had an aggregate weight of 64.4 grains, less than half of the bullet's original 150 grains. It was removed by Dr. Francisco, photographed and marked on the base with autopsy No. 252. Handling and examination of the bullet fragment since the 1968 autopsy had caused its separation into three parts: the residual lead alloy core, the main jacket base, and a small piece of the deformed jacket.

(86) The initial entrance wound in the right cheek was 59 inches above the right heel with the chin turned toward the right to afford alinement of the wound pathway. The bullet was recovered 3 inches to the left of the posterior midline at the medial aspect of the left shoulder blade, several inches below the upper surface of the shoulder, and 55½ inches above the left heel. (Fig. 9.) The main bullet mass

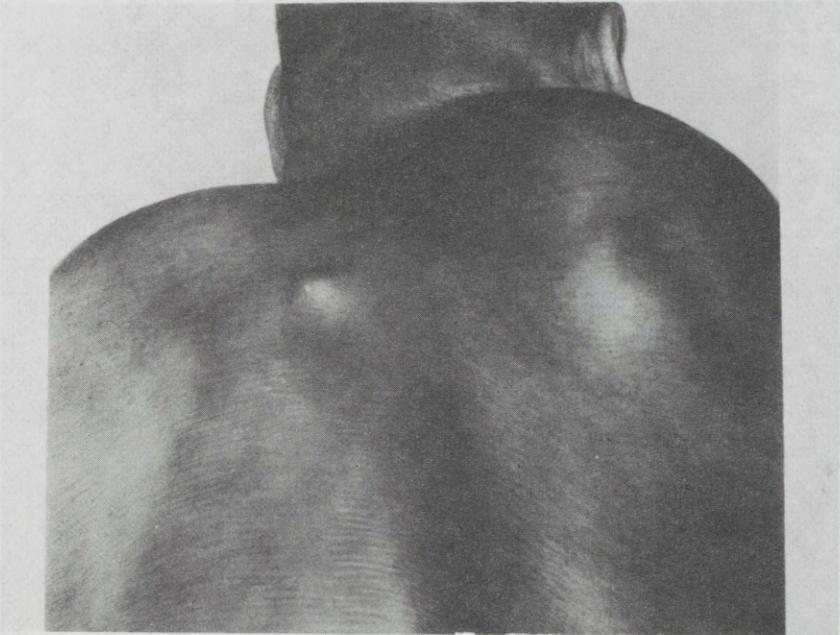


FIGURE 9.—Diagram of the back with protrusion to the left of the midline where the main bullet fragment lodged.

was thus approximately 3 to 3½ inches below the level of entrance with the chin turned slightly toward the right and tilted slightly downward. The track proceeded from front to back, right to left, and downward.

(87) The extent of deformation of the recovered bullet fragment was consistent with the damage to be expected after a similar missile strikes the mandible and vertebra. The X-rays also indicate that only one bullet struck Dr. King.

(88) The panel concluded that Dr. King's injuries and the damage to his clothing were entirely consistent with that caused by a single bullet fired from a .30-06 caliber rifle.

IV. MEDICAL TREATMENT OF DR. KING

(89) The panel reviewed a 14-page report concerning the treatment of Dr. King in emergency room No. 1, St. Joseph Hospital, Memphis, Tenn., on April 4, 1968. (10) The report contained the following material:

- (a) A cover letter listing the contents.
- (b) A handwritten note releasing Dr. King's body to a funeral director.
- (c) A list of therapeutic procedures.
- (d) A note by registered Nurse M. Steinkirch listing the doctors who were in the emergency room.
- (e) A note from Shelby County medical examiner Dr. Jerry T. Francisco regarding duplicate copies of Dr. King's X-rays.
- (f) A typewritten description of events in the emergency room by T. J. Galyon, M.D. (3 pages)
- (g) A typewritten description of events in the emergency room by J. N. Barrasso, M.D. (2 pages)
- (h) A typewritten neurosurgical report by D. Frederick Gioia, M.D.
- (i) The electrocardiograph report on Dr. King including a cardboard folder that contained the terminal electrocardiogram strip with readings. (2 pages)
- (j) A St. Joseph Hospital press release concerning the death of Dr. King (unsigned).

(90) The report indicated that Dr. King was admitted to the emergency room at about 6:15 p.m., on April 4, 1968. He was pronounced dead by Dr. J. N. Barrasso at 7:05 p.m. During this time variously, 12 physicians, a registered nurse, a practical nurse, and an attendant treated Dr. King.

(91) Dr. Galyon, the only doctor in emergency room 1 at 6:15 p.m., initially examined Dr. King when he was admitted. He noted that he was unconscious and had "a large gaping wound in the root of the neck on the right side * * *" (11) that was not actively bleeding, and blood covered his neck, right shoulder, and clothing. Dr. Galyon began blood transfusions after he detected a palpable pulse and a heart tone "of good quality". (12) Dr. John Reisser started a second transfusion in the saphenous vein of the left ankle.

(92) The chief surgical resident, Dr. Brown, arrived at the emergency room at 6:18 p.m. He noticed that Dr. King was not breathing and began a tracheotomy incision into the neck to assist breathing. Dr. Barrasso, general surgeon, arrived at 6:22 p.m., and assisted with the tracheotomy. Following the establishment of an airway, little heart tone could be heard. An electrocardiogram showed poor to no heart function. Intracardiac adrenalin injections and cardiac chest massage were attempted without success.

(93) Dr. Galyon, with Dr. Barrasso and a neurosurgeon, Dr. D. Frederick Gioia, explored the large wounds in the face and neck. In his report, Dr. Galyon described the wound: (13)

(94) There was a large wound through the right side of the face with broken shattered fragments of mandible lying in the wound. The wound opened directly into the mouth * * *. The wound in the right side of the neck was in the immediate

supravascular area with approximately a 5-inch wound with massive soft tissue damage * * *. The apex of the right lung was extending up into the wound. Through the wound could be palpated a large bony defect in the region of the pedicle and body of the first, second, and third dorsal spines or perhaps the C7, T1, and T2 vertebral bodies. The spinal cord was felt to be completely absent from where it should normally have been, posterior to the bodies of the upper thoracic and lower cervical vertebrae. The bullet tract [sic] had apparently completely transected the cord in shattering these posterior elements and posterior edges of the vertebral bodies.

Dr. Gioia, the neurosurgeon, confirmed the damage to the seventh cervical and second thoracic vertebrae noting "loss of spinal cord substance," according to Dr. Barrasso's report. (14) Barrasso also wrote that Dr. King's jugular vein had been severed.

(95) Dr. Joe Wilhite, a chest surgeon, and Dr. Julian Fleming, an internist, were consulted. Resuscitative measures continued but the electrocardiogram indicated diminished activity and then no activity. Dr. King's eyes dilated and showed no reaction. Dr. Barrasso noted "no response of any kind of vital signs" and he pronounced Dr. King dead at 7:05 p.m., 50 minutes after he was admitted to the emergency room. (15)

(96) On June 10, 1978, the members of the forensic pathology panel met with Dr. Galyon and Dr. Brown in Memphis, Tenn. (16)

(97) Dr. Galyon explained to the panel that Dr. King was accompanied by his close friend Rev. Ralph David Abernathy when he was brought into the emergency room. A pulse was present, but he was completely comatose, unresponsive, and breathing ineffectively. He was not actively bleeding, probably the result of shock. Primary resuscitative measures were started immediately. Catheters were inserted into the veins for blood transfusions and Dr. Brown began a tracheotomy. An electrocardiogram showed that heart function was abnormal but there was an indication of heart rhythm. Dr. Brown recalled that the tracheotomy took about 5 minutes. He said he made an incision "separate and apart from the principal perforation," surgically enlarging the lower neck wound to perform the operation, and there was no difficulty in establishing an airway. (17) (See fig. 2.)

(98) Once resuscitative measures were begun, Dr. Galyon attempted to assess the extent of Dr. King's injuries. He noticed two separate injuries, one in the face and one in the neck, that appeared to be entrance and reentrance wounds. The lower wound in the neck was surgically enlarged during the resuscitative measures. There was no surgical enlargement of the upper jaw wound. Dr. Galyon said fragments of bone "were visible in the wound of the mandible." (18) He was uncertain whether the neck wound was caused by bullet fragments alone, or by bullet fragments together with mandibular bone as "secondary projectiles." (19)

(99) Dr. Galyon reviewed slides with the panel portraying Dr. King's wounds and said that it was his impression that there were no powder burns, noting that there was no tattooing or soiling, characteristic of such burns. (20)

(100) In response to a rumor that a police officer put his hand in Dr. King's wound and tried to feel the bullet, Dr. Galyon said that only medical personnel touched the wound. (21).

(101) The panel concluded, based on the hospital records and interviews, that the emergency medical treatment administered to Dr. King was entirely proper and appropriate. Cardiopulmonary resuscitative measures, transfusions, a tracheotomy, and surgical exploration of the right side of the neck were performed. When Dr. King was brought in at 6:15 p.m., although he showed a pulse and weak heart-beat, the panel determined that his brain had been irreparably damaged from lack of oxygen. As Dr. Michael Baden noted in his testimony before the committee on August 15, 1978, Dr. King

could have been pronounced dead at 6:18 or 6:20, if they—the doctors—had wished but it is clearly the judgment of our panel from what the doctors told us, from the autopsy report and from other independent evidence that the nature and extent of the injuries to Dr. King were such that in no way, shape, or form could he have at that time or could he presently, with all additional medical knowledge that we have, could he have been saved from dying. (22)

V. EVALUATION OF THE AUTOPSY REPORT

(102) The panel reviewed Shelby County, Tenn., medical examiner Dr. Francisco's autopsy report (23) and related materials, including:

- (a) Autopsy report, dated April 11, 1968.
- (b) Autopsy protocol, dated April 11, 1968.
- (c) Report of the external examination of Dr. King's body. (5 pp.)
- (d) Diagrams with Dr. Francisco's marks and notations indicating the location of Dr. King's wounds, measurements, and so forth. (4 pp.)
- (e) Microscopic summary, dated June 10, 1968, and signed Thomas C. Littlejohn, Jr., chief medical examiner, State of Tennessee. (2 pp.)
- (f) Report of investigation by county medical examiner, dated April 4, 1968, signed by Dr. Jerry T. Francisco. (2 pp.)
- (g) Case report, office of the Shelby County medical examiner, dated April 4, 1968, concerning the bullet fragment Dr. Francisco recovered from Dr. King's body and turned over to Lt. J. D. Hamby, Memphis Police Department.
- (h) Identification of body, dated April 4, 1968, signed by Dr. Ralph D. Abernathy, "friend and associate". (2 pp.)
- (i) University of Tennessee Toxicology and Chemical Pathology Report, dated May 2, 1968, signed by E. Faye Sinclair, M.D.
- (j) University of Tennessee neuropathology report, dated April 30, 1968, microscopic description, submitted by J. H. Garcia, M.D. (4 pp.)
- (k) Memphis Police Department homicide report, dated August 15, 1968, indicating name of the accused, James Earl Ray.

- (l) Recommendation and order for autopsy, dated April 4, 1968. The recommendation is signed by Dr. Francisco and J. W. Ross, Shelby County coroner. Notice of impending autopsy to Coretta Scott King, Atlanta Ga., signed by Shelby County, Tenn. district attorney general Phil N. Canale. Return, signed by Lt. J. L. Harrison. Order for autopsy signed by Phil N. Canale.
- (m) Release of the body to R. S. Lewis Funeral Home, signed by Rev. Ralph D. Abernathy.
- (n) Telegram to Dr. J. T. Francisco from Mrs. Martin Luther King, Jr., dated June 28, 1966. Request for a copy of the autopsy report.
- (o) St. Joseph Hospital Department of Roentgenology report concerning April 4, 1968, X-rays of Dr. King indicating injuries to the cervical and thoracic spine.
- (p) Certificate of death for Dr. King, dated April 5, 1968, signed by Dr. Francisco.
- (q) To-whom-it-may-concern letter, dated May 23, 1978, signed J. T. Francisco, W.D., concerning destruction of organ samples taken at Dr. King's autopsy.

The panel also reviewed Dr. Francisco's testimony from the March 10, 1969 guilty plea hearing of James Earl Ray. (24)

(103) The records reviewed by the panel indicated that immediately following Dr. King's death on April 4, 1968, Shelby County coroner J. W. Ross and medical examiner Jerry T. Francisco, M.D., recommended to Shelby County District Attorney General Phil N. Canale that an autopsy be performed on the body of Dr. King. At 9:30 of the evening of Dr. King's death, Mr. Canale notified the next of kin, Coretta Scott King, Atlanta, Ga., that he was ordering an autopsy. He then told Dr. Francisco to perform the post mortem operation. (25)

(104) According to the autopsy report, Dr. Francisco began the procedure at 10:45 p.m., on April 4, 1968. (26) In his report, dated April 11, 1968, Francisco indicated that the cause of death was a "gunshot wound to spinal column, lower cervical, upper thoracic." (27) In the narrative of findings, he wrote:

(105) Death was the result of a gunshot wound to the chin and neck with a total transection of the lower cervical and upper thoracic spinal cord and other structures in the neck. The direction of the wounding was from front to back, above downward and from right to left. The severing of the spinal cord at this level and to this extent was a wound that was fatal very shortly after its occurrence. (28)

(106) Francisco completed his final pathological diagnoses in the April 11, 1968, autopsy report, (29) (See addenda):

Primary Series

- I. Instant gunshot wound to body and face
 - A. Fracture of right mandible
 - B. Laceration of vertebral artery, jugular vein and subclavian artery, right
 - C. Fracture of spine (T-1, C-7)
 - D. Laceration of spinal cord (lower cervical, upper thoracic)

E. Submucosal hemorrhage, larynx

F. Intrapulmonary hematoma, apex right upper lobe

Secondary series

1. Remote scars
2. Pleural adhesions
3. Fatty change liver, moderate
4. Arteriosclerosis, moderate
5. Venous cut-downs
6. Tracheotomy

(107) In his report, Dr. Francisco noted various evidence of surgical efforts that had been made in an attempt to resuscitate Dr. King including packing and clamping the neck wound; a tracheotomy; incisions in the inner left elbow and inner left ankle; insertion of a thoracotomy tube in the right side of the chest near the right axilla (armpit); and injections of medication made directly into the heart from the front. (30) He also described evidence of prior surgery, including an 8-inch horizontal scar above the right breast, a 6½-inch midfrontal scar on the upper chest and a small scar below and to the side of the right breast. Internal examination showed scarring between the right lung and the inner chest wall. (31) These scars were the results of a stabbing in 1957 and the resultant treatment at a New York City hospital. The committee attempted to obtain for review the 1957 medical records and X-rays from Harlem Hospital, New York City, where Dr. King was treated. The hospital administrator advised the committee that despite a careful search, the X-rays and records could not be located. Apart from the gunshot wound, the internal organs were normal except that the heart was slightly enlarged, weighing 450 grams, there was evidence of moderate arteriosclerosis of the coronary arteries, and the liver showed moderate fatty change. (32) A May 2, 1968, toxicology report, prepared by Dr. E. Faye Sinclair, M.D., of the University of Tennessee Institute of Pathology at the request of Dr. Francisco, indicated extremely small amounts of alcohol present in the blood and urine specimens removed at the time of the autopsy. (33)

(108) Dr. Francisco described Dr. King's wounds in his report on the external marks and scars: (34)

(109) * * * There is an extensive excavating lesion affecting the right side of the beginning at a point 1 inch lateral to the right corner of the mouth and one-half inch inferior to the right corner of the mouth that measures approximately 3 inches in length. At the superior aspect of this gaping wound there is an abrasion collar that measures one-eighth of an inch in maximum thickness, having brownish discoloration present at the superior margin. Adjacent to this area there is extensive laceration of the soft tissues of the face with a fracturing of the right side of the mandible. A re-approximation of the tissues reveals the laceration to extend to the base of the neck and into the base of the neck with intervening skin unaffected in this area. The second penetrating wound at the base of the neck in the superior aspect of the chest measures 3 inches in length. The missile path is through the external jugular vein and vertebral artery. There is a penetration into the lateral

aspect of the base of the neck into the upper thoracic and lower cervical cord totally severing the lower cervical and upper thoracic cord passing through the spinal column at the level of C7 and T1 into the posterior aspect of the back. The bullet is removed from the posterior aspect of the back, 56 inches superior to the right heel and 55½ inches superior to the left heel, 3 inches to the left of the midline of the spine in the medial aspect of the left scapula. The entrance wound is 61½ inches superior to the right heel and 59 inches superior to the right heel with the head turned and positioned so that the wound in the face corresponds with the path of the missile into the neck and spine. The total thickness from the entrance wound to the posterior aspect of the back is 8½ inches in thickness. The angle of the penetrating wound is approximately 45° from a sagittal plane at an angle from right to left inferiorly and anterior to posteriorly at about a 30° angle with a coronal plane.

Dr. Francisco also noted about 25 cubic centimeters of blood in the right thoracic cavity and some subpleural hemorrhage "affecting the right and left (lung) in the posterior apex." (35) His examination of the left lung indicated a diffuse congestion and "hemorrhage affecting the right upper lobe" of that lung. (36)

(110) Dr. Thomas C. Littlejohn, Jr., chief medical examiner for the State of Tennessee, noted in the June 10, 1968, "Microscopic Summary" that his examination of Dr. King's skin samples showed "Blackened debris throughout the hemorrhagic area of the dermis having no identifiable form." (37)

(111) Dr. J. H. Garcia, University of Tennessee Division of Neuro-pathology, found the brain to be normal on gross and microscopic examination. (38) Dr. Garcia noted, however, that no samples were submitted from the injured part of the spinal cord. (See panel's analysis of microscopic evidence.)

(112) During the course of the autopsy, Dr. Francisco removed a bullet fragment from Dr. King's back and identified it by scratching the number "252" in the base of the fragment. (39) He gave it to Lt. J. D. Hamby, Memphis Police Department. When he measured the body in the anatomic position, Dr. Francisco determined that the bullet fragment had lodged 56 inches above the right heel, 55½ inches above the left heel, and 3 inches to the left of the midline of the spine in the medial aspect of the left scapula. (40) The bullet fragment was examined by the FBI and the committee's firearms panel. (See report of the King firearms panel.)

(113) Dr. Francisco testified at the March 10, 1969 guilty plea hearing of James Earl Ray for the first degree murder of Dr. King, in the Shelby County Criminal Court before Judge W. Preston Battle. During the presentation of the prosecution's case against Ray, Francisco said that his autopsy examination of Dr. King's body "revealed a gunshot wound to the right side of the face, passing through the body into the neck, through the spinal cord at the base of the neck, with the bullet lodging beneath the skin near the shoulder blade on the left." (41) He stated that the cause of death was "a gunshot wound to the cervical

and thoracic spinal cord.”(42) Francisco testified that the angle of the wound was “from above downward, from right to left, passing through the chin, base of the neck, spinal cord into the back * * *” (43)

After discussing his examination of the scene, the Brewer rooming house and the Lorraine Motel, Dr. Francisco indicated that the wound Dr. King suffered was consistent with a shot from the second-floor bathroom window at the rear of the rooming house.(44)

(114) On June 10, 1978, the panel interviewed Dr. Francisco at his Memphis office.(45) He discussed the procedures preceding the autopsy, including his recommendation for an autopsy to Shelby County Attorney General Phil N. Canale, and the notification of the next of kin, Mrs. Coretta Scott King in Atlanta. He explained that the requirement for permission from the next of kin did not constrain his performance of the examination, including the extent of his dissection. He emphasized that he was only limited by his own sensibilities and judgment.(46) The panel concluded that Dr. Francisco had complete control of the autopsy room and performed the autopsy without assistance and without interference. Dr. Francisco explained that Dr. Sprunt's name customarily appeared on every autopsy protocol, whether or not he was present, because he was head of the pathology department at that time. Dr. Sprunt was not present at this autopsy.(47)

(115) Dr. Francisco also reviewed with the panel photographic slides that he had taken of Dr. King's injuries. It was his conclusion that the bullet entered Dr. King's right cheek, exited the jaw and reentered the neck. Dr. Francisco explained that this finding was based on his examination and lining up of the wound components. (48) (He did not have access to Dr. King's clothing which had been retained by Memphis police.) An inner crease of skin on the neck separated the cheek wound from the neck wound. Dr. Francisco determined that Dr. King must have had his head downward and to the right at the time of impact.(49)

(116) Dr. Francisco described the incision he made to recover the main bullet fragment from the back that had lodged about 3 inches to the left of the midline. (50) When asked about his failure to dissect the bullet pathway through Dr. King's body, Dr. Francisco stated that he believed such a procedure would have been an unnecessary mutilation of the body and would not have added materially to the autopsy.(51)

(117) The panel also asked Dr. Francisco about the note “Blackened debris present throughout the hemorrhagic area of the dermis having no identifiable form.”(52) Although he was unable to identify the material, Dr. Francisco said he had concluded that it was not gunpowder and that there was no evidence of powder burns in or around Dr. King's wound.(53)

(118) The panel raised the possibility with Dr. Francisco that the procedure for notification of the next of kin had the potential to impair a medical examiner's ability to exercise freely his medical judgment.(54) Under Tennessee law in 1968, an autopsy could be performed at the discretion of the prosecutor, but only after a rather cumbersome formal notification of the next of kin by legal service of notice of intent to perform an autopsy. In this case, however, Dr.

Francisco stated neither the prosecutor, Mr. Phil N. Canale, nor the next of kin, Mrs. Coretta Scott King, hindered him and he was under no constraints.

(119) Dr. Francisco documented his autopsy findings with photographs and a written report. (55) The panel did conclude that the autopsy was deficient in some points, particularly the failure to explore the wound and track. The extent of injury to the blood vessels and other structures in the neck and the spinal cord remains unclear. It is not apparent, for example, whether the common carotid artery was torn, although it does appear that the subclavian artery was torn. Such a distinction may have no importance with respect to the survivability of Dr. King, but accurate documentation of all injuries is desirable in all homicidal deaths in anticipation of issues known or unknown at the time of the autopsy that may arise later and to permit others to independently review the findings. Nevertheless, the medical reports, photographs, and X-rays do supplement the autopsy report sufficiently to permit adequate evaluations of these injuries.

(120) Further, Dr. Francisco noted in his report that the cause of Dr. King's death was the missile's severance of the spinal cord, the main pathway of all nerve impulses from the brain to the rest of the body. He reached this conclusion based on his autopsy and subsequent discussions with other doctors, but the bullet track was not dissected because he believed that such dissection would be an unnecessary mutilation of the body. He made this decision because of his own sensibilities. As a result, the panel in the review of the evidence could not determine conclusively whether the spinal cord was indeed severed. Even if the spinal cord was not destroyed by the bullet, the lines of force emanating from the missile could have caused significant damage to the spinal cord. (Much of the hemorrhaging and destruction of tissues in the face and neck were caused by such emanating lines of force and not by direct physical contact with the bullet.)

(121) The panel concurred with Dr. Francisco's conclusion that Dr. King died as the result of a single high velocity bullet wound of the face that proceeded through the body and that these injuries were rapidly fatal despite proper medical attention.

VI. ORIGIN OF THE SHOT

(122) In Memphis, Tenn., on the morning of June 10, 1978, the panel met with Mr. Herbert Koogle and Mr. Joseph Stewart of Koogle and Pouls Engineering, Inc., Albuquerque, N. Mex., the committee's engineering consultants. The purpose of the meeting was to review the crime scene—the roominghouse at 418-4221½ South Main Street and the Lorraine Motel at 406 Mulberry Street. (Fig. 10 indicates the relationship of these buildings. The measurements and relationships to scale are included in the civil engineering survey report.)

CRIME SCENE

Assassination of Dr. Martin Luther King, Jr.
Memphis, Tennessee

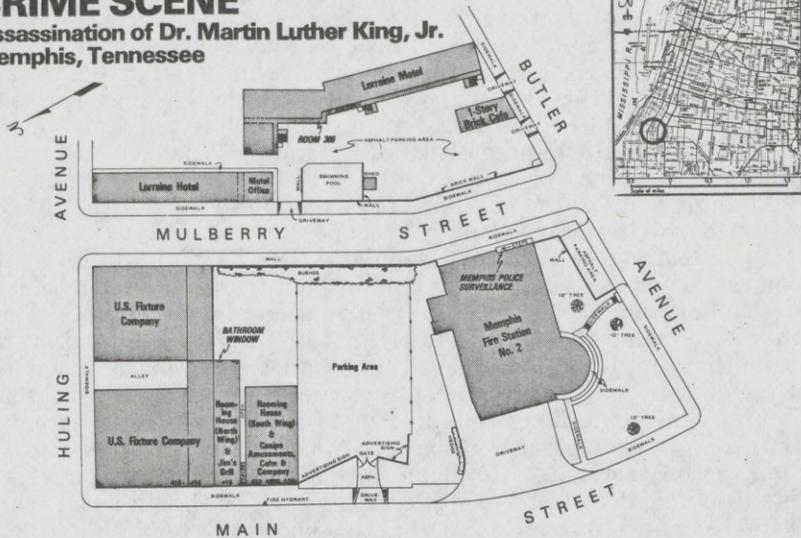


FIGURE 10.—Diagram of the homicide scene.

(123) The roominghouse at 418-422½ South Main Street, a brick building with wood interior, is in the middle of a block of storefront buildings. Access was through a narrow door, and a flight of steps led to the second story. A hallway extended from front to rear along the left side as one faced the rear of the building. A small bathroom with a window in the rear wall on the left side as one faces the backyard was at the extreme left rear of the building. The window sash, which could be raised about a foot, revealed a view of the backyard and Lorraine Motel across the street. One could make out the location where Dr. King had been standing when shot, although foliage, shown in 1968 photographs reviewed by the panel, had grown considerably since the assassination. (The angles and measurements from the windowsill to the victim are detailed in the civil engineering survey report.) The rearmost bedroom was on the right of the second floor of the building. Immediately in front of this rearmost room was room 5-B. Posing as John Willard, James Earl Ray rented this room on April 4, 1968. Its two windows faced the wall of the adjacent building only a few feet away. A view from these windows toward the Lorraine Motel was possible by leaning out of either window, but foliage blocked the view of the motel.

(124) At the left rear of the building, in front of the bathroom, a steep flight of wooden steps led to the ground level where a door opened into the backyard. In 1978, the backyard was a garden. Foliage at ground level was rather dense along the retaining wall separating these premises from the street below.

(125) The panel also examined the Lorraine Motel at 406 Mulberry Street. The motel, an L-shaped building of two stories, faced a parking lot and a swimming pool. An outside balcony ran along the second

story with access by outside stairways. The longest facade of the motel was parallel to Mulberry Street. A glass enclosure, erected since the assassination, covered the second-floor balcony outside room 306, the place where Dr. King was standing when shot. A wall plaque and flowers identified this area as the assassination site. The glass enclosure consists of sliding doors affording an opportunity to stand in the approximate location and position of the victim. When one faces away from the building, the balcony stretches straight to the right to a right-angle wing of the building. Immediately to the left the balcony curves sharply rearward alongside room 306.

(126) Members of the panel simulated Dr. King's position at the moment he was struck. He was standing on the second-floor balcony of the Lorraine Motel, talking with someone in the courtyard one story below and slightly to his right, according to information the committee supplied to the panel. The bullet pathway, as identified at the autopsy, was entirely consistent with a shot from his right and slightly above. Dr. King collapsed immediately, his feet adjacent to the railing, knees bent, back on the balcony floor, and head to the right, as one enters, of the door to room 306. Thus the panel was able to eliminate certain firing locations such as the firehouse which would have been to Dr. King's left at the time he was hit.

(127) Although it was impossible to determine how far Dr. King was leaning forward or backward, the information on his approximate position immediately limited the possible trajectories and made the trajectory from the direction of 418-422½ South Main Street reasonable. If he were standing bolt upright, head straight forward, in the anatomic position, the point of impact would have been 59 inches off the ground. If he were bent forward in normal posture, this point could have been as low as 54 inches. The panel determined that 56 inches off the ground was a reasonable approximation of the height of the entrance wound, thus giving the engineers a point of reference above the balcony floor. In consultation with the engineers, the panel concluded that the difference in the trajectory from the backyard or the bathroom window was between 54 and 59 inches. The sensitivity of the engineering equipment was much greater than the autopsy findings, which the forensic pathology panel believed could not distinguish 5 degrees or 10 degrees of trajectory in this situation.

(128) Based on its examination of the scene and the available medical evidence, the panel concluded that the bullet that struck Dr. King came from across Mulberry Street from the right. The shot came from an elevation higher than 8.5 feet, the height of the retaining wall on Mulberry Street, opposite the parking lot of the Lorraine Motel, from either the backyard of 418-422½ South Main Street or from the building. Above the retaining wall the yard, now a garden, slopes quickly upward at an angle from a point 56 inches above the balcony floor, the approximate height of Dr. King's right cheek at the moment he was shot. This point is horizontal to the backyard level. A prone rifleman could not have fired the shot that caused Dr. King's injuries. Either a rifleman standing at the bushy edge of the yard firing slightly downward at a vertical angle of 2 degrees 20 minutes, or one firing downward from the second-floor bathroom window at the rear of 418-422½ South Main Street at a vertical angle of 4 de-

degrees 36 minutes, at a slope of 207.17 feet from the window to the victim could have caused the wound pathway. It is not possible, from the medical evidence, to rule out either possible location of the assassin because the difference of 2 degrees 16 minutes was negligible medically, and because it was impossible to determine the precise posture of Dr. King at the moment he was hit. This determination must be made from evidence other than that derived from wound analysis. (See report of civil engineering survey.)

(129) The panel concluded that either firing position, the backyard or the bathroom window, was consistent with the bullet trajectory in the body.

VII. CONCLUSION

(130) The medical panel concluded that the injuries to Dr. King and the damage to his clothing were caused by a single bullet fired from a .30-06-caliber rifle. The emergency medical treatment of Dr. King at St. Joseph Hospital was appropriate. Although his report of the autopsy of Dr. King's body was deficient in some respects, the panel concluded that Dr. Francisco's autopsy was performed without constraint or pressure from any source and that he conducted a generally thorough post mortem examination. Based on the medical evidence it examined, the panel was unable to determine the exact point of origin of the shot that killed Dr. King, but it did eliminate certain possibilities and determined that the injuries to Dr. King were entirely consistent with a shot originating from the second-floor bathroom at the rear of the roominghouse at 418-422½ South Main Street, a point of origin suggested by other nonmedical evidence.

REFERENCES

- (1) Medical reports, Nov. 8, 1976, House Select Committee on Assassinations (MLK Document 030406) (hereinafter referred to as medical report).
- (2) 1961 Tennessee Public Acts, ch. 174.
- (3) Autopsy report, July 22, 1977, House Select Committee on Assassinations (MLK Document 110152) (hereinafter referred to as autopsy report). (See addenda of forensic pathology panel report.)
- (4) 1961 Tennessee Public Acts, ch. 174.
- (5) Autopsy report, note 3 above.
- (6) Guilty plea hearing transcript, March 10, 1969, T42-T46, House Select Committee on Assassinations (MLK Document 010063) (hereinafter referred to as guilty plea transcript).
- (7) See, for example, Mark Lane, *Code Name "Zorro"*, New York: Pocket Books (1978); and Harold Weisberg, *Frame-Up*, New York: Outerbridge & Dienstfrey (1971).
- (8) Transcript of June 10, 1978 Medical Interview, July 6, 1978, House Select Committee on Assassinations (MLK Document 230097) (hereinafter referred to as June 10, 1978 transcript).
- (9) See generally testimony of Dr. Michael Baden, Aug. 15, 1978, Hearings Before the House Select Committee on Assassinations, 95th Cong., 2d session, Washington, D.C.: U.S. Government Printing Office, 1979, vol. I, pp. 43-73 (hereinafter referred to as Baden testimony, Aug. 15, 1978, I HSCA-MLK hearings 43).
- (10) Medical report, note 1 above.
- (11) *Ibid.*
- (12) *Ibid.*
- (13) *Ibid.*
- (14) *Ibid.*
- (15) *Ibid.*
- (16) See June 10, 1978 transcript, note 9 above.

- (17) *Id.*, at pp. 84-85.
- (18) *Id.*, at p. 67.
- (19) *Ibid.*
- (20) *Id.*, at p. 78.
- (21) *Id.*, at p. 75.
- (22) Baden testimony, August 15, 1978, I HSCA-MLK hearings, p. 72.
- (23) Autopsy report, note 3 above.
- (24) See Guilty plea transcript, note 6 above.
- (25) Autopsy report, note 3 above.
- (26) *Ibid.*
- (27) *Ibid.*
- (28) *Ibid.*
- (29) *Ibid.*
- (30) *Ibid.*
- (31) *Ibid.*
- (32) *Ibid.*
- (33) *Ibid.*
- (34) *Ibid.*
- (35) *Ibid.*
- (36) *Ibid.*
- (37) *Ibid.*
- (38) *Ibid.*
- (39) *Ibid.*
- (40) *Ibid.*
- (41) Guilty plea transcript, note 6 above, p. 44.
- (42) *Ibid.*
- (43) *Id.*, at p. 45.
- (44) *Id.*, at p. 46.
- (45) See generally June 10, 1978, transcript, note 9 above.
- (46) *Id.*, at pp. 9-10.
- (47) *Id.*, at pp. 14-15.
- (48) *Id.*, at pp. 7-8.
- (49) *Id.*, at p. 10.
- (50) *Id.*, at p. 10.
- (51) *Id.*, at pp. 9-10. See also autopsy report, note 3 above.
- (52) June 10, 1978, transcript, note 9 above, p. 23.
- (53) *Ibid.*
- (54) Baden testimony, August 15, 1978, I HSCA-MLK hearings, p. 68.
- (55) *Id.*, at pp. 59-60.

ADDENDA

- I. Autopsy documents from the office of the Shelby County medical examiner.
- II. Neuropathology report.

PROVISIONAL ()
FINAL (X)

TENNESSEE DEPARTMENT OF PUBLIC HEALTH
OFFICE OF THE CHIEF MEDICAL EXAMINER
858 Madison Avenue
Memphis, Tennessee 38103

CASE NO. AG8-252
COUNTY Shelby

AUTOPSY REPORT

NAME OF DECEDENT Martin Luther King, Jr. RACE N SEX M AGE 39

HOME ADDRESS _____
NUMBER OR STREET _____ CITY OR TOWN Atlanta, Georgia STATE _____

COUNTY MEDICAL EXAMINER J. T. Francisco, M.D.
ADDRESS Memphis, Tennessee

DISTRICT ATTORNEY GENERAL Phil A. Canale
ADDRESS Memphis, Tennessee

ANATOMICAL DIAGNOSIS - Gunshot wound to body and face with:
Fracture of mandible
Laceration vertebral artery, jugular vein and sub-
clavian artery, right,
Laceration of spinal cord (lower cervical, upper
thoracic),
Intrapulmonary hematoma, apex, right upper lobe

CAUSE OF DEATH Gunshot wound to spinal column, lower cervical, upper thoracic

NARRATIVE OF FINDINGS Death was the result of a gunshot wound to the chin and neck with a total transection of the lower cervical and upper thoracic spinal cord and other structures in the neck. The direction of the wounding was from front to back, above downward and from right to left. The severing of the spinal cord at this level and to this extent was a wound that was fatal very shortly after its occurrence.

The purpose of this report is to provide a certified opinion to the County Medical Examiner and the District Attorney General. The facts and findings to support these conclusions are filed with the office of the State Medical Examiner.

DATE April 11, 1968 SIGNATURE: J. T. Francisco M.D.
ADDRESS 858 Madison Avenue-Memphis, Tennessee

A63-252

EXTERNAL EXAMINATION OF THE BODY

This is a well developed, well nourished Negro male measuring 69 1/2 inches in length and weighing approximately 140 pounds. The hair is black, the eyes are brown. There is a line mustache present.

EXTERNAL MARKS AND SCARS

There is a remote midline scar present in the center of the chest and a remote scar present extending to the right axilla measuring 8 inches in length. There is a sutured vertical surgical incision present at the base of the neck. A sutured incision is present in the right chest at the anterior axillary line. Three needle punctures are present in the precordium, having no hemorrhage present surrounding the area. There are blood splatters present on the palm and dorsum of the right hand. A remote scar is present in the right lateral chest. Sutured incisions are present in the left ante cubital fossa, one that is obliquely directed measuring 2 inches in length, one that is horizontally directed measuring 1 inch in length. There are two sutured incisions present on the medial aspect of the left ankle. The superior incision measuring 2 inches in length, the inferior incision measuring 1/4 inch in length. There is an extensive excavating lesion affecting the right side of the face beginning at a point 1 inch lateral to the right corner of the mouth and 1/2 inch inferior to the right corner of the mouth that measures approximately 3 inches in length. At the superior aspect of this gaping wound there is an abrasion collar that measures 1/8 of an inch in maximum thickness, having brownish discoloration present at the superior margin. Adjacent to this area there is extensive laceration of the soft tissues of the face with a fracturing of the right side of the mandible. A re-approximation of the tissues reveals the laceration to extend to the base of the neck and into the base of the neck with intervening skin unaffected in this area. The second penetrating wound at the base of the neck in the superior aspect of the chest measures 3 inches in length. The missile path is through the external jugular vein and vertebral artery. There is a penetration into the lateral aspect of the base of the neck into the upper thoracic and lower cervical cord totally severing the lower cervical and upper thoracic cord passing through the spinal column at the level of C7 and T1 into the posterior aspect of the back. The bullet is removed from the posterior aspect of the back, 56 inches superior to the right heel and 55 1/2 inches superior to the left heel, 3 inches to the left of the midline of the spine in the medial aspect of the left scapula. The entrance wound is 61 1/2 inches superior to the right heel and 59 inches superior to the right heel with the head turned and positioned so that the wound in the face corresponds with the path of the missile into the neck and spine. The total thickness from the entrance wound to the posterior aspect of the back is 8 1/2 inches in thickness. The angle of the penetrating wound is approximately 45° from a sagittal plane at an angle from right to left inferiorly and anterior to posteriorly at about a 30° angle with a coronal plane.

SECTION

The abdominal panniculus measures an inch in maximum thickness. The skeletal muscles are red and fibillary. There is scarring present over the right anterior-superior chest with pleural adhesions present in this area.

BODY CAVITIES

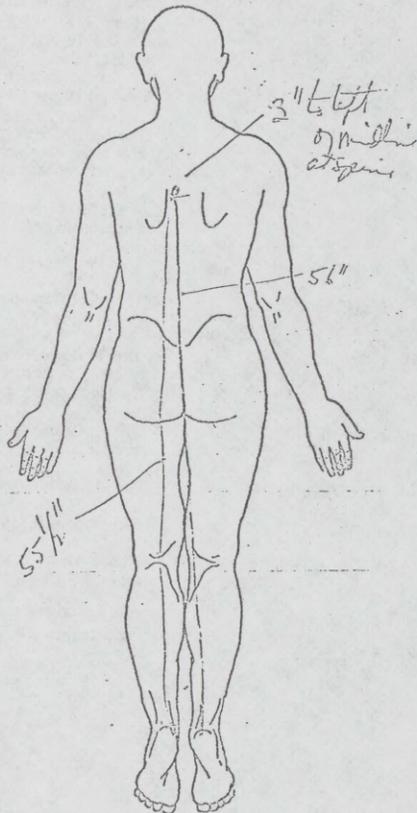
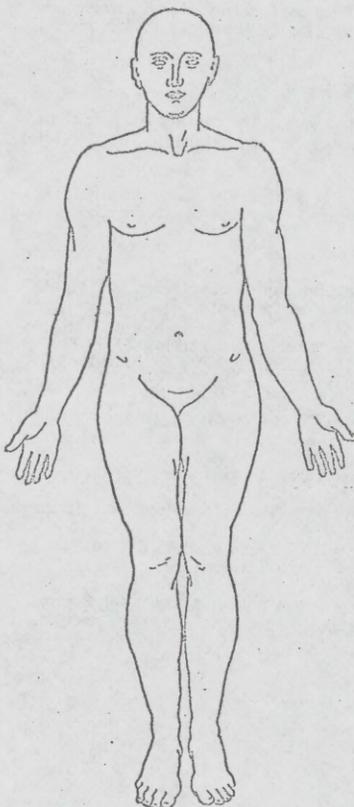
There is approximately 25cc. of blood present within the right thoracic cavity and some subpleural hemorrhage that is present affecting the right and the left in the posterior apex. The missile did not enter the right pleural cavity.

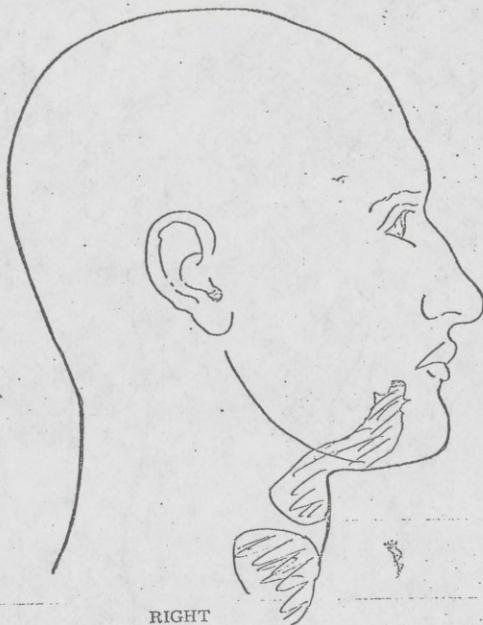
GROSS DESCRIPTION OF THE ORGANS

- HEART:** The heart weighs 450 grams. The myocardium is pale brown. The valvular surfaces reveal no significant changes. There is focal yellowing of the subendocardial areas affecting the left aspect of the interventricular septum. The right ventricle measures 5cm. in maximum thickness. The left ventricle measures 20cm. in maximum thickness. The coronary ostia originate in normal position and have a normal distribution over the epicardial surface. There is minimal intimal proliferation present. Focal yellow plaqueing is present in the ascending aspect of the aortic arch but ulceration is not present. There is no significant dilatation affecting the chambers of the heart.
- AORTA:** Focal yellow plaques are present throughout the aorta but ulceration and calcification is not present. The great vessels originate normally. There is perivascular hemorrhage affecting the right carotid artery but no penetration of the wall. The right subclavian artery is lacerated.
- ESOPHAGUS:** Partially digested food fragments are present throughout the esophagus.
- TRACHEA:** Hemorrhagic mucoid material is present throughout the upper trachea.
- LUNGS:** The right lung weighs 300 grams. The left lung weighs 325 grams. There is diffuse congestion, consolidation and hemorrhage affecting the right upper lobe of the lung. Frothy fluid is expressible from the sectioned surface. There is minimal wrinkling of the pleura diffusely throughout the pulmonary parenchyma.
- BRAIN:** The brain weighs 1400 grams. There is some flattening of the gyri and narrowing of the sulci. The cerebral vessels are symmetrical. There is no subdural, epidural, or extradural hemorrhage present. There is no significant flattening throughout the cerebral vessels.
- KIDNEYS:** The kidneys weigh 175 grams on the left and 150 grams on the right. The capsular surface is smooth. The parenchyma is of normal coloration. The cortical-medullary junction is prominent.

PANCREAS:	The pancreatic parenchyma is well preserved. The lobular pattern is preserved. There is no fatty infiltration present. The parenchyma is yellowish-grey.
LARYNX:	There is diffuse hemorrhage present throughout the superior larynx along with submucosal hemorrhage that is present within the intra-laryngeal areas. There is a tracheostomy perforation that is superior to the thyroid penetrating to the right of the pyramidal lobe.
THYROID:	No significant changes.
SPLEEN:	The spleen weighs 80 grams. The capsule is wrinkled. There is no capsular thickening present. The follicles are not prominent.
STOMACH:	The stomach contains approximately 10cc. of partially digested food fragments. There is no ulceration present.
DUODENUM:	No significant changes.
GALLBLADDER:	The gallbladder contains approximately 5cc. of light green bile. No stones are present.
LIVER:	The liver weighs 1600 grams. The parenchyma is pale yellowish-brown. The lobular pattern is accentuated. The parenchyma is quite soft.
BLADDER:	There is approximately 25cc. of cloudy yellow urine present.
PROSTATE:	No significant gross abnormalities are present.
COLON:	The appendix is present. The colonic contents is normal.
SMALL INTESTINE:	There is alternately liquid and gaseous distention present throughout the small intestine.
ADRENALS:	The adrenals are in normal position and weigh 8 grams together. The cortex is bright yellow. The medulla is grey.

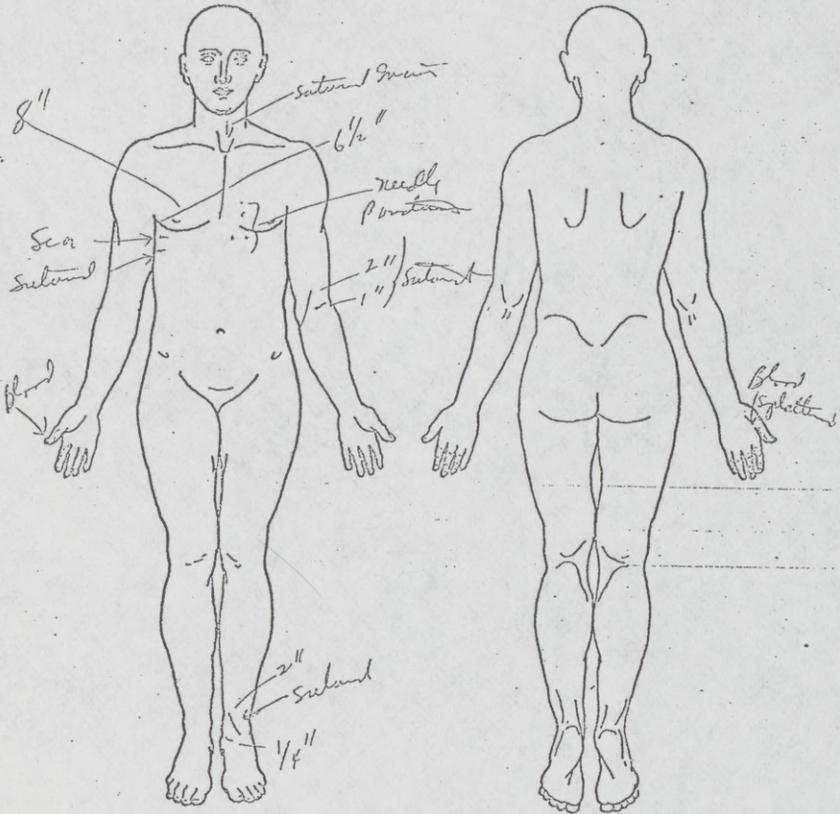
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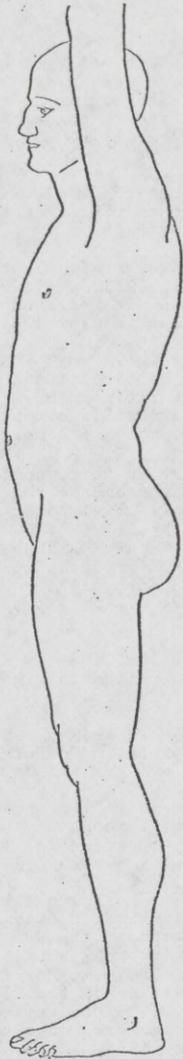


RIGHT

A68-252



#413



LEFT

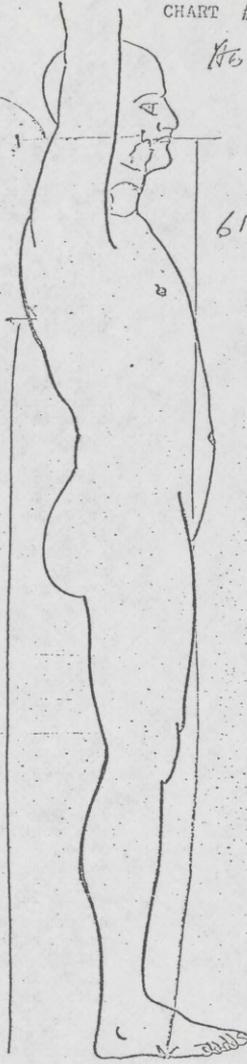
CHART # 17

AG 8-252

8 1/2"

55 1/2"

61 1/2"



RIGHT

- LUNG:** Focal areas of intra-alveolar hemorrhage are present throughout. Otherwise the alveoli are well preserved without hyperdistention or collapse. There is a loss of bronchial epithelium free within the lumens of the bronchioles. The pulmonary vessels reveal no significant changes.
- PANCREAS:** The pancreatic parenchyma is well preserved. The islets and acini are well preserved. There is minimal congestion present but no fibrosis or hemorrhage.
- KIDNEY:** The glomeruli and tubules are well preserved. There is no parenchymal fibrosis evident or vascular proliferation present. The tubules are filled with eosinophilic material. There is no collapse of the tubular lumen.
- THYROID:** The follicles are uniform and regular. There is a small quantity of extravasation of mature erythrocytes into peri-follicular locations. Cellular inflammatory reaction is not present. There is no migration of polymorphonuclear leucocytes within the areas of hemorrhage.
- LIVER:** There is diffuse cytoplasmic vacuolation throughout the hepatic cytoplasm being distributed throughout the lobules and in both pericentral and periportal locations. A small number of mononuclear cells are present in portal areas. There is some variation in size, shape of the hepatic nuclei. The vacuoles that are present are irregular in size, being numerous in some cells and being single large vacuoles in others with a disruption of cytoplasmic borders in some.
- ADRENAL:** There is congestion of the inner cortical zones of the adrenal. The cytoplasm is otherwise well maintained. The cortico-medullary ratio is maintained.
- SPLEEN:** The follicles are present but without secondary reactive centers. There is some congestion of the pulp but focal hemorrhage is not present.
- HEART:** The myocardial fibers are well preserved. The nuclei are regular. Fibrosis is not present throughout the myocardium and cellular inflammatory reaction is not present. The atrium reveals no significant changes.
- SKIN:** There is dermal hemorrhage present but no accumulation of polymorphonuclear leucocytes. Blackened debris is present throughout the hemorrhagic area of the dermis having no identifiable form. There is pronounced eosinophilia of the collagen bundles. There is hemorrhage into the dermal layers with an alteration in the tinctorial properties of the epithelium with focal fragmentation of the epithelium adjacent to the area of dermal hemorrhage.

CORONARY:

There is moderate intimal proliferation along with an extra cellular deposition of lipid within the sub-intimal areas along with lipid filled macrophages present in this location. Small foci of perivascular mononuclear cells are present in the regions of most pronounced intimal proliferation.

PROSTATE:

The glandular elements are well preserved without any significant increase in collagenous connective tissue. Inflammatory reaction is not present.

Memphis and Shelby County

OFFICE OF THE COUNTY MEDICAL EXAMINER
858 Madison Avenue
MEMPHIS, TENNESSEE 38103

Case No.
C8-656
A68-252

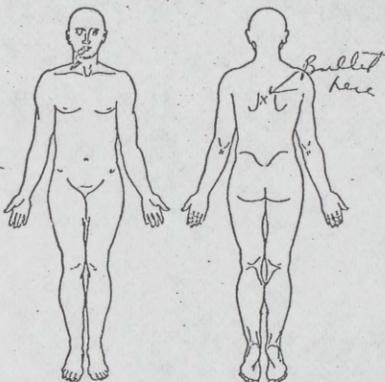
REPORT OF INVESTIGATION BY COUNTY MEDICAL EXAMINER

DECEDENT Wm. Marshall L. King RACE: C SEX: M AGE: 39
 HOME ADDRESS London, Tenn City or County State London Tenn M W S D OCCUPATION: _____
 TYPE OF DEATH: Violent Casualty Suicide Suddenly when in apparent health Found Dead
 (Check one only) In Prison Suspicious, unusual or unnatural Cremation
 Comment Shot
 If Motor Vehicle Accident Check One: Driver Passenger Pedestrian Unknown
 Notification by Shelby Address City
 Investigating Agency _____

DESCRIPTION OF BODY: Clothed Unclothed Partly Clothed Circumcised Yes No
 Eyes br : Hair br : Mustache + : Beard 0 :
 Weight _____ Pounds : Length _____ Inches : Body Temp. _____ Fahrenheit : Date and Time _____ :
 Rigor: Yes No Lysed Livor Color P Fixed Non-Fixed

Marks and Wounds _____

Wound at chest
Chest
Bullet in sub C of back



PROBABLE CAUSE OF DEATH	MANNER OF DEATH	DISPOSITION OF CASE
<u>Gunshot wound</u> <u>homicide</u>	(Check one only) Accident <input type="checkbox"/> Natural <input type="checkbox"/> Suicide <input type="checkbox"/> Unknown <input type="checkbox"/> Homicide <input checked="" type="checkbox"/> Pending <input type="checkbox"/>	1. Not a medical examiner case <input type="checkbox"/> 2. Autopsy requested Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Autopsy ordered Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Pathologist <u>[Signature]</u>

I hereby declare that after receiving notice of the death described herein I took charge of the body and made inquiries regarding the cause of death in accordance with Section 38-701-38-714 Tennessee Code Annotated, and that the information contained herein regarding such death is true and correct to the best of my knowledge and belief.

Date 4-4-68 County of Appointment Shelby Signature of County Medical Examiner [Signature]

PERSONAL HISTORY: Suicide attempts Suicide threats Hobbies, aptitude and skills with firearms, chemicals, etc. Domestic, premarital or marital conflicts Financial or business reverses Social or religious conflicts Legal difficulties Criminal record Unemployment Fear of disease Other (specify) _____

CONDUCT BEFORE DEATH: Efforts to prevent help Efforts to obtain help Suicide attempt: Admitted Denied Refusal to talk Written declaration of intended suicide Accusations against others Other (specify) _____

LAST SEEN ALIVE	INJURY OR ILLNESS	DEATH	DISCOVERY	MEDICAL EXAMINER NOTIFIED	VIEW OF BODY	POLICE NOTIFIED
		4-4-68		4-4-68	4-4-68	Same
DATE				2047	2047	
TIME						
INJURY OR ONSET OF ILLNESS		LOCATION	CITY OR COUNTY	TYPE OF PREMISES (HOSPITAL, HOTEL, HIGHWAY, ETC.)		
DEATH		<i>Serrano motel</i>				
VIEWING OF BODY BY MEDICAL EXAMINER		<i>St Joseph</i>				
MEDICAL ATTENTION AND HOSPITAL OR INSTITUTIONAL CARE						
NAME OF PHYSICIAN OR INSTITUTION	ADDRESS	DIAGNOSIS	DATE			

CIRCUMSTANCES OF DEATH

	NAME	ADDRESS
FOUND DEAD BY		
LAST SEEN ALIVE BY		
WITNESS TO INJURY OR ILLNESS AND DEATH		

NARRATIVE SUMMARY OF CIRCUMSTANCES SURROUNDING DEATH:

*Shot by unknown
assault at above location.*

THE UNIVERSITY OF TENNESSEE MEDICAL UNITS
DIVISION OF NEUROPATHOLOGY

Autopsy Report

Case #: A68-252 Name: King, Martin Luther Jr.
Age: 39 Race: Negro Sex: Male
Date of Death: April 4, 1968 Date of Report: April 12, 1968

Macroscopic Description

Specimen consists of brain only (weight 1560 gms.) which was received fixed in formaldehyde. The specimen has been resected approximately 1.5 cms. below the lower end of the medulla (level of the foramen magnum), and therefore only this small portion of the cervical spinal cord is available for examination.

Cerebral hemispheres are symmetrical. There is no evidence of swelling. There are no atrophic changes. No anatomical variations or anomalies are observed on external examination. No areas of softening are felt. The leptomeninges are thin, glistening, transparent and except for two very small areas of recent subarachnoid hemorrhage over the right frontal lobe and the left parietal area (each measuring less than 1.0 cms.) there are no abnormalities. Herniations of brain tissues are observed on both uncinata gyri to a minimal degree (0.5 cms. on the right and 0.4 cms. on the left).

The vessels at the base of the brain are carefully dissected away to demonstrate perfectly normal blood vessel walls free of atheroma. No aneurysms are visualized. The anatomical configuration falls within the pattern of the majority, with two very wide posterior communicating branches and a relatively small, rudimentary, single, anterior communicating artery.

External examination of the cerebrum and spinal cord discloses no abnormality in the origin of the cranial nerves or in the rest of the anatomical landmarks. No significant alterations are observed in the stump of cervical spinal cord that is available, in the way of petechial hemorrhages or similar type of changes. The ventral surface of the cerebellar hemispheres also shows a minimal degree of recently collected blood in the subarachnoid space.

Coronal sections of cerebral hemispheres disclose no shift of the midline structures. The ventricular system is normal in caliber, shape and location. Cerebral cortex has a uniform width and measures 0.5 cms. in average thickness. No abnormalities are observed in the white matter in the form of myelin loss, hemorrhages, or destructive lesions of any other type. Lenticular nuclei, caudate nuclei, claustrum, amygdaloid nuclei, thalamic nuclei, hypothalamic nuclei, subthalamic nuclei, lateral geniculate bodies, corpus callosum, fornices, internal cerebral veins, choroid plexus, and other commonly easily identified structures are carefully evaluated for any other abnormalities, but they all appear to be well within normal limits. Intracerebral blood vessels are inconspicuous. No exudate is observed over the surface of the ependymal lining.

Transverse sections of the brain stem are made approximately at 0.3 cms. intervals and no petechial hemorrhages, softening, or other type of abnormalities are detected at any of the levels examined. No evidence of compression (i.e., deformity) by the uncinate gyri is seen at the level of the midbrain.

Sagittal sections of the cerebellum show no demonstrable abnormalities in the cortex, the white matter, the dentate nucleus or the lining of the fourth ventricle. All the anatomical landmarks that are visible to the naked-eye are identified and they appear free of abnormalities.

Sections taken: frontal cortex, hippocampal gyrus, basal ganglia, cerebellar cortex, midbrain, pons, medulla, and several sections of the small portion of the cervical cord that is available. The left side is labeled with a notch.

Specimen is permanently saved; photographs are taken.

Julio H. Garcia, M.D.
Neuropathologist

JHG:aw

THE UNIVERSITY OF TENNESSEE MEDICAL UNITS
DIVISION OF NEUROPATHOLOGY

Autopsy Report

Date: April 30, 1968

Case #: A68-252 Name: King, Martin Luther Jr.

Age: 39 Race: Negro Sex: Male Expired: 4-4-68

Final Neuropathological Diagnoses

1. Normal central nervous system.

Other Pertinent Anatomical Findings*

- * Trauma - gunshot wound - by history, approximately one hour prior to death.

Microscopic Description

Samples obtained from the following areas were examined after embedding in paraffin and staining with Hematoxylin and Eosin: left frontal gyrus, right basal ganglia, left hippocampus, right parietal lobule, optic chiasm, midbrain, cerebellum, pons, medulla, and multiple sections of the small fragment of cervical spinal cord available. All sections show histological structures that are well within the normal limits. There is a minimal collection of red blood cells in the subarachnoid space observed in some of the sections taken from the cortex. A slight degree of thickening and early hyalinization in the arterioles in the basal ganglia is also noticed. A few of the capillaries in the medulla display accumulation of lymphocytes at the periphery. No further histological changes are noted.

J. H. Garcia, M.D.
Neuropathologist

JHG:aw

SCIENTIFIC REPORT ON THE SUBJECT OF
THE EXAMINATION OF FIREARM-RELATED EVIDENCE IN THE INVESTIGATION
OF THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

By

THE FIREARMS PANEL

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DONALD E. CHAMPAGNE, *Firearms and Tool Mark Examiner, Florida Department of Criminal Law Enforcement, Tallahassee, Fla.*

MONTY C. LUTZ, *Firearm and Tool Mark Analyst, Wisconsin Regional Crime Laboratory, New Berlin, Wis.*

ANDREW M. NEWQUIST, *Special Agent and Firearm, Tool Mark and Latent Fingerprint Examiner, Iowa Bureau of Criminal Investigation, Des Moines, Iowa*

TECHNICAL ASSISTANCE

GEORGE R. WILSON, *Senior Firearms Examiner, Metropolitan Police Department, Washington, D.C.*

Report to the
Select Committee on Assassinations
U.S. House of Representatives
Ninety-fifth Congress
Second Session

March 1979

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INTRODUCTION

(1) From the outset, the King assassination task force of the Select Committee on Assassinations believed that a complete scientific examination of all firearms evidence * was essential to its investigation. The committee wanted to address the many questions that had arisen since the assassination concerning the alleged assassination rifle, the bullet recovered from the body of Dr. King and other evidence related to the actual shooting. A particular question was whether the bullet recovered from Dr. King had been fired from the rifle, a question that the FBI had been unable to resolve.

Background

(2) In early April 1968, the FBI laboratory in Washington, D.C., examined the bullet removed from Dr. King by the autopsy pathologist, Dr. Jerry T. Francisco. It also examined several other items, allegedly related to the shooting, which had been recovered at the entrance to Canipe's Amusement Co. (1) by the Memphis police soon after the murder—a rifle in which was found an expended cartridge case and a Peters cartridge box containing nine .30-06 Springfield caliber cartridges. These items had been delivered to the Memphis FBI office on April 4, by Memphis Police Inspector N. E. Zachary (2) and were brought to the FBI Laboratory in Washington, D.C. at 5:10 a.m. on April 5 by Special Agent Robert Fitzpatrick. (3)

(4) The FBI tests consisted of visual and microscopic examinations and comparisons of each item of evidence. The Laboratory identified the bullet removed from Dr. King as a ".30 caliber metal-jacketed 'soft-point' sporting type bullet of Remington-Peters manufacture," the same type as the bullet portions of five of the cartridges found in the Peters cartridge box.

(5) On April 17, 1968, the FBI issued its report, (4) which concluded, in summary, that:

- (6) —The expended cartridge case had been fired in the rifle.
- (7) —The bullet recovered from Dr. King's body could have been fired from the rifle, but its deformation and the absence of clearcut marks precluded a positive determination.
- (8) —It was not possible to establish a positive link between the bullet and the cartridge case through marks on the bullet.
- (9) —Of the nine cartridges in the Peters cartridge box, five were commercial-type .30-06 Springfield caliber of Remington-Peters manufacture. The bullet removed from Dr. King matched the bullet components of those five.
- (10) —The four remaining cartridges were military type ammunition made by the Remington Arms Co.

*A glossary of technical terms can be found at the back of the report.

(11) —Similar Peters cartridge boxes normally contain Remington-Peters ammunition identical to the five commercial-type cartridges. The expended cartridge case was also a component of this type of ammunition.

(12) In a further attempt to establish links between the bullet, the expended cartridge case and the five commercial-type cartridges, the FBI conducted spectrographic and neutron activation analyses. It was hoped that by comparing the elements making up these items, it would be possible to determine if all had been packaged in the same Peters cartridge box. (5)

(13) On April 29, 1968, the FBI issued its report. (6) Though the five cartridges were from the same manufacturer, they varied in their elemental composition and could not be used as standards for comparison with the bullet.

(14) The FBI also examined Dr. King's clothing to see if anything could be determined about the cause of the damage, specifically whether it had been caused by either the bullet or secondary missiles or both, and the possible direction of a shot or shots. The clothing had been obtained by Memphis Police Detective E. S. Berkley from St. Joseph Hospital where Dr. King was given emergency treatment. Subsequently, it was delivered to the FBI laboratory. (7)

(15) In a report dated April 18, 1967, (8) the FBI concluded that it was not possible to determine if a bullet or bullet fragments had struck or penetrated the clothing because of the ambiguous nature of the damage.

(16) An additional item of evidence examined by the laboratory was a section of a windowsill removed from the second floor, north wing bathroom of the rooming house at 418-422½ South Main Street, Memphis—the assassin's alleged location. It had been removed by Lieut. James P. Hamby and Special Agent Franklin Johnson after they observed what appeared to be a recent indentation on its surface which they thought might have been caused by the rifle. (9)

(17) In a report dated April 11, 1964, (10) the FBI concluded that the characteristic markings in the indentation were insufficient for a determination of whether the impression was made by the rifle.

(18) At the conclusion of its examinations, the laboratory returned all firearms evidence to the Criminal Court of Shelby County, Tenn., the court of jurisdiction.

(19) Criticism of the FBI for failing to link the bullet positively with the rifle stemmed in part from the common belief that the technology existing then was so exact that it should have been possible to determine if a certain bullet was fired from a certain rifle, as long as a substantial portion of the bullet were available, the case in this instance.

(20) Some critics claimed that if the bullet and the rifle could not be tied together, it could not be proven that Ray was the assassin or the only person involved. Mr. Lane, Ray's counsel, wrote in Code Name "Zorro", "The failure of the State to prove that the 'death slug' was fired from what was alleged to be Ray's rifle reflected very poorly upon the case against Ray." (11) In his book "Frameup," Harold Weisberg said that he sought firm proof "from the very precise science available * * * that the bullet had been fired from that rifle to the exclusion of all others." (12).

(21) In light of the criticism of the FBI's treatment of the firearms evidence, and as part of its obligation to investigate fully the events surrounding Dr. King's assassination, the committee decided to convene a panel of experts to reexamine the firearms evidence.

Selection of the panel

(22) In April 1977, the committee sought recommendations for membership for the panel from the Association of Firearm and Tool Mark Examiners, the Forensic Science Foundation, and the American Academy of Forensic Sciences. Candidates were to be leading firearms experts who had had no prior affiliation with either the King or the Kennedy assassination case.*

(23) A list of 27 experts was proposed. Five were eliminated initially; three were current or past employees of the FBI; one had authored material on the firearms evidence; and one was unable to undertake the project.

(24) The remaining 22 prospects were asked to submit résumés, with information on past affiliations with the case and opinions about the assassination or the firearms evidence. Eighteen responded, 10 of whom did not want to be considered or did not meet the committee's criteria.

(25) Prior to final selection of the panel, the committee advised Jack Kershaw, then attorney for James Earl Ray, of the names and qualifications of each prospect. Kershaw declined to participate in the selection.

(27) Five experts were chosen to serve on the panel:

(28) John S. Bates, Jr.—senior firearms examiner in the New York State Police Laboratory at Albany. He has been a lecturer at the New York State Police Academy, New York State Municipal Police Training Council, and various community colleges.

(29) Bates is a member of the Association of Firearm and Tool Mark Examiners, serving as secretary since 1973. In that year, he received the association's Distinguished Member Award. He has written numerous professional articles.

(30) Donald E. Champagne—firearm and tool mark examiner with the Florida Department of Criminal Law Enforcement in Tallahassee for the past 10 years. He served in the Crime Detection Laboratory of the Royal Canadian Mounted Police in Ottawa, Ontario, for 15 years, and he has lectured extensively at the Canadian Police College and other law enforcement agencies.

(31) Champagne is president and a distinguished member of Firearm and Tool Mark Examiners. He is a member of the Southern Association of Forensic Scientists and the Canadian Society of Forensic Science.

(32) Monty C. Lutz—firearm and tool mark analyst with the Wisconsin Regional Crime Laboratory in New Berlin. He has been the chief firearm and tool mark examiner for the U.S. Army.

(33) Lutz is a past president of the Association of Firearm and Tool Mark Examiners. He has been named a distinguished member of the association. He has lectured at colleges and law enforcement schools across the country and is the author of numerous professional

*The same panel was to conduct an examination of the firearms evidence in the Kennedy assassination case.

publications. He received a B.S. in criminal justice from the University of Nebraska.

(34) Andrew M. Newquist—special agent and firearm, tool mark and latent fingerprint examiner for the Iowa Bureau of Criminal Investigation.

(35) Newquist is a distinguished member and past president of the Association of Firearm and Tool Mark Examiners and currently serves on its executive committee. He is a member of the International Association for Identification and a lecturer at the Iowa Department of Public Safety.

(36) The panel conducted its examination at the facilities of the Metropolitan Police Department Firearm Identification Section, Washington, D.C. Assigned as liaison to the panel and working closely with it as technical assistant was George R. Wilson, senior firearms examiner, Metropolitan Police Department, Washington, D.C., a position he has held for 9 years. The Laboratory, which he established, was the first in the Department's history.

(37) Wilson is second vice president of the Association of Firearm and Tool Mark Examiners. In 1974, he received the association's Distinguished Member Award. During his 25-year tenure with the Metropolitan Police Department, he has been awarded over 30 commendations for outstanding and meritorious performance of duty.

(38) Photographic services were provided by police photographer Gary R. Phillips of the Metropolitan Police Department's Photographic Services Section.

Issues addressed by the panel

(39) The panel was asked to study the evidence and attempt to answer the following questions:

(40) Was the bullet recovered from Dr. King fired from the alleged assassination rifle?

(41) Was the expended cartridge case found in the rifle fired in that rifle?

(42) Had the expended cartridge case been loaded into the rifle through the magazine or directly into the chamber?

(43) Is the expended cartridge case the same type and brand as the five commercial-type cartridges or the four military-type cartridges found in the Peters cartridge box?

(44) Is the bullet removed from Dr. King the same type and brand as the bullet portions of the Peters cartridge box commercial-type cartridges or the four military-type cartridges?

(45) Were the bullet recovered from Dr. King and the cartridge case found in the rifle components of the same cartridge?

(46) Were any of the cartridges found in the Peters cartridge box ever loaded into the chamber or magazine of Ray's rifle or any other firearm?

(47) Did the rifle cause the indentation on the surface of the windowsill taken from the roominghouse?

(48) Was the damage to Dr. King's shirt, necktie, and suitcoat produced by a bullet, bullet fragments, or something else?

(49) The panel was informed that it could also pursue other areas at its discretion.

Procedures and equipment

(50) As noted, the panel conducted its examination at the Firearms Identification Section of the Washington, D.C., Metropolitan Police Department. These facilities were conveniently located to the National Archives and the select committee's offices, and were made available by Police Chief Maurice J. Cullinane and Firearms Section Supervisor George R. Wilson.

(51) The panel members met initially on August 24, 1977, with the committee and the technical assistant from the Metropolitan Police Department's Firearms Laboratory. At that time, the following examination procedures were adopted:

(52) Each panel member would independently examine and compare under a microscope the bullet recovered from Dr. King, the cartridge case found in the rifle, the bullets and cartridges test-fired by the panel (see below) and the bullets and cartridge cases received from the FBI and listed as having been fired in the rifle.

(53) The panel would jointly conduct microscopical, chemical and visual examinations of all other evidence, as well as of the rifle, bullets and cartridges test-fired in it (see below). Each examiner would keep individual worksheets and notes.

(54) Among the specific tests to be conducted were:

(55) Comparison of the bullets test-fired by the panel from the rifle (see below), and with bullets received from the FBI and listed as having been fired from the rifle.

(56) Comparison of the cartridge case found in the rifle with cartridge cases test-fired by the panel in the rifle, and with cartridge cases received from the FBI and listed as having been fired in the rifle.

(57) Comparison of the exterior of the rifle with an impression in the surface of the windowsill.

(58) Before discussing his findings with other panel members, each examiner would submit his individual notes and worksheets and a final report to the technical assistant.

(59) On completion of the individual examinations, the panel would meet to discuss the findings of each member, reexamine the evidence as necessary, and then prepare a final, joint report, to be submitted to the select committee.

(60) Members would not be shown the results of the earlier FBI tests. The FBI reports were, however, to be reviewed by the technical assistant.

(61) After considering the results of the FBI's neutron activation analysis, the committee decided not to conduct further examinations of this type. Because the elemental composition of the five Peters cartridge box commercial-type cartridges differed, they could not be used as standards of comparison with the bullet recovered from Dr. King's body.

(62) As noted, the panel was to conduct visual and microscopical examinations, as necessary, on each item of evidence. A summary of general principles follows:

(63) A cartridge, or round of ammunition, consists of a cartridge case, primer, powder, and bullet. The primer contains a detonable mixture and fits into the base of the cartridge case, which contains powder. The bullet, constructed of lead or a lead core encased in a

stronger metal jacket, fits into the mouth of the cartridge case. A bullet is fired by placing the cartridge in the chamber of the firearm. The cartridge base rests against a solid support, called a breech or bolt face. When the trigger is pulled, the firing pin strikes the primer, igniting the detonable mixture, which in turn ignites the powder in the cartridge case. The combustion propels the bullet through the barrel.

(64) The bore (inside of the barrel) of modern firearms is rifled with spiral grooves in it to give bullets fired through it a spinning motion for flight stability. The raised portions between the grooves are called lands. The number, width and direction of twist of the lands and grooves are called the class characteristics of a barrel.

(65) In addition to the class characteristics, the components of every firearm, such as the barrel, firingpin and breech face, bear distinctive microscopic characteristics. While the class characteristics are common to all firearms of a given model and manufacture, an individual firearm's microscopic characteristics differ from all other firearms, regardless of model or manufacture. These distinctive markings, usually referred to as individual identifying characteristics, are produced initially by the manufacturing tools, which change microscopically during operation and vary from one firearm to another. Further individual identifying characteristics may be produced as the firearm is used, during its disuse, and as a consequence of maintenance or the lack of it.

(66) When a firearm is discharged, the individual identifying characteristics of its barrel, as well as its class characteristics, are engraved on the bearing surface of the bullet. The individual identifying characteristics of the firingpin and breech or bolt face are impressed on the base or primer of the cartridge case at the time of firing.

(67) Using a comparison microscope, an expert can compare the markings with those produced on a similar cartridge test-fired in the same firearm. If the patterns of the microscopic markings are sufficiently similar, it can be concluded that both cartridge cases were fired in the same firearm.

(68) Microscopical examination of other firearm components and the markings they produce may also demonstrate such things as whether a cartridge was ever loaded into a particular firearm or was loaded into a firearm more than once. It is also possible, through comparative microscopical examinations, to determine whether two bullets were fired from the same firearm.

(69) The committee obtained the firearms evidence from the Criminal Court of Shelby County, Tenn., on March 11, 1977; the autopsy photographs came from the office of the Shelby County medical examiner. All items of evidence were inventoried before and after being transferred to and from the police laboratory in Washington in August and September. Deputy Clerk of the Criminal Court of Shelby County, Charles Koster, came to Washington on August 24, 1977, to oversee the transfer of the firearms evidence to the police laboratory and to review security precautions generally. The evidence was secured in a safe in the laboratory; a log was maintained to record when the evidence was removed for examination.

(70) The bullets and cartridge cases test-fired by the FBI from the rifle were obtained for the committee from Special Agent Cort-

landt Cunningham, Chief of the FBI Firearms Identification Unit, by George R. Wilson.

(71) The examinations were conducted August 24 to 27 and September 23 to 27, 1978. The following equipment was used:

(72) Two American Optical forensic comparison microscopes, model K1453, serial Nos. 328 and 277, with fluorescent and incandescent lighting, fiber optics, photographic unit, and 10X eyepieces and objectives. One had a combined magnification of 12X, 20X, and 40X, the other of 20X, 40X, and 80X.

(73) American Optical low-power binocular microscope with zoom lens of 0.7- to 3-power eyepieces.

(74) EPOI "Electromike" measuring projector, model MP6.

(75) Mico model 5100 balance, with a 1,000-grain capacity.

(76) Slocomb "Speedmike" direct readout micrometer.

(77) Brown and Sharpe stage micrometer for air gap measuring.

(78) Marshall's reagent (Griess test).

(79) Sodium rhodizonate reagent.

(80) Horizontal water recovery tank.

(81) Horizontal cotton waste recovery box.

(82) .30-06 Springfield caliber, 150-grain, soft-point, jacketed cartridges of Remington-Peters manufacture, index 3033. Those cartridges test fired by the panel were designated panel T-1 to T-12. No designation was made for the unfired cartridges which the panel loaded and unloaded in the rifle.

(83) This ammunition was supplied from the police department's stock. It was similar to the expended cartridge case found in the Q-2 rifle and to the five commercial-type cartridges found in the Peters cartridge box.

(84) The panel conducted 12 test firings of the rifle using the .30-06 Springfield caliber cartridges. The first test shots were fired into a water recovery tank. This resulted in excessive expansion of the bullets' nose portion. Subsequent shots were fired into a horizontal cotton waste recovery box, which left the bullets more intact. All test-fired bullets and cartridge cases were used for comparison.

(85) Additional .30-06 Springfield caliber cartridges were used, unfired, for loading and unloading in the rifle to obtain class and individual identifying characteristics produced in that process.

(86) At the time of the panel's examination, the telescopic sight mounted on the rifle was set at "3X." An FBI report dated April 17, 1968, noted that the sight was set at "6½X" when the laboratory received the rifle the day after the assassination. (13) The laboratory had test fired the rifle, as received, on April 5, 1968, to determine its accuracy using the sight. Groups of three shots were fired at 205 feet, the distance from which Dr. King was believed to have been shot. According to its report dated April 14, 1968, "the center of the groups was approximately 3 inches to the right and only slightly below the line of aim." (14) The report noted that the sight could have become misaligned when the rifle was abandoned or during subsequent handling before the FBI laboratory received it, and that this could have caused the distortion found in the tests. For this reason, the panel decided not to test the rifle for accuracy using the telescopic sight.

(87) The panel's examination required a total of 257 man-hours. The panel submitted a final joint report of its findings on October 28, 1977.

Evidence examined

(88) The evidence examined was:

(89) Exhibit Q1¹—One two-piece gold, brown, and black box, labeled "Browning Mauser," found along with other evidence at Canipe's Amusement Co.² (See figure 1.)

(92) Exhibit Q2—One .30-06 Springfield caliber pump-action rifle, Remington Gamemaster model 760, serial No. 461476, found at Canipe's Amusement Co. Attached is a Redfield 2X to 7X variable telescopic sight, serial No. A17350, and a Weaver sight mount.³ (See figs. 2A and 2B.)

(96) Exhibit Q3.—One expended commercial-type .30-06 Springfield caliber cartridge case of Remington-Peters manufacture, found in the Q2 rifle. (See figs. 3A and 3B.)

(97) Exhibit Q4-Q12.—Q4-Q8—Component parts of the five commercial-type .30-06 Springfield caliber cartridges of Remington-Peters manufacture, with 150-grain, jacketed, pointed soft-point bullets, found at Canipe's Amusement Co. in the Peters cartridge box. (See fig. 4A.) Q9-Q12—Four military-type .30-06 Springfield caliber cartridges of Remington Arms Co. manufacture, with full metal-jacketed bullets, found at Canipes Amusement Co. in the Peters cartridge box. (See figs. 4B and 4C. Cartridge box—One Peters .30-06 Springfield caliber cartridge box, found at Canipes Amusement Co. (See fig. 4 n.)

(98) Exhibit Q64.—Three fragments⁴ from the damaged jacketed bullet removed from Dr. King. They were: (1) the base portion of the bullet jacket, weighing 30.9 grains; (2) a jacket fragment weighing 6.7 grains; (3) a portion of the lead core material, weighing 26.8 grains. The combined total weight was 64.4 grains. (See fig. 5.)

(99) Exhibit Q71.—A piece of wooden board with a tag marked, "part of windowsill from window of bathroom on east side of apartment house, second floor (north wing), over 418-422½ South Main Street, Memphis, Tenn." It was about 31⅝ inches long, 5 inches wide and 1 inch thick, highly weathered, with a considerable quantity of white paint on one edge. It had a shallow, elongated indentation about

¹ The "Q" numbers were designated by the FBI.

² The panel found it to be in poor condition, held together with masking, transparent, and orange tape. It was wrapped in white twine, with a tag marked "James Earl Ray State No. 3035 and 3487." This box was originally intended as a shipping container for a Browning brand rifle.

³ The panel found the rifle to be in good operating condition. The trigger pull was measured at 4¾ pounds, well within the manufacturer's specifications of 3½ to 6½ pounds. The magazine was a detachable box-type with a four-cartridge capacity. The barrel was rifled with six lands and six grooves, right twist.

An examination of the rifle barrel revealed a residue in the bore which the panel believed should be removed prior to test firing. This was done with a dry cloth patch pushed through the barrel.

A red-colored substance was found on the front of and inside the magazine where the operating rod screws into the receiver. Pursuant to the panel's request, the Remington Arms Co. identified it for the record as most probably "Loktite," a red-colored cement used by the Remington Arms Co. to secure certain threaded connections. (15)

⁴ The bullet was recovered intact from Dr. King's body. As a result of subsequent handling, the bullet has since fragmented into three pieces.

five-sixteenths inch long on the top surface midway along its length and 4 inches from the painted edge. (See figs. 6A and 6B.)

(101) *Exhibit Q76*.—One white, men's long-sleeved button-down shirt by Arrow and a pill box containing a small piece of cloth removed from the shirt by the FBI for analysis. (See figs. 7A and 7B.)

(102) *Exhibit Q77*.—One gold, brown and black necktie by Superlaine and a pill box containing two small pieces of cloth removed from the tie by the FBI for analysis. (See fig. 8.)

(103) *Exhibit Q78*.—One black suit coat by Petrocelli and a pill box containing a small piece of cloth removed from the coat by the FBI for analysis. (See fig. 9.)

(104) *FBI laboratory test-fired cartridges*.—Four deformed commercial-type .30-06 Springfield caliber jacketed softpoint bullets of Remington-Peters manufacture and two .30-06 Springfield caliber cartridge cases, all fired in the rifle by the FBI.

(105) *Autopsy photographs*.—Autopsy photographs of Dr. King.

FINDINGS AND CONCLUSIONS OF THE FIREARMS PANEL

(106) The findings and conclusions were prepared by staff of the House Select Committee on Assassinations based on material submitted by the panel members. The panel has read and accepts those findings and conclusions.

Was the Q64 bullet fired from the Q2 rifle?

(107) The Q64 bullet had been substantially distorted and generally damaged because of impact and penetration into Dr. King. Wiping effects from penetration were also noted. (See fig. 10.) Of the three Q64 bullet fragments (fig. 5), the panel found that only the base portion of the jacket showed class characteristics, which consisted of six grooves and six lands, right twist.

(108) Each panel member made a total of 81 comparisons between the Q64 bullet, the four bullets previously test-fired by the FBI, and the 12 bullets test-fired by the panel in the Q2 rifle. With respect to class characteristics, all members found correspondence among all bullets. (See fig. 11.) On the other hand, with respect to individual identifying characteristics, no significant correspondence was found between the Q64 bullet and the test bullets; conversely, no gross differences were found. The panel was unable positively to identify or eliminate the Q64 bullet as having been fired from the Q2 rifle.

(109) The panel noted that it is not unusual that a bullet cannot be positively identified with a particular rifle. This can result from one or more factors:

- Damage to the bullet;
- Variations in the hardness of the bullet's metal;
- Variations in gas pressures created during firing from one cartridge to another;
- Natural variations caused by the intense heat and friction resulting from the high velocity of the bullet as it is driven through the barrel.

(110) When the bullets test-fired by the FBI and the panel in the Q2 rifle were compared microscopically, the panel found so much variation among the individual identifying characteristics that most could not be identified with each other.

(111) The panel concluded that the Q2 rifle inconsistently engraves individual identifying characteristics on successively fired bullets.

Was the Q3 cartridge case fired in the Q2 rifle?

(112) The Q3 expended cartridge case was compared microscopically with the two cartridge cases test-fired by the FBI and the 12 cartridge cases test-fired by the panel. The panel found correspondence among the individual identifying characteristics produced by the firing pin and bolt face. (See figs. 12 (bolt face and extractor of the Q2 rifle), 13 (bolt face impressions), 14 (extractor impressions), 15 (chamber impressions), 16 (bolt locking lugs of the Q2 rifle), and 17 (bolt locking lug impressions)). The panel concluded that the Q3 cartridge case was fired in the Q2 rifle.

Was the Q3 cartridge case loaded into the Q2 rifle through the magazine or directly into the chamber?

(113) The panel identified bolt drag marks (longitudinal striations) on the Q3 cartridge case (see fig. 17), similar to those produced experimentally on the test-fired cartridge cases and unfired cartridges. The relative position of bolt drag marks to the extractor marks (see fig. 12) on the rim of the Q3 cartridge case, which were engraved by the extractor and the bolt locking lugs (fig. 16) of the Q2 rifle, was also similar.

Is the Q3 cartridge case the same type and brand as the cases of the Q4-Q8 or the Q9-Q12 cartridges?

(114) The headstamp on the base of the Q3 cartridge case ("R-P .30-06 SPRG" (see fig. 3B)) indicated to the panel that it is commercial-type Remington-Peters ammunition—the same as the Q4-Q8 cartridges (see fig. 4A). The headstamps on the Q9-Q12 cartridges ("R A 55" (see fig. 4C)) indicated to the panel that they were military-type Remington Arms ammunition, unlike the Q3 and Q4-Q8 cartridges.

Is the Q64 bullet the same type and brand as the bullet portion of the Q4-Q8 or the Q9-Q12 cartridges?

(115) The Q64 bullet and the bullet components of the Q4-Q12 cartridges are all .30 caliber. Examination of the bullet jacket and core material of the Q64 bullet revealed that the jacket was of the same design and caliber and had cannellures similar to those of the bullet components of the Q4-Q8 cartridges (fig. 4A). The Q64 and the Q4-Q8 bullet components are therefore the same type.

(116) There were differences in design between the Q64 and the full metal-jacketed bullets loaded into the Q9-Q12 cartridges (fig. 4B). The Q64 bullet is not the same type of bullet as those in the Q9-Q12 cartridges.

Are the Q64 bullet and the Q3 cartridge case components of the same cartridge?

(117) The panel concluded that the Q3 cartridge case and the Q64 bullet had the same physical characteristics as the case and bullet components of the Q4-Q8 cartridges and that Q64 and Q3 could therefore be components of the same cartridge. However, the panel noted that there is no scientific procedure available that allows a fired bullet to be related conclusively to an expended cartridge case.

Were any of the Q4-Q12 cartridges ever loaded into the chamber or magazine of the Q2 rifle or any other firearm?

(118) Visual and microscopical examination of the cartridges by the panel revealed no extractor, ejector or other marks to indicate that they were ever loaded in the magazine or chamber of the Q2 rifle or any other firearm.

(119) The panel did find marks within the extractor grooves of the Q4-Q8 cartridges similar to those made by an inertia-type bullet puller. Because the cartridges were originally recovered intact, the panel assumed that the FBI laboratory had taken the cartridges apart for its examinations.

(120) The panel found a series of marks and striations in the extractor grooves, on the sides and across the bases of the Q9-Q12 cartridges that differed significantly from the marks and striations that the Q2 rifle leaves. The panel concluded that these cartridges once were part of a disintegrating machinegun link belt or were contained in an eight-round clip of the type used with the Garand M1 rifle. (See fig. 18.)

Did the Q2 rifle cause the indentation on the surface of the Q71 windowsill?

(121) The windowsill board was examined visually, microscopically and chemically. The sodium rhodizonate test for lead, conducted at a point on Q71 removed from the impression area, was positive, indicating possible contamination from lead in the paint. The Griess test for nitrites from gunpowder residues yielded negative results. The panel decided that nothing of significant value would be obtained by further testing.

(122) Evidence of class characteristics (size and form) which could indicate the type of object making the indentation were likewise not found.

(123) The panel concluded that class and other characteristics were insufficient either for identifying or eliminating the Q2 rifle with respect to the indentation. (See figs. 6A and 6B.)

Was the damage to Dr. King's Q76 shirt, Q77 necktie and Q78 suit coat produced by a bullet, bullet fragments or something else?

(124) The Q76 shirt was visually, microscopically and chemically examined (figs. 7A and 7B). It has been cut across the left and right front and on both sleeves. A small rectangular bit of material had been removed from the back collar area, as well as two small rectangular bits of material from the left cuff area. The collar button and part of the right collar stay were missing. The shirt was extensively blood-stained.

(125) The shirt had a large, elongated hole of irregular shape in the right point area of the collar, extending below the collar line. Visual and microscopical examination revealed no partially burned or unburned gunpowder in this area. The Griess test for nitrites indicated no gunpowder residue. The sodium rhodizonate test for lead showed lead particles at the perimeter of the hole in the right collar area.

(126) The Q77 tie was visually, microscopically and chemically examined (fig. 8). It was completely severed next to the right side of the

knot. A small bit of material had been cut from the rear of the neck band and two small bits from the inside lining.

(127) Visual and microscopical examination revealed no unburned or partially burned gunpowder particles in the severed area. The Griess test for nitrites was negative. The sodium rhodizonate test for lead was positive on the light-colored strand of lining protruding from the severed edge of the tie.

(128) The Q78 suit coat was visually, microscopically and chemically examined (fig. 9). It had been cut on the right sleeve and across the right chest. Small bits of material had been cut from the right upper sleeve area and the inner lining. The coat was extensively bloodstained. The upper right lapel area shows a series of irregular, tear-like holes in the outer layer of cloth. No penetration of the interfacing of the lapel was noted.

(129) Visual and microscopical examination revealed no unburned or partially burned gunpowder particles. The Griess test for nitrites was negative. Sodium rhodizonate testing revealed several areas with lead particles around the damaged right lapel area.

(130) Based on the visual, microscopical and chemical examinations of the clothing, the examination of the autopsy photographs of Dr. King, and considering the relative position of the garments when worn in the usual manner, the panel concluded that all damage to the Q76 shirt, Q77 necktie and Q78 jacket was consistent with the damage that would be caused by a high velocity bullet which fragmented on impact, and by the resultant secondary missiles such as bone and teeth fragments. The absence of gunpowder residues indicates that a firearm was not discharged in close proximity to the garments.

Summary of the findings

(131) Every effort was made by the firearms panel to identify or eliminate the Q64 bullet as having been fired from the Q2 rifle. The panel conducted numerous microscopical comparisons among bullets test-fired from the Q2 rifle by the panel and by the FBI. Not only could the Q64 bullet not be identified or eliminated through comparisons with test-fired bullets, but the test-fired bullets could not, in a majority of cases, be identified with one another, although they are known to have been fired from the same rifle.

(132) The panel found that the Q2 rifle, when the type of high velocity ammunition that was recovered in this case was used, did not produce similar individual identifying characteristics with any degree of consistency on bullets fired through it. Because of this situation, the panel could not identify or eliminate the Q64 bullet as having been fired from the Q2 rifle.

(133) The panel was able to determine, based on visual and microscopical examination, that the Q64 bullet is of the same type as the bullet portions of the Q4-Q8 cartridges. Thus, Q64 is the deformed bullet portion of a commercial-type .30-06 Springfield caliber cartridge of Remington-Peters manufacture and is unlike the bullet portions of the Q9-Q12 Remington Arms cartridges, which are military-type.

(134) The panel determined that the Q3 cartridge case was fired in the Q2 rifle and had most probably been loaded into that rifle through the magazine rather than directly into the chamber. Further, the Q4-

Q12 cartridges possess no marks indicating that they had ever been loaded into the magazine of, or chambered in, the Q2 rifle or any rifle. The Q9-Q12 cartridges do possess marks indicating that they may have been loaded into disintegrating-type machinegun link belts or an eight-round clip for the M1 Garand rifle.

(135) The panel finds that the Q64 bullet, the Q3 cartridge case and the Q4-Q8 cartridges are consistent in type with ammunition which would normally be contained in the 20-round Peters cartridge box. There is, however, no method of conclusively determining whether the cartridge case and the Q64 bullet were packaged by the manufacturer in the same box as the Q4-Q8 cartridges.

(136) Spectrographic and neutron activation analysis by the FBI of the Q64 bullet and the bullet portions of the Q4-Q8 cartridges conducted for purposes of elemental comparison, were inconclusive because of variation among the bullet portions of the Q4-Q8 cartridges.

(137) The panel found that the damage to the collar of the Q76 shirt, the Q77 necktie and the Q78 jacket is consistent with the damage caused by a high-velocity bullet fragmentation on impact and the resulting secondary missiles such as bone and teeth fragments. Chemical analysis revealed particles of lead throughout the damaged area of the clothing, but no gunpowder residue.

(138) The panel found no characteristic markings within the impression area of the Q71 windowsill which would either identify or eliminate the Q2 rifle as having been the cause. Chemical analysis for the presence of lead was performed on the windowsill, but the tests were negated by the lead-based paint in the impression area. Chemical analysis for the presence of gunpowder residue was performed, with negative results. The panel noted that these findings did not eliminate the possibility that a rifle was discharged at a point above or nearby windowsill.

(139) The results of the panel's microscopical examination of the Q76-Q78 clothing and the Q71 windowsill essentially correspond with those of the FBI. There is, however, no indication that the FBI had performed any chemical analysis of the Q71 windowsill.

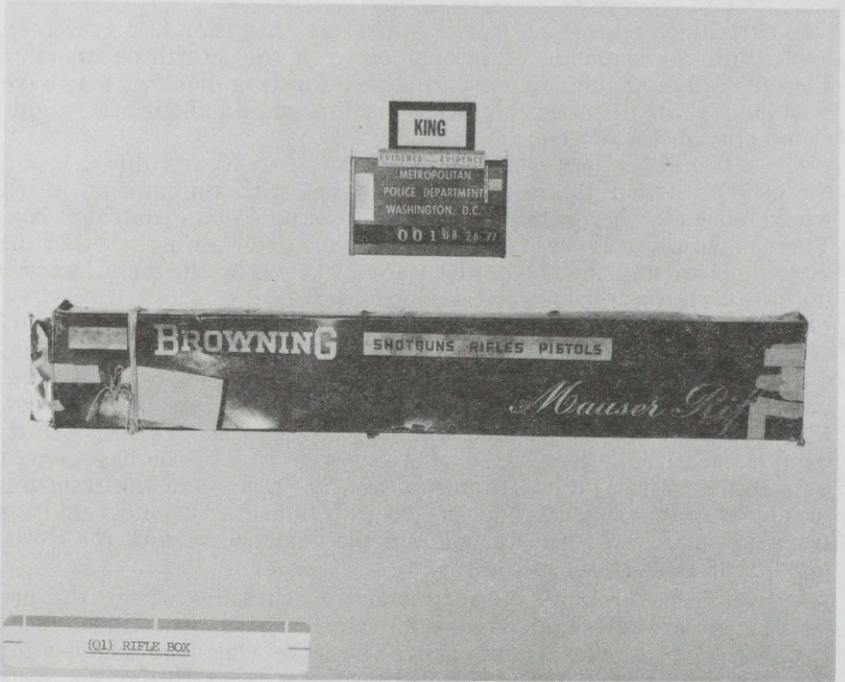


FIGURE 1.—Q1, the rifle box recovered from in front of Canipe's Amusement Co. It was designed to contain a Browning rifle.



FIGURE 2A.—Q2, Ray's alleged assassination rifle, a .30-06 Springfield caliber pump action rifle, Remington Gamemaster model 760, serial No. 461476, with a Redfield brand 2X-7X telescopic sight, right side.



FIGURE 2B.—Q2, Ray's alleged assassination rifle, a .30-06 Springfield caliber pump action rifle, Remington Gamemaster model 760, serial No. 461476, with a Redfield brand 2X-7X telescopic sight, left side.

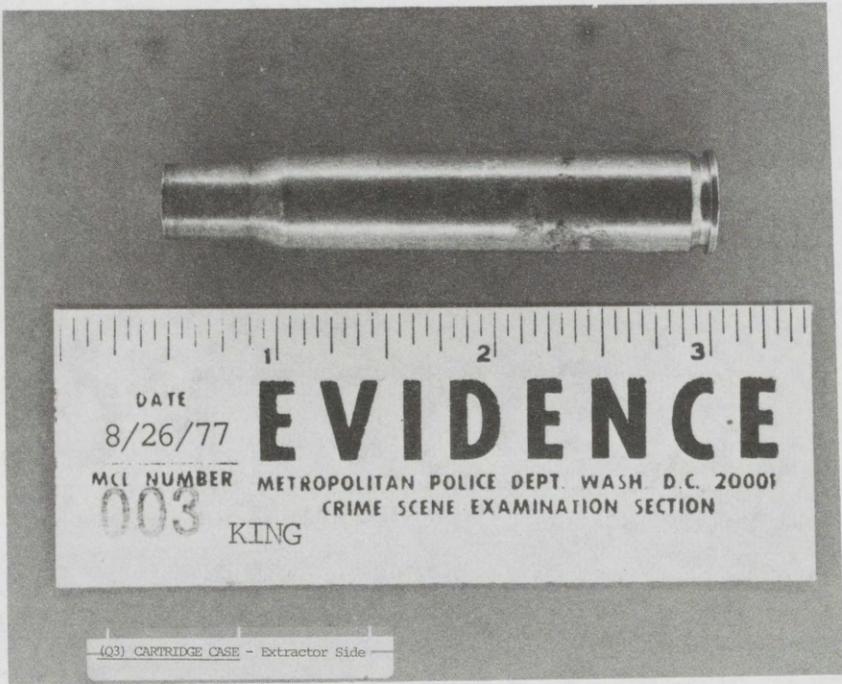


FIGURE 3A.—Q3, the expended cartridge case found in the chamber of the Q2 rifle, side view.

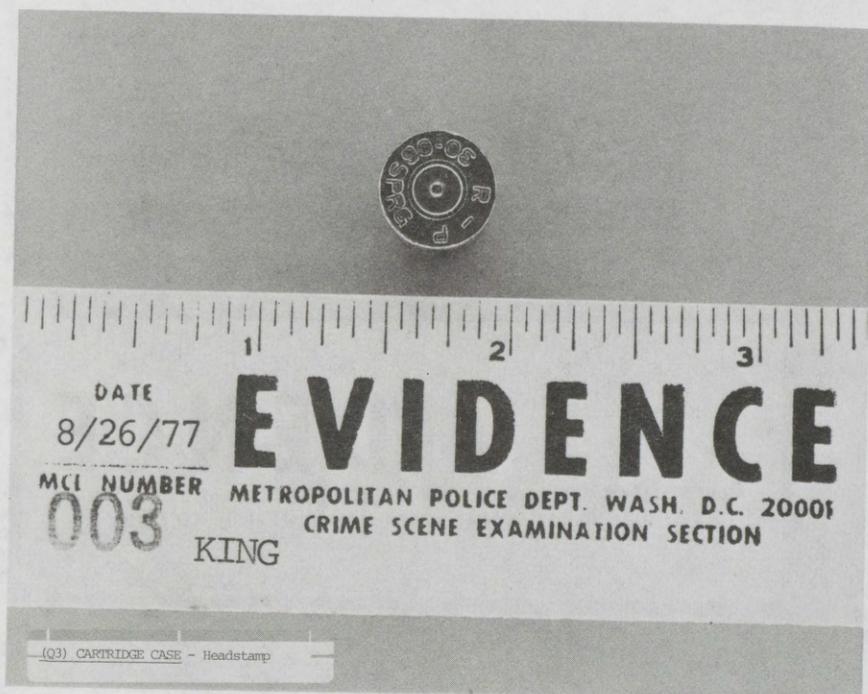


FIGURE 3B.—Q3, the expended cartridge case found in the chamber of the Q2 rifle. The headstamp, seen here, indicates that the cartridge case is a component of commercial-type .30-06 Springfield caliber ammunition of Remington-Peters manufacture.



FIGURE 4A.—Q4-Q8, component parts of five commercial-type .30-06 Springfield caliber cartridges of Remington-Peters manufacture, found in the Peters cartridge box recovered from in front of Canipe's Amusement Co.

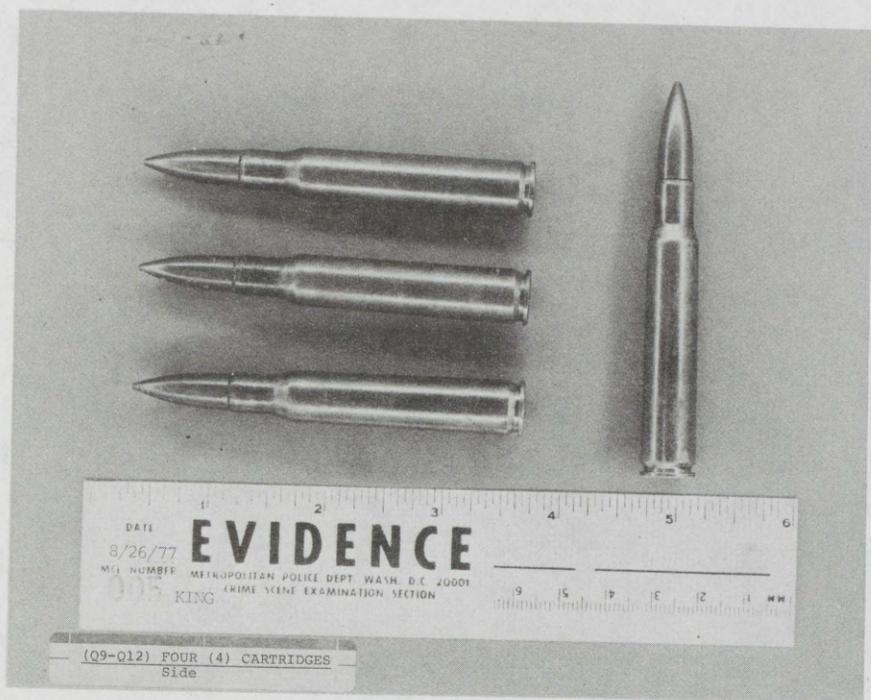


FIGURE 4B.—Q9-Q12, four military-type .30-06 Springfield caliber cartridges, found in the Peters cartridge box recovered from in front of Canipe's Amusement Co.

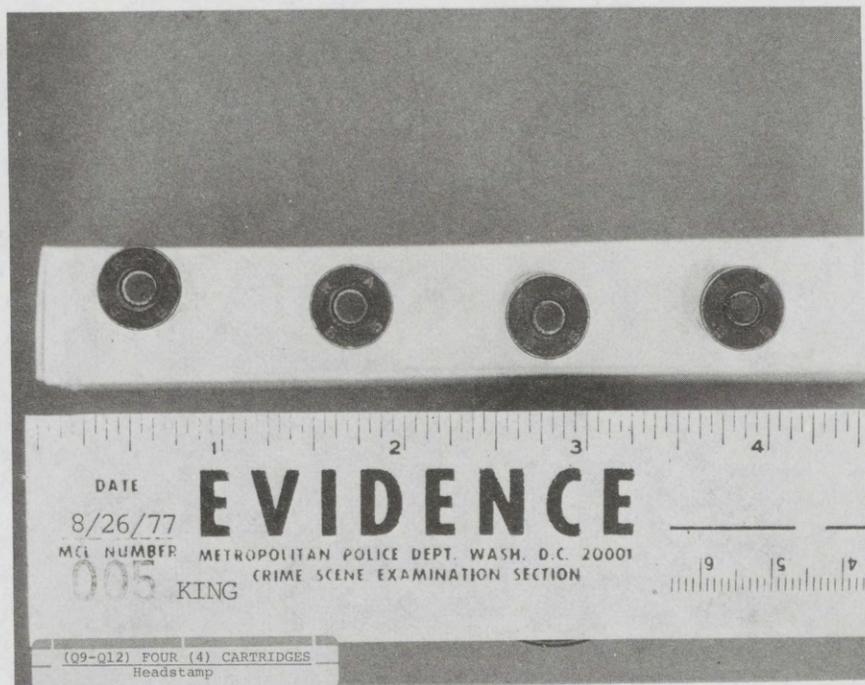


FIGURE 4C.—Q9-Q12, headstamps of the four military-type .30-06 Springfield caliber cartridges.

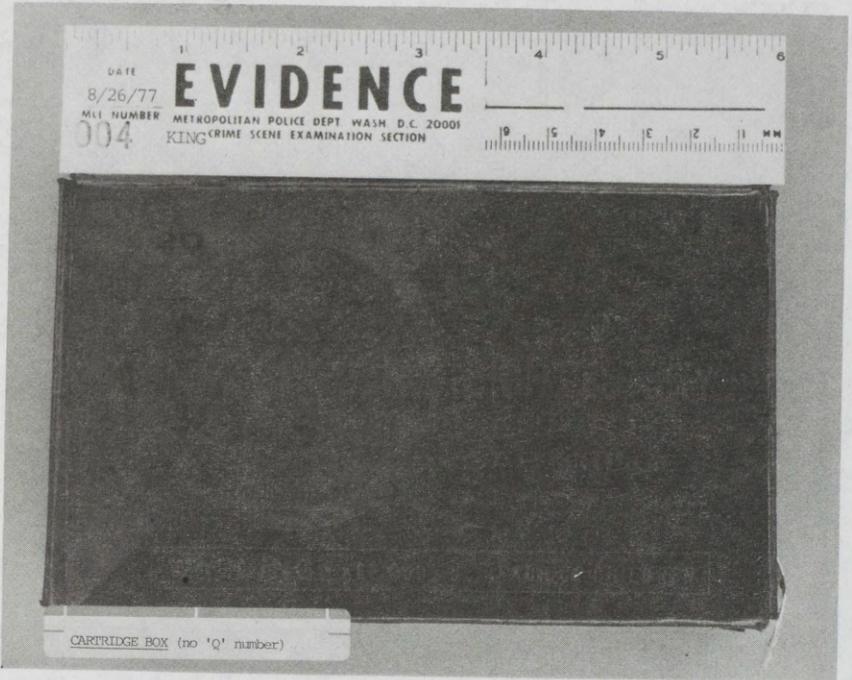


FIGURE 4D.—The Peters cartridge box recovered from in front of Canipe's Amusement Co. It contained the Q4-Q12 cartridges.

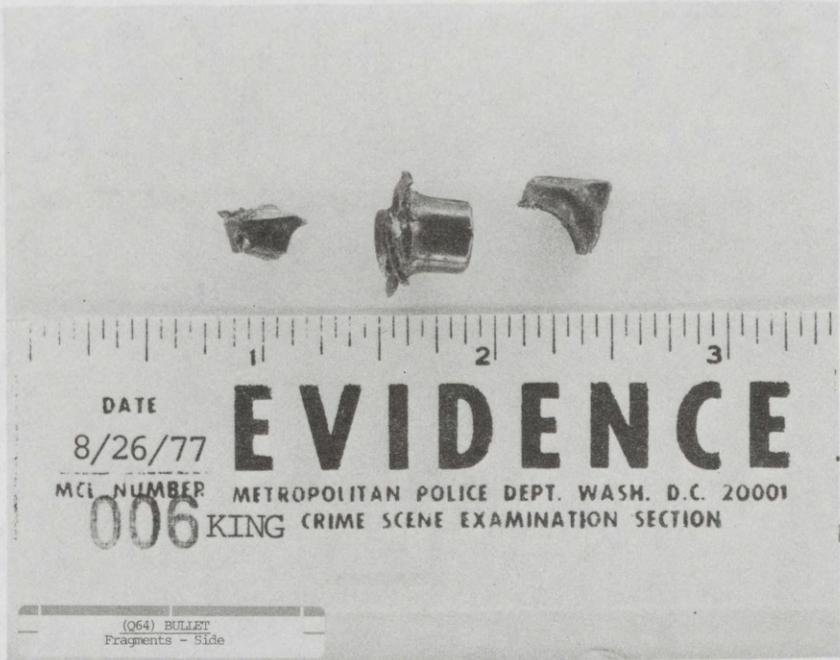


FIGURE 5.—Q64, three fragments of a bullet removed from the body of Dr. King, side view.

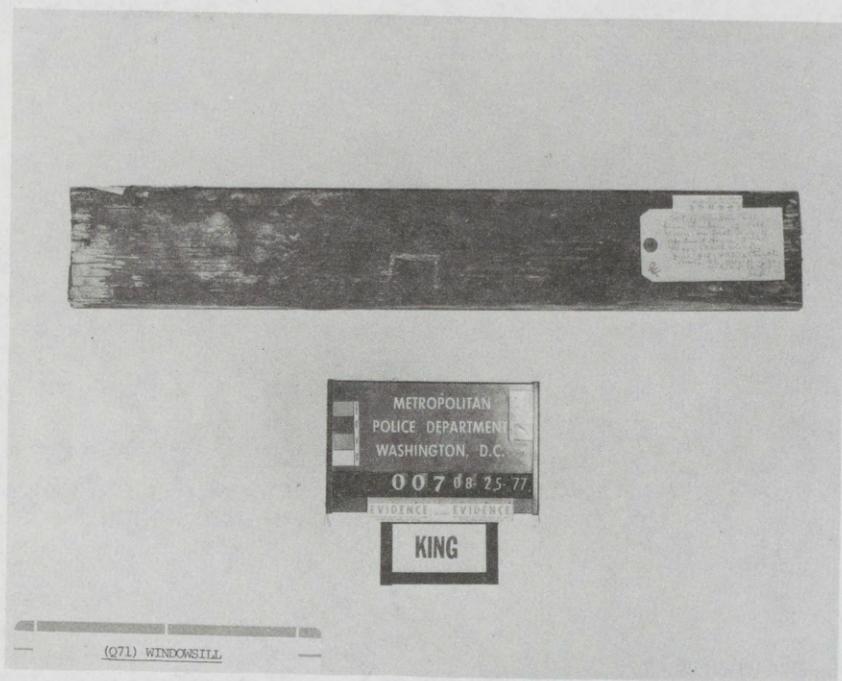


FIGURE 6A.—Q71, windowsill board retrieved from the second floor, north wing bathroom of the roominghouse at 418-422½ S. Main Street, Memphis, Tenn., the assassin's alleged location.



(Q71) WINDOWSILL
Close-up of Impression

FIGURE 6B.—Q71, windowsill board retrieved from the second floor, north wing bathroom of the roominghouse at 418-422½ S. Main Street, Memphis, Tenn., the assassin's alleged location, closeup of the indentation.

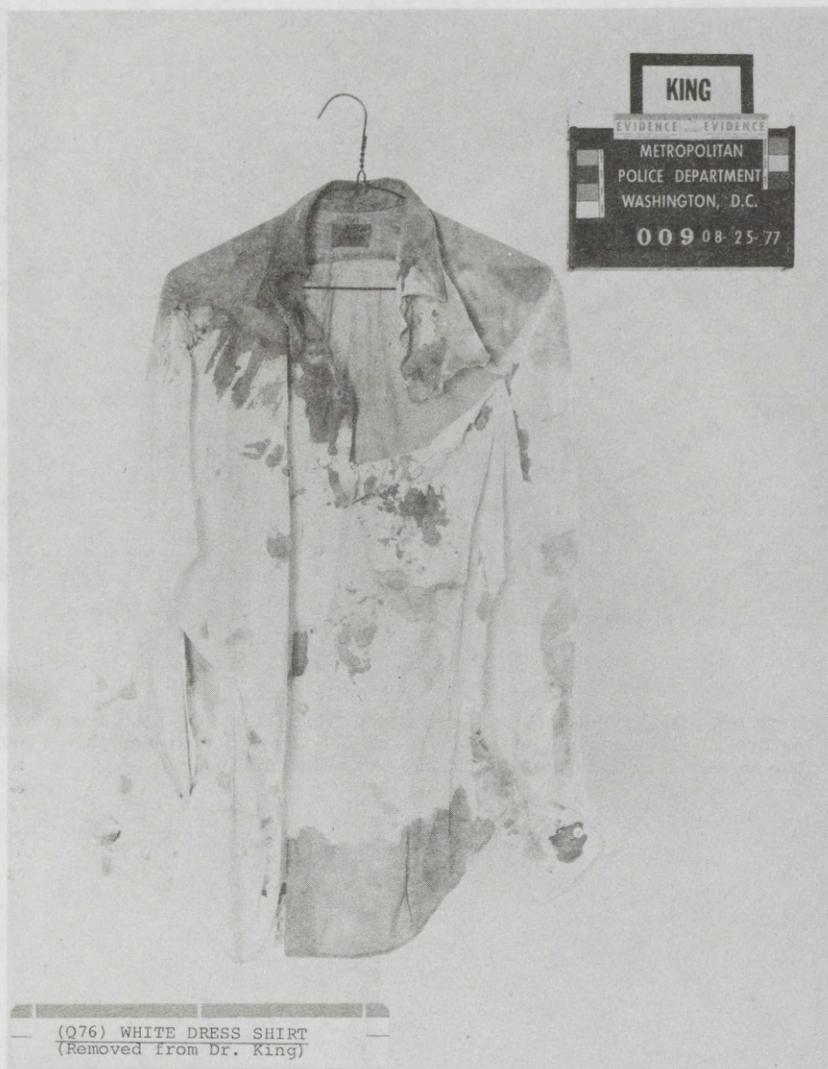


FIGURE 7A.—Q76, the shirt worn by Dr. King at the time of the shooting. It has a large, elongated hole of irregular shape in the right point area of the collar, extending below the collar line.

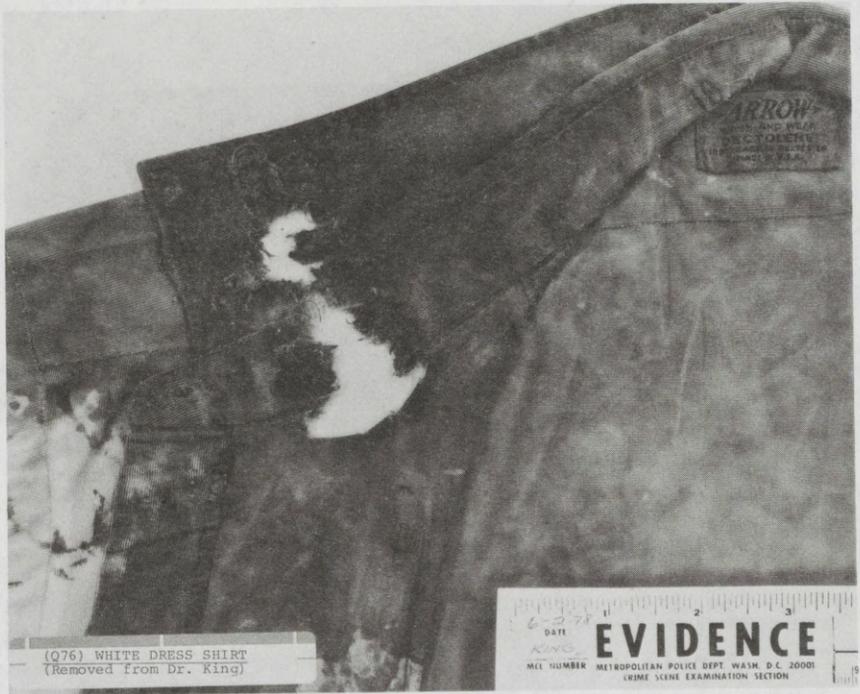


FIGURE 7B.—Q76, the shirt worn by Dr. King at the time of shooting. This closeup shows the large irregular hole in the right point area of the right collar, extending below the collar line.

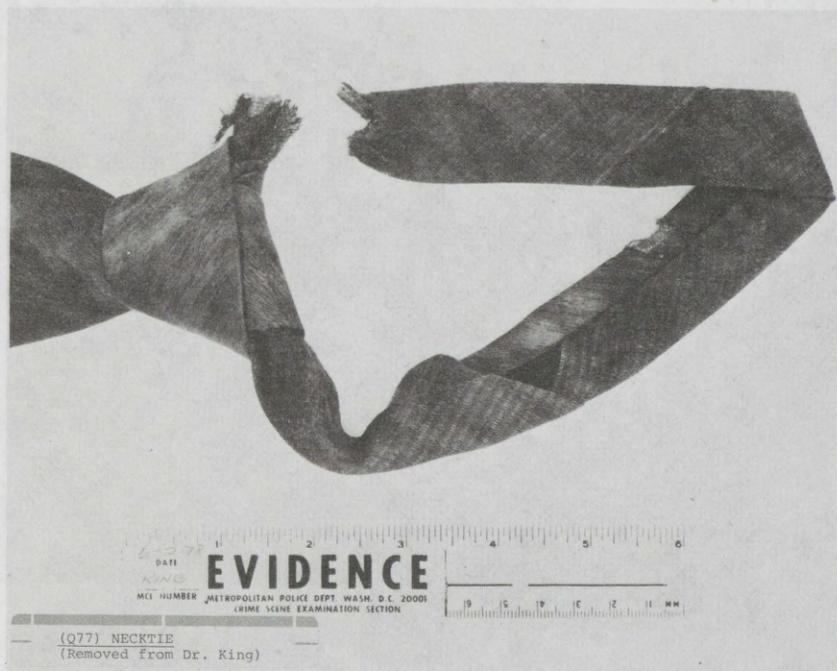


FIGURE 8.—Q77, the necktie worn by Dr. King at the time of the shooting. It was completely severed next to the right side of the knot. This closeup shows a strand of lining protruding from the severed edge.

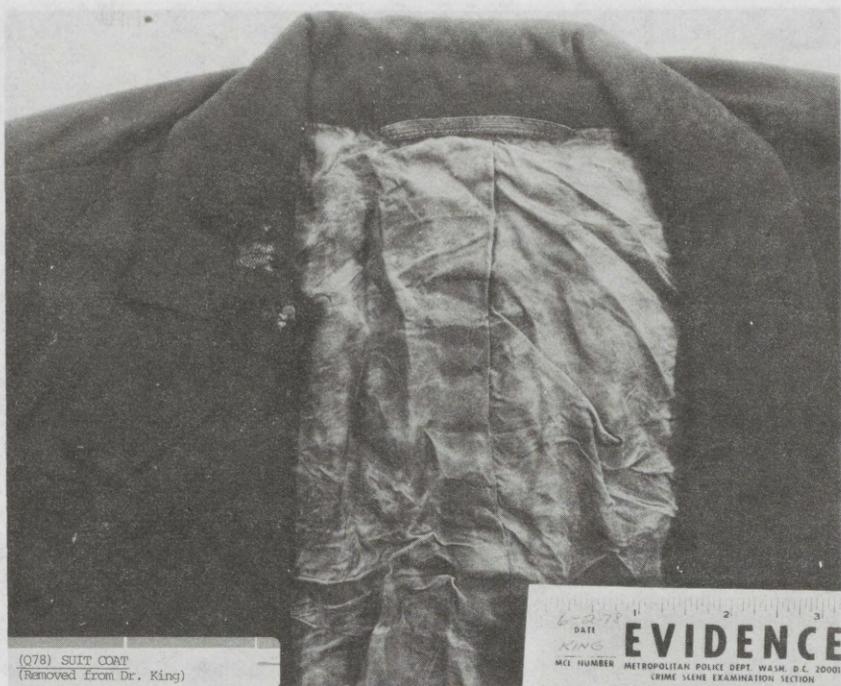


FIGURE 9.—Q78, the suit coat worn by Dr. King at the time of the shooting. This closeup shows a series of irregular tear-like holes on the upper right lapel area. No penetration of the lapel's lining was noted by the panel.

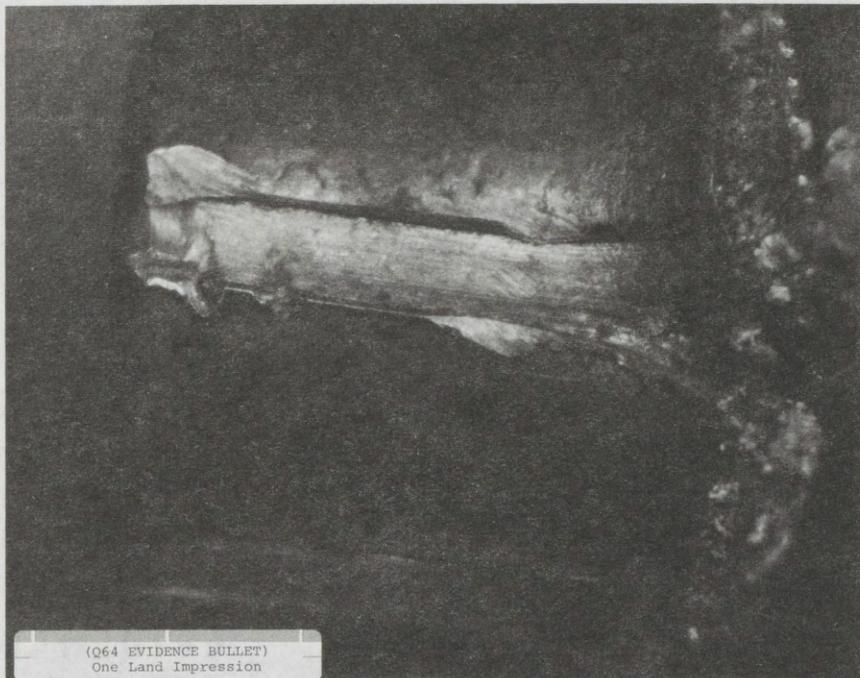


FIGURE. 10.—Photomicrograph of one of the land impressions on the Q64 bullet removed from Dr. King's body. It shows the type of damage sustained by the bullet.

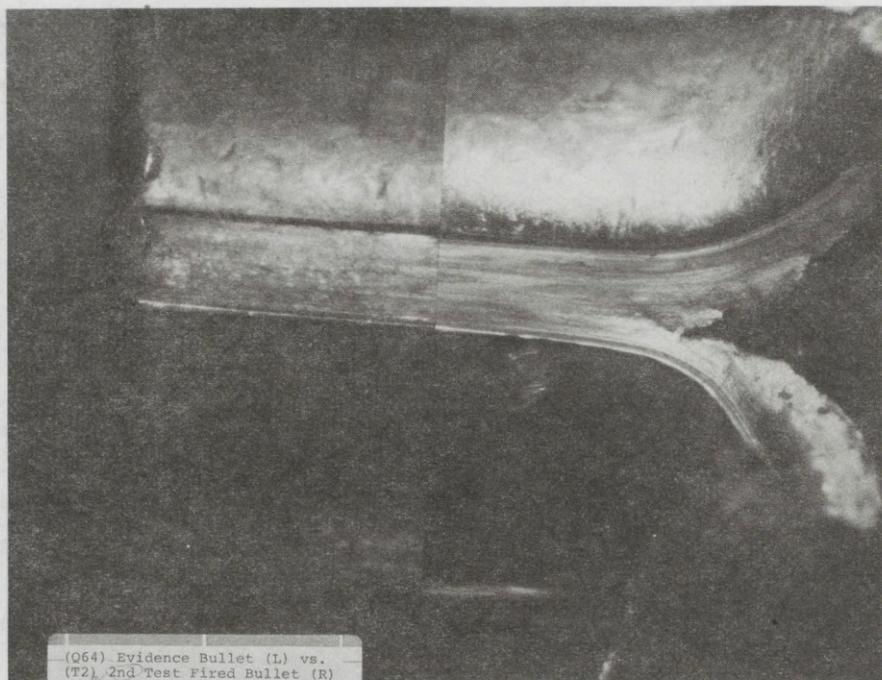


FIGURE 11.—Photomicrograph showing correspondence of class characteristics on the Q64 bullet removed from Dr. King's body (left) and those produced on the panel T-2 bullet (right) test-fired from the Q2 rifle.

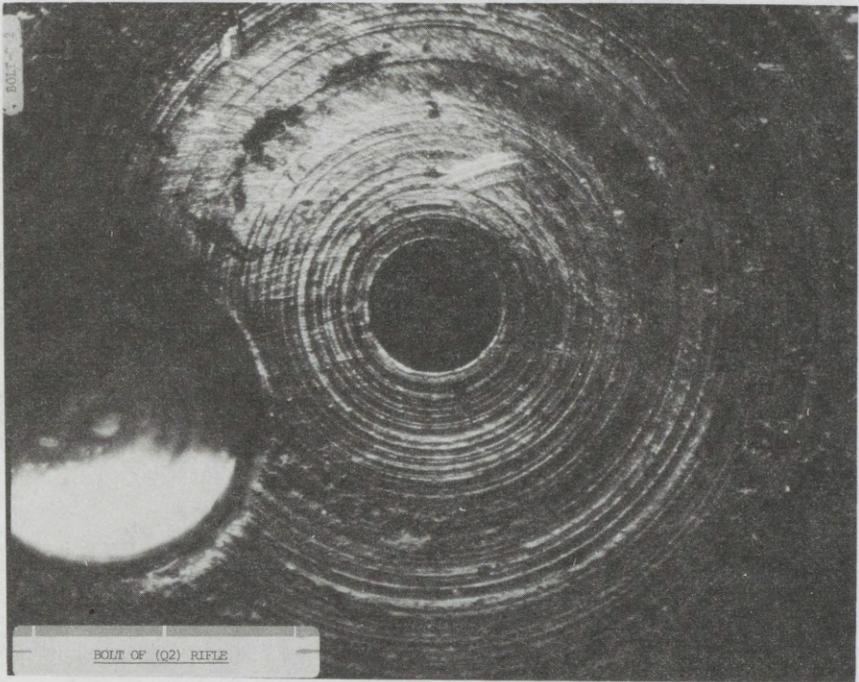


FIGURE 12.—Photomicrograph showing the individual identifying characteristics (machine marks) on the bolt face and the location of the ejector of the Q2 rifle.

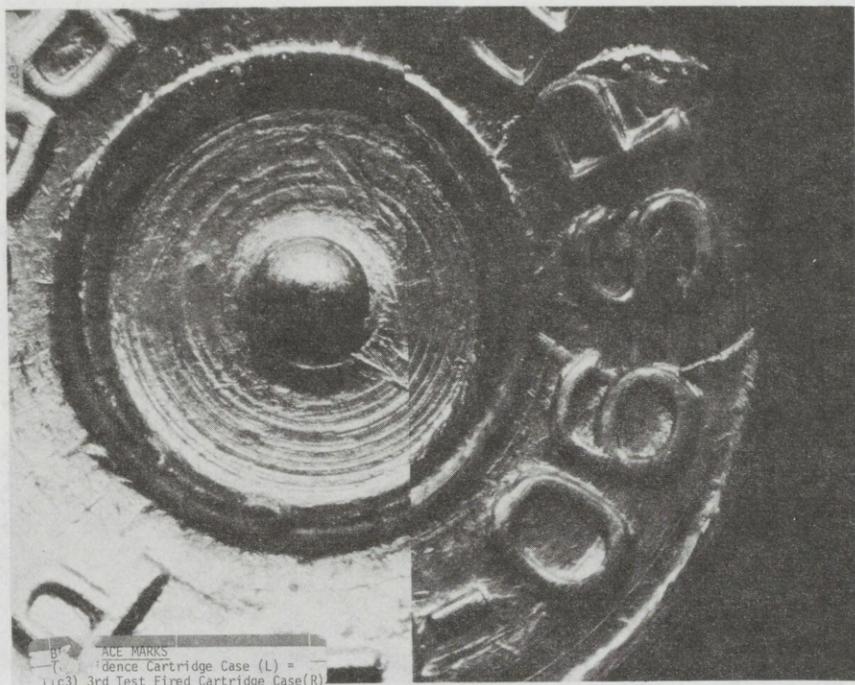


FIGURE 13.—Photomicrograph showing the correspondence between the individual identifying characteristics on the Q3 cartridge case (left) and those produced on the panel T-3 cartridge case (right) by the bolt face of the Q2 rifle.



FIGURE 14.—Photomicrograph showing the correspondence between the individual identifying characteristics on the Q3 cartridge case (left) and those produced on the panel T-2 cartridge case (right) by the extractor of the Q2 rifle.

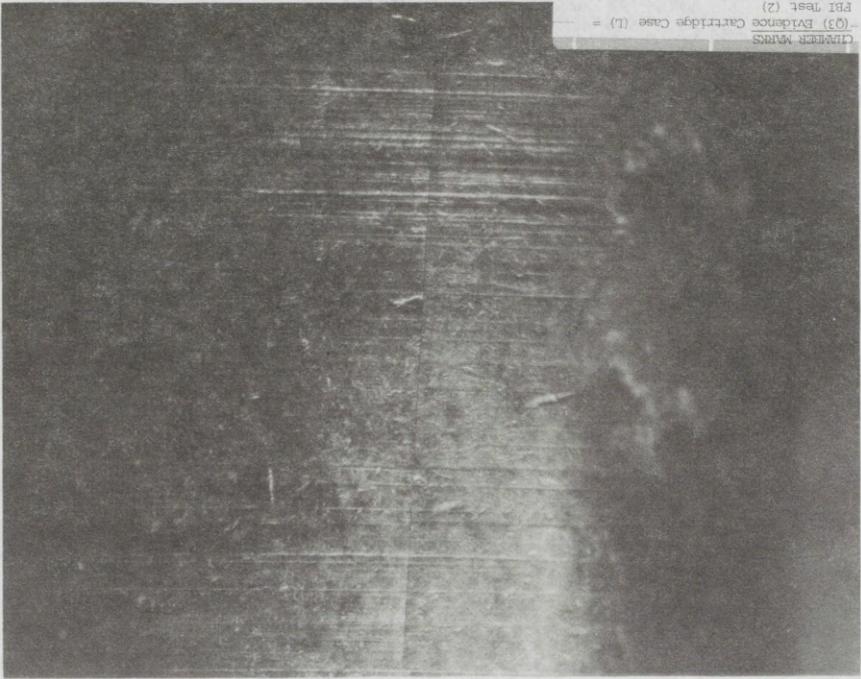


FIGURE 15.—Photomicrograph showing the correspondence between the individual identifying characteristics on the Q3 cartridge case (left) and those on the FBI test-2 cartridge case (right) produced by the chamber of the Q2 rifle.

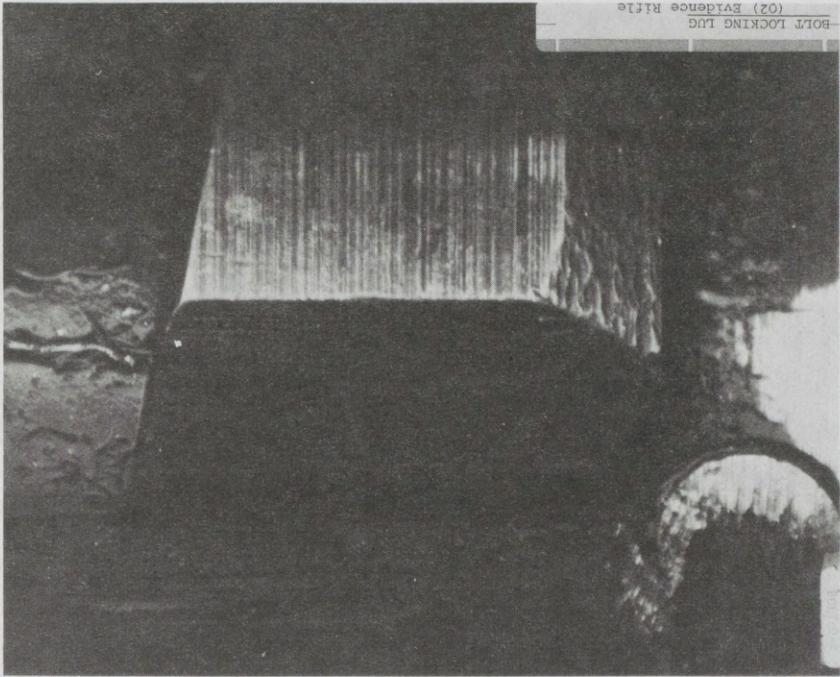


FIGURE 16.—Photomicrograph showing one of the bolt locking lugs of the Q2 rifle.

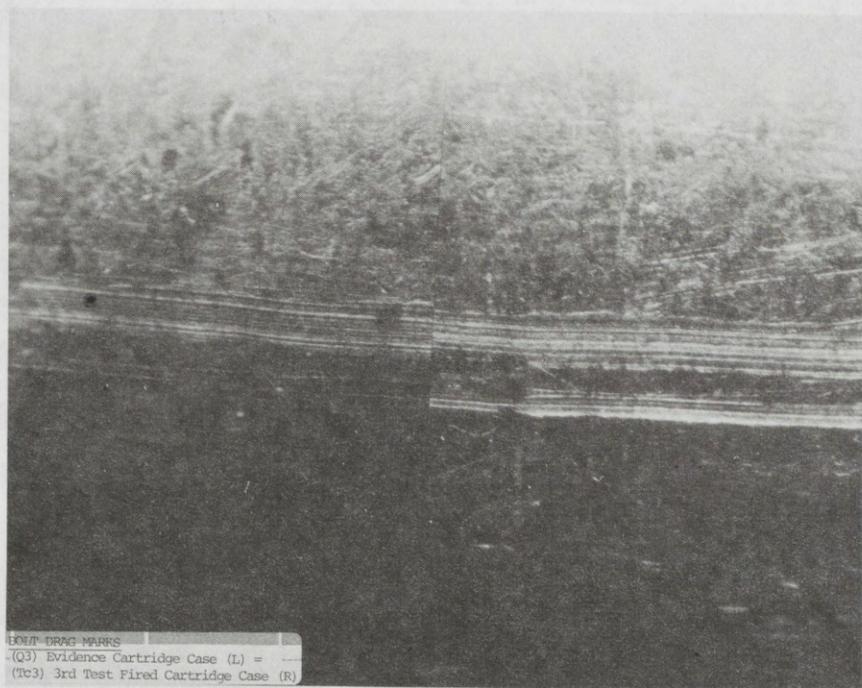


FIGURE 17.—Photomicrograph showing the correspondence between the individual identifying characteristics on the Q3 cartridge case (left) and those on the panel T-3 cartridge case (right), produced by the bolt locking lug of the Q2 rifle.

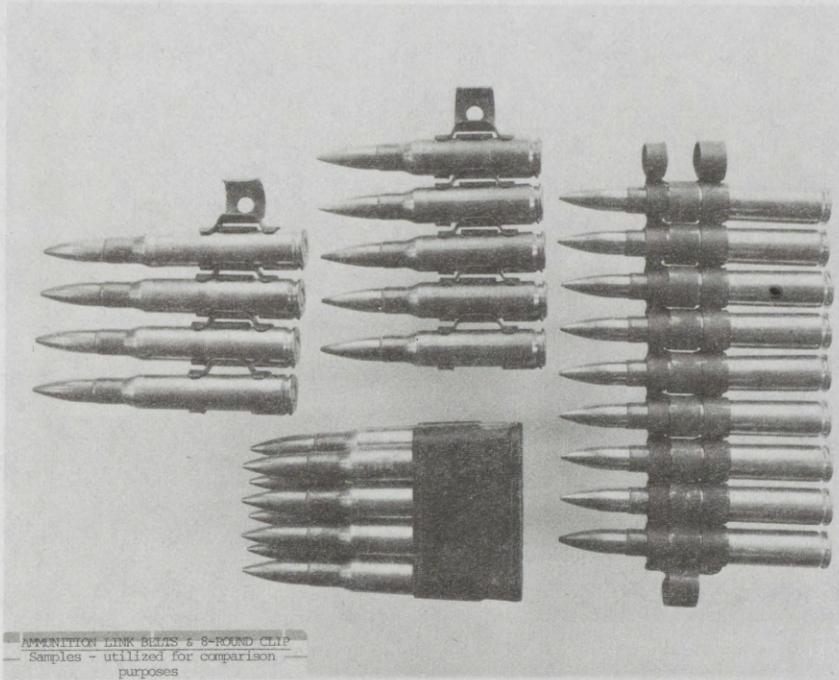


FIGURE 18.—The ammunition link belts and an eight-round ammunition clip used for comparison purposes by the panel.

GLOSSARY

- Action:** The heart of any firearm. It consists of the receiver, bolt or breech block, feed and firing, and unloading mechanisms.
- Bearing Surface:** That part of the outside surface of a bullet which comes in contact with the rifling as it passes through the barrel.
- Bolt face:** That portion of a rifle's bolt which engages the cartridge case head and from which the firing pin protrudes when the rifle is fired.
- Bore:** The interior of the barrel of a firearm.
- Breech Face:** In revolvers, the area of the frame which supports the cartridge case head and through which the firing pin protrudes when the revolver is fired.
- Breech Face Impressions:** When a cartridge is fired, the burning gases exert pressures that force the base of the cartridge back against the bolt or breech face. When this occurs, the toolmarks that are present on the bolt or breech face are imprinted on the flat areas of the contacting surfaces of the primer and cartridge case base.
- Bullet:** That part of a cartridge intended to be fired from the barrel of a firearm. It is usually composed of lead, plated lead, or lead encased in a metal jacket.
- Cannelure:** A knurled or plain ring around the bearing surface of a bullet, used to hold surface lubricant, retain the bullet in the cartridge case, or identify the type or weight of bullet. Cannelures may also be found on cartridge cases.
- Cartridge:** A complete assembly of a round of ammunition consisting of the case, primer, propellant powder, and bullet.
- Cartridge Case:** That part of a cartridge which holds the bullet, primer, and propellant powder together.
- Cartridge Clip:** A device for holding a number of cartridges to permit their easy insertion into a magazine. The Mannlicher-Carcano clip remains in the magazine until after the last cartridge is fed into the chamber, at which time it is designed to fall through the bottom opening of the magazine.

- Chamber:** In a rifle, the rear portion of the barrel, designed to hold and support a cartridge. In a revolver, it is also the recess cut into the cylinder to hold each cartridge.
- Chambering:** The manual or mechanical process of feeding a cartridge into the chamber of a firearm.
- Comparison Microscope:** A scientific instrument designed to allow the similarity or dissimilarity of individual identifying characteristics of two bullets or two cartridge cases to be observed at the same time.
- Cylinder:** A rotating cartridge container in a revolver.
- Double Action:** The mode of firing a revolver in which the hammer of the firearm is cocked and released by a single pull of the trigger.
- Eject:** The act of throwing the expended cartridge case clear of the action during the firing process.
- Emission Spectrography:** Allows the metallic composition of samples to be compared so that the possibility of common origin can be determined. This is done by subjecting the material to intense heat and comparing the color of gases emitted.
- Extract:** The process of withdrawing an expended cartridge case or unfired cartridge from the chamber of a firearm, either by mechanical or manual means.
- Firearms Identification:** A study of firearms, bullets, cartridge cases, and other ammunition components with the purpose of identifying those ammunition components as having been fired from, or in, a particular firearm to the exclusion of all other firearms.
- Firing Pin:** That part of a firing mechanism which strikes the primer.
- Firing Pin Impression:** The indentation caused by the firing pin striking the primer of the cartridge case.
- Gas Erosion:** The wear caused by the action of the hot propellant powder gases on the bearing surface of a bullet.
- Grooves:** The depressed areas between the lands of a rifled barrel.
- Horizontal Cotton Recovery Box:** A box, filled with cotton material, designed to recover fired bullets in an undamaged condition.
- Horizontal Water Recovery Tank:** A metal, water-filled tank designed to recover fired bullets in an undamaged condition.
- Individual Identifying Characteristics:** Unique reproducible microscopic marks which can be used to identify a fired bullet or expended cartridge case with a particular firearm.
- Lands:** The raised areas between the grooves of a rifled barrel.
- Loading Ramp:** A device that aids in guiding a cartridge into the chamber of a firearm.
- Magazine:** A device, either separate or integral to the firearm, in which cartridges are held in position to be fed into the chamber of the firearm.
- Microscopic Examination:** An examination of evidence which is enhanced by the use of scientific instruments.
- Muzzle:** The forward end of the barrel where the bullet exits.
- Neutron Activation Analysis:** A method of nuclear elemental analysis in which samples are irradiated to make their various elements detectable by radioactive measurement. The elemental composition of the activated samples is then compared to determine the probability of common origin.
- Photomicrograph:** Photograph taken through a microscope.
- Primer:** The ignition part of a cartridge.
- Rechambering:** The process of altering the dimensions of a chamber to accommodate other cartridges.
- Recrowning:** The process of restoring the rounded contour to the muzzle after the barrel has been shortened.
- Rifling:** The spiral lands and grooves in a barrel which impart spin or rotation to the bullet stabilizing it in flight.
- Rifling Class Characteristics:** The number, width, and direction of twist of the lands and grooves in a barrel.
- Sear Mechanism:** The part or device designed to hold the firing mechanism in a cocked position until released by pressure on the trigger.
- Secondary Missiles:** Objects put in motion due to the impact of a bullet.
- Single Action:** The mode of firing a revolver that requires that the hammer be manually cocked before it can be fired.
- Spectrographic Analysis:** See "emission spectrography."

Striations: Minute grooves, ridges, or scratches normally running parallel with each other that are caused by an abrasive action.

Toolmark: Characteristics of a surface imparted to a softer surface when they come in contact under pressure and motion. Toolmarks may be impressed or engraved.

Trigger Pull: The amount of force, expressed in pounds, required to release the firing mechanism.

Twist: The spiral direction of lands and grooves in a rifled bore, expressed as right or left.

Visual Examinations: Examination of evidence without the assistance of a scientific instrument; also referred to as macroscopic examination.

Wiping: The removal of some of the fine microscopic scratches on a bullet, particularly the lead variety, as it enters and passes through fabric, heavy tissue, and muscle.

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SCIENTIFIC REPORT ON THE SUBJECT OF
A CIVIL ENGINEERING SURVEY OF THE SCENE OF THE
ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

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Report to the
Select Committee on Assassinations
U.S. House of Representatives
Ninety-fifth Congress
Second Session

March 1979

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I. INTRODUCTION

(1) Dr. Martin Luther King, Jr., was shot and mortally wounded on April 4, 1968, as he stood in front of room 306 on the second-floor balcony of the Lorraine Motel in Memphis, Tenn. A .30-06 caliber bullet entered his face and neck, destroying structures in his neck and damaging the upper thoracic and lower cervical spinal cord. According to the autopsy report of Jerry T. Francisco, M.D., chief medical examiner of Shelby County, Tenn., the direction of the bullet's path was from front to back, downward, and from right to left. As a result of its investigation of Dr. King's death, the Federal Bureau of Investigation concluded that the bullet that killed Dr. King was fired from a second-floor bathroom at the rear of a roominghouse, managed by Bessie Brewer, at 422½ South Main Street in Memphis. Witnesses at the roominghouse described a man who fled from the bathroom immediately after the fatal shot was fired. The window of that bathroom does provide a view of room 306 at the Lorraine Motel. (Fig. 1.)

CRIME SCENE

Assassination of Dr. Martin Luther King, Jr.
Memphis, Tennessee

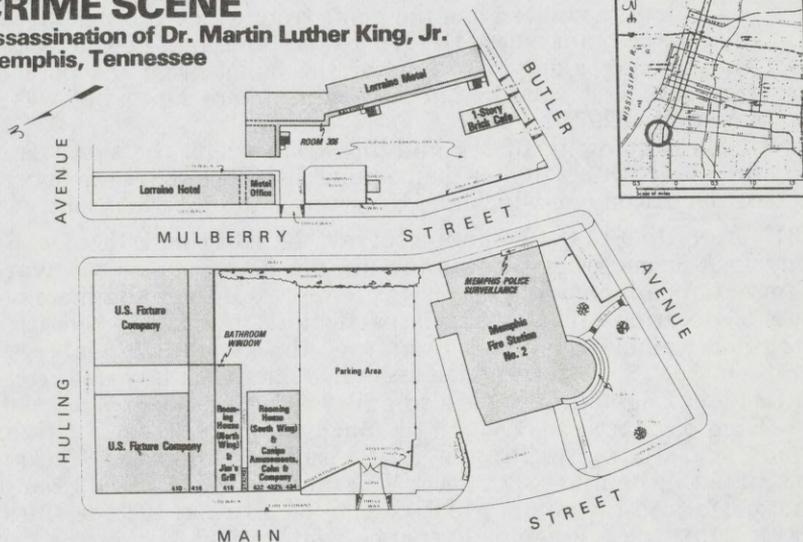


FIGURE 1.—Diagram of the crime scene.

(2) On April 22, 1968, Frank Holloman, director of the Memphis Fire and Police Departments, requested that Charles Blackburn, director of the Memphis Division of Public Works, conduct a survey of the scene of Dr. King's assassination. Holloman told Blackburn that

the FBI had requested that the Memphis Police Department furnish triangulated measurements from the point where the murder weapon was fired to the point where the bullet hit Dr. King. Arthur C. Holbrook, Memphis city engineer, and a crew of six persons from his office met with Lt. A. S. Zelinski and Lt. J. L. Harrison, Memphis Police Department, on the morning of April 23, 1968, and surveyed the Brewer roominghouse/Lorraine Motel area where the shooting occurred. Holbrook described his survey in an April 23, 1968 letter to Director Holloman:

I was shown, by Lieutenants Zelinski and Harrison, the spot where Dr. King was standing and the window from which the shot was fired and that the bullet entered Dr. King at a point 59 inches above the balcony floor of the Lorraine Motel, and that the gun was resting on a point on a windowsill of a building which fronts on South Main Street and across Mulberry Street from the Lorraine Motel.

An engineer's transit was placed over the spot where Dr. King was shot. The telescope being 59 inches from the balcony floor, and the instrument was made level.

From this position two triangles were established, with a base line common to the two triangles, established and measured. Angles were turned, checked, turned again, and checked again and every effort was made to provide for the utmost accuracy of the calculations.

The level distance from the point from which the shot was fired to the point where Dr. King was standing is 206.36 feet. The distance along the flight of the bullet from the point from which it was fired to the point where Dr. King was standing is 207.02 feet.

The windowsill of the building from which the shot was fired is 16.63 feet higher than a point 59 inches above the floor of the balcony on which Dr. King was standing when shot.

- (3) According to the Holbrook survey, the shot that killed Dr. King may have come from the window of the bathroom at the rear of Brewer's roominghouse. His survey, however, did not eliminate other possible locations of the assassin, particularly the bushes beneath the bathroom window. Holbrook resurveyed the scene in November 1968.
- (4) On June 8, 1968, suspected assassin James Earl Ray was arrested in London, England. Ray pleaded guilty to the first-degree murder of Dr. King on March 10, 1969, in the Shelby County (Tenn.) Criminal Court, and Judge W. Preston Battle sentenced him to 99 years in the State penitentiary. Dr. Jerry T. Francisco, the medical examiner who performed the autopsy of Dr. King on April 4, 1968, testified at Ray's guilty plea hearing. Francisco said he had visited the crime scene and, in his opinion, the angle of the bullet through Dr. King's body was consistent with a shot fired from the second-floor bathroom window at the rear of the roominghouse at 422½ South Main Street.
- (5) Eyewitness accounts disagreed over the point of origin of the fatal bullet and Dr. Francisco's report did not resolve the ambiguities. A number of critics attacked the conclusion that the shot came from the roominghouse bathroom window, and specifically Francisco's testimony about the angle of the bullet's flight. For example, Mark Lane

wrote in Code Name "Zorro" that the value of Francisco's opinion about the origin of the shot was reduced considerably because he did not know where Dr. King was standing, the direction he was facing or whether he was leaning over when he was shot. Lane also discussed accounts of eyewitnesses who said the shot came from a clump of bushes under the bathroom window. According to Lane, Solomon Jones, Dr. King's chauffeur in Memphis, said that he saw someone run from the bushes on the embankment sloping down from the rooming-house immediately after the shot was fired. Harold Carter also said he saw a man with a rifle run from the bushes after he heard a shot. In "Frame-Up," Harold Weisberg also wrote that Francisco's testimony provided no basis for a conclusion that the bullet that killed Dr. King came from the bathroom window, charging that the medical examiner made no effort to explore whether a shot from another point was possible.

(6) Among other issues, the committee's forensic pathology panel looked into the question of whether the angle of the wound and the path of the bullet through Dr. King's body indicated that the bullet that struck him was fired from the bathroom window or from another location. The panel found that the bullet pathway was consistent with a shot coming from the right and downward, from across Mulberry Street. The bathroom window looked on to Mulberry Street, and was to the west-northwest of Dr. King as he stood on the Lorraine balcony, or to his right. The slope angle of the bullet was downward. An 8.5-foot retaining wall runs along Mulberry Street, opposite the Lorraine Motel parking lot, so the shot had to come from above that elevation. Thus, the medical panel concluded that the bullet was fired from the roominghouse building itself, or from the backyard of the building. Above the 8.5-foot retaining wall, the yard slopes quickly upward so that the slope angle from a point 56 inches above the balcony floor, the approximate height of Dr. King's cheek at the moment he was shot, is horizontal (zero degrees zero minutes) to the level of the backyard. Although the panel found that a prone assassin could not have fired the shot, a rifleman at the bushy edge of the yard would fire slightly downward at a vertical angle of 2 degrees, 20 minutes, or one at the second floor bathroom window at the rear of the roominghouse at 422½ South Main Street would be firing downward at a vertical angle of 4 degrees, 36 minutes, at a slope distance of 207.17 feet from the window to the victim. Either of these shots could have caused Dr. King's wounds. The forensic pathology panel could not establish the exact location of the assassin from the medical evidence it reviewed because the exact position of Dr. King at the moment he was hit could not be determined and the difference of only 2 degrees, 16 minutes vertical angle between these two alternatives is negligible.

II. SELECTION OF THE ENGINEERING FIRM

(7) In its effort to resolve the location of the assassin at the time Dr. King was shot, the committee, in 1978, decided to retain an engineering firm to resurvey the scene of the Memphis assassination. It learned that since the 1968 survey by Arthur C. Holbrook, Memphis city engineer, the state of the art has advanced tremendously as increas-

ingly precise and sophisticated engineering devices have been developed. The committee considered a number of firms based on the recommendation of Dr. Eugene Zwoyer, executive director of the American Society of Civil Engineers, New York, N.Y. Zwoyer was instructed that the survey would require a reputable and experienced firm that had no previous involvement in the investigations of the assassinations of either Dr. King or President John F. Kennedy. He was also informed that the survey would involve a two-block commercial/residential urban area in Memphis, Tenn., and require the determination of several lines of trajectory from possible locations of the assassin to the victim, using the most sophisticated equipment available. The committee considered five civil engineering firms suggested by Dr. Zwoyer. It chose Koogle & Pouls Engineering Inc., of Albuquerque, N. Mex. The firm satisfied two important committee criteria: It had no previous involvement in either the investigation of the death of Dr. King or President Kennedy, and it was unfamiliar with the scene of Dr. King's assassination and never before worked in Memphis, Tenn. Thus, the Koogle & Pouls firm demonstrated its objectivity, which complemented its experience with other surveys. The firm specializes in engineering, geodetic, and land surveys as well as photogrammetric mapping and data acquisition. It has surveyed over 2,000 miles of high-voltage line and other route location projects in the Rocky Mountains and desert of the Southwestern United States. In these surveys the firm used precision surveying instruments and methodology for the measurement of angles and distances designed to meet rigid National Geodetic Survey accuracy specifications.

(8) An experienced crew surveyed the Memphis scene in June 1978, including Herbert G. Koogle, president and chief engineer of Koogle & Pouls, and Joe M. Stewart, assistant vice president of the firm.

(9) Koogle received his B.S. degree from Stanford University. He has worked on projects involving, among other things, geodetic control surveying and photogrammetric mapping, as well as engineering design of many civil projects such as water supply drainage studies and location surveys. By 1978, he had 26 years experience in civil engineering. He has served as president and chief engineer of Koogle & Pouls since 1964.

(10) Koogle served two 5-year terms as a member of the New Mexico State Board of Registration for Professional Engineers and Land Surveyors, and twice served as chairman of the board. He is a member and has served as president of the New Mexico Society of Professional Engineers. He is also a member of the American Society of Civil Engineers, the New Mexico Association of Surveyors and Mappers, the American Congress on Surveying and Mapping, the American Society of Photogrammetry, and the American Public Works Association.

(11) Stewart had 18 years of experience in 1978 in surveying projects, including photogrammetric control and geodetic surveying, ordinary and precision leveling, and route surveys for roads and transmission lines. He is responsible for Koogle & Pouls field management and data reduction on specific surveying projects.

(12) The committee asked the Koogle & Pouls firm to survey the scene and report on the probable location of the assassin, specifically

III. TECHNICAL INSTRUMENTATION

requesting determination of the horizontal and vertical angles, distances, and physical relationships involved in possible trajectories to the point of impact.

(13) Koogle & Pouls Engineering Inc., used the most sophisticated engineering equipment available in its survey of the scene of Dr. King's assassination in Memphis, Tenn.

(14) The Kern theodolite is a standard 1-second direct reading precision instrument used for surveying angular measurements in vertical and horizontal planes. It is manufactured by the Kern Instrument Co. of Aarau, Switzerland, and is capable of extremely precise and reliable angular measurements. The Kern DKM2-AE theodolite is one of the most recent developments in a product line that represents advanced technology with respect to optical sighting and angular measurement. The theodolite has automatic collimation for zenith reference in the measurement of vertical angles. It presents an upright image to the eye of the viewer. The angular measurements are read from precisely engraved glass plates through an eyepiece that allows for precise vernier settings and direct reading to 1 second of arc. The telescope magnification of 30 diameters permits precise sighting on small objects. This theodolite was chosen for its accuracy, ease of handling, and suitability to the methodology used by the firm to develop basic geometric data at the assassination scene.

(15) The AGA model 12 Geodimeter, an electronic distance measuring (EDM) unit weighing 6.2 pounds, uses an infrared beam carrier to measure the time it takes a modulated carrier to traverse the distance from the EDM to a reflector at a given point and return to the instrument. This amount of time, based on the established velocity of light, is extremely short. It is measured through complex electronic circuitry that reduces the information to a direct readout of distance in feet. The light source is an infrared gas-emitting diode modulated by a radio frequency signal, which is decoded out to the returning infrared beam from the reflector. The phase modulations are then compared in the electronic circuitry to establish the amounts of time measured in nanoseconds (billionths of seconds). The information is fed into a small microprocessor (computer) within the circuitry of the instrument, and a direct readout of the distance in feet is produced.

(16) The Geodimeter is manufactured by the AGA Corp. of Lidingsö, Sweden. The equipment is assembled at the U.S. AGA office in Secaucus, N.J. That instrument was developed to satisfy a severe need in civil engineering and land surveying for an instrument that could accurately measure distances directly, particularly over obstacles in urban areas and in rough ground terrain.

IV. THE SURVEY

(17) On Friday evening, June 9, 1978, Herbert G. Koogle, president of Koogle & Pouls Engineering Inc., met in Memphis, Tenn. with the committee and with members of the committee's King forensic pathology panel: Michael Baden, M.D., chief medical examiner for New York City; John Coe, M.D., chief medical examiner for Hennepin

County, Minn.; and Joseph Davis, M.D., chief medical examiner for Dade County, Fla. The medical examiners described Dr. King's wounds, and explained that they were unable to fix conclusively the precise azimuth (horizontal direction) and trajectory of the fatal bullet on the basis of their examination of the medical evidence. The physicians noted that it was impossible to determine Dr. King's exact position at the moment he was hit.

(18) On Saturday morning, June 10, 1978, Koogle and Joe M. Stewart, supervisor of field survey operation for Koogle & Pouls, with the committee and its medical examiners present, surveyed the area of the Lorraine Motel on Mulberry Street and the roominghouse at 418-422½ South Main Street. After a general examination of the area, the firm set up a Kern DKM2-AE theodolite on the second-floor balcony of the Lorraine Motel in front of the door to room 306. The center of the theodolite was placed 6.65 feet from the adjacent (southerly) corner of the concrete floor of the balcony, and 1.47 feet in from the edge of the floor slab which is a 5-inch structural steel channel beam. This probable location of Dr. King at the time he was shot was selected on the basis of photographic evidence and eyewitness accounts furnished by the committee. The polar method of determining angles and distances to various points required for checking previous data and development of independent information was considered most suitable and efficient for this survey. An AGA geodimeter, model 12, was mounted atop the Kern theodolite for electronic distance measurement. (See "Instrumentation" section for a description of this equipment.)

(19) Using the Theodolite and electronic distance measuring (EDM) unit, certain measurements were made using the polar system of measurement which involves a relative azimuth (horizontal) and the measurement of a slope distance to a retrodirective reflector prism at the exact point on the other end of the line from the theodolite and EDM unit. The horizontal azimuth angle, measured from a reference baseline, the vertical angle from zenith, and the slope distance were measured and recorded.

(20) To serve as the zero index for all horizontal angles, a base azimuth was established to the utility pole located on the northwest corner of Mulberry Street and Butler Avenue. Zenith (vertical) angles are automatically indexed to gravimetric level by the automatic leveling system in the Kern Theodolite. Special care was taken to insure that the line of sight for the EDM unit did not pass through any portion of the glass enclosure built around the area in front of room 306. (This glass enclosure was put up after Dr. King's assassination to protect a shrine erected in his honor.) For orientation, three polar measurements were made to specific points at or near the motel, and one to the utility pole on the sidewalk just west of the motel swimming pool. These polar measurements were reduced to horizontal distances and carefully plotted on the film copy of the "Plan of Lorraine Motel Area," prepared in November 1968 by Arthur C. Holbrook, Memphis city engineer. Based on the plotted points, this site map was determined to be an adequate graphic representation of the area.

(21) A direct measurement was made to the center of the bathroom windowsill at 418-422 $\frac{1}{2}$ South Main Street. Three additional measurements were made in the area of the tree and bushes at the east end of the garden area behind 418 and 422 $\frac{1}{2}$ South Main Street where one witness reportedly saw a fleeing figure immediately after the shot that killed Dr. King was fired. (Fig. 2 and 3.)

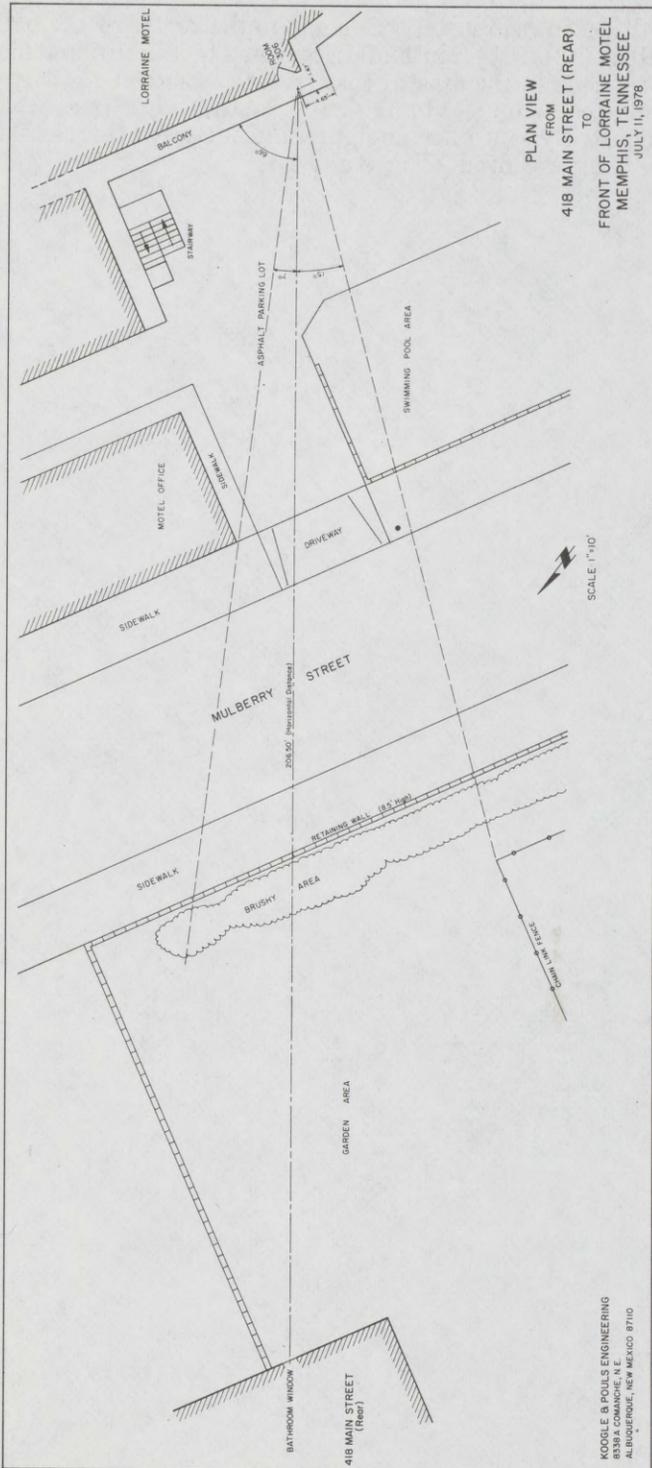


FIGURE 2.—Plan view from 418 Main Street (rear) to front of Lorraine Motel. (This diagram has been reduced to about one-third its original size. One inch equals approximately 30 feet.)

KOOGLE & POULS ENGINEERING
 8339 A COMARCHE, N.E.
 ALBUQUERQUE, NEW MEXICO 87110

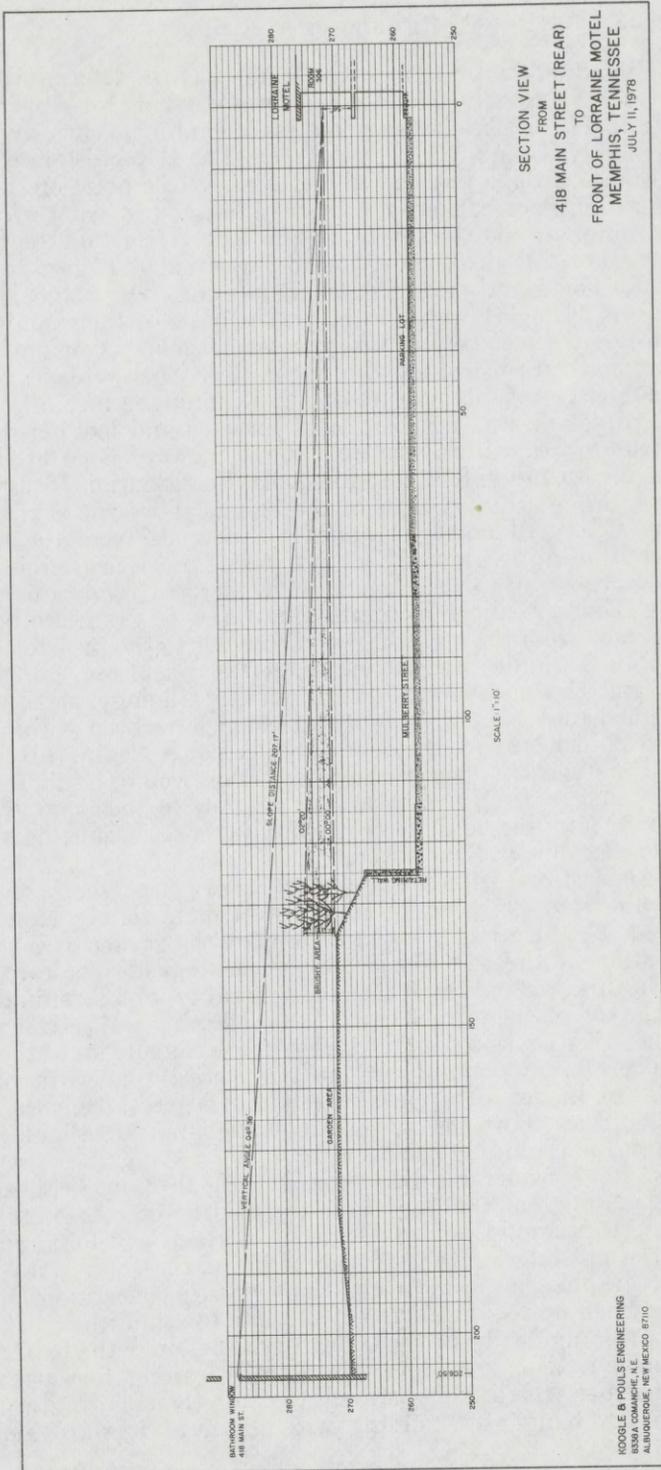


FIGURE 3.—Section view from 418 Main Street (rear) to front of Lorraine Motel. (This diagram has been reduced to about one-third its original size. One inch equals approximately 30 feet.)

V. RESULTS OF THE SURVEY

(22) Based on the polar measurements, the firm determined that the "Plan of the Lorraine Motel Area," prepared in November 1968 by Arthur C. Holbrook, city engineer of Memphis, is entirely adequate for the analysis required in this survey. The slope distance, or direct line distance, from a position 56 inches above the point on the surface of the second-floor balcony that was established in front of room 306 at the center of the theodolite, to the center front of the bathroom windowsill at 418-422½ South Main Street is 207.17 feet at an angle above the horizontal of 4 degrees 36 minutes. The height above the balcony of 56 inches was selected on the basis of the examination of evidence by the members of the forensic pathology panel and eyewitness accounts furnished by the committee. This evidence indicated that the most probable posture of Dr. King at the instant he was hit by the projectile was with his head forward and looking down into the parking area with a probable slight forward bend at the waist, typical for an individual standing with his attention focused downward. A difference of 1 inch in the height above the surface of the balcony floor will make an angular difference from the bathroom windowsill of approximately 1.4 minutes of arc, a negligible variance for the purposes of this survey. The 1968 autopsy report of the Shelby County, Tenn., Medical Examiner Dr. Jerry T. Francisco noted that the distance from the right heel of Dr. King to the probable point of impact of the bullet was 59 inches. After consulting with the committee and the members of the forensic pathology panel, the firm determined that the point of impact could have been within a range of 54 to 59 inches above the floor of the balcony. Again, this relatively minor difference in height above the floor would result in a small angular change from the bathroom window to the point where Dr. King was standing and these small differences would have no discernible effect on Dr. King's wound.

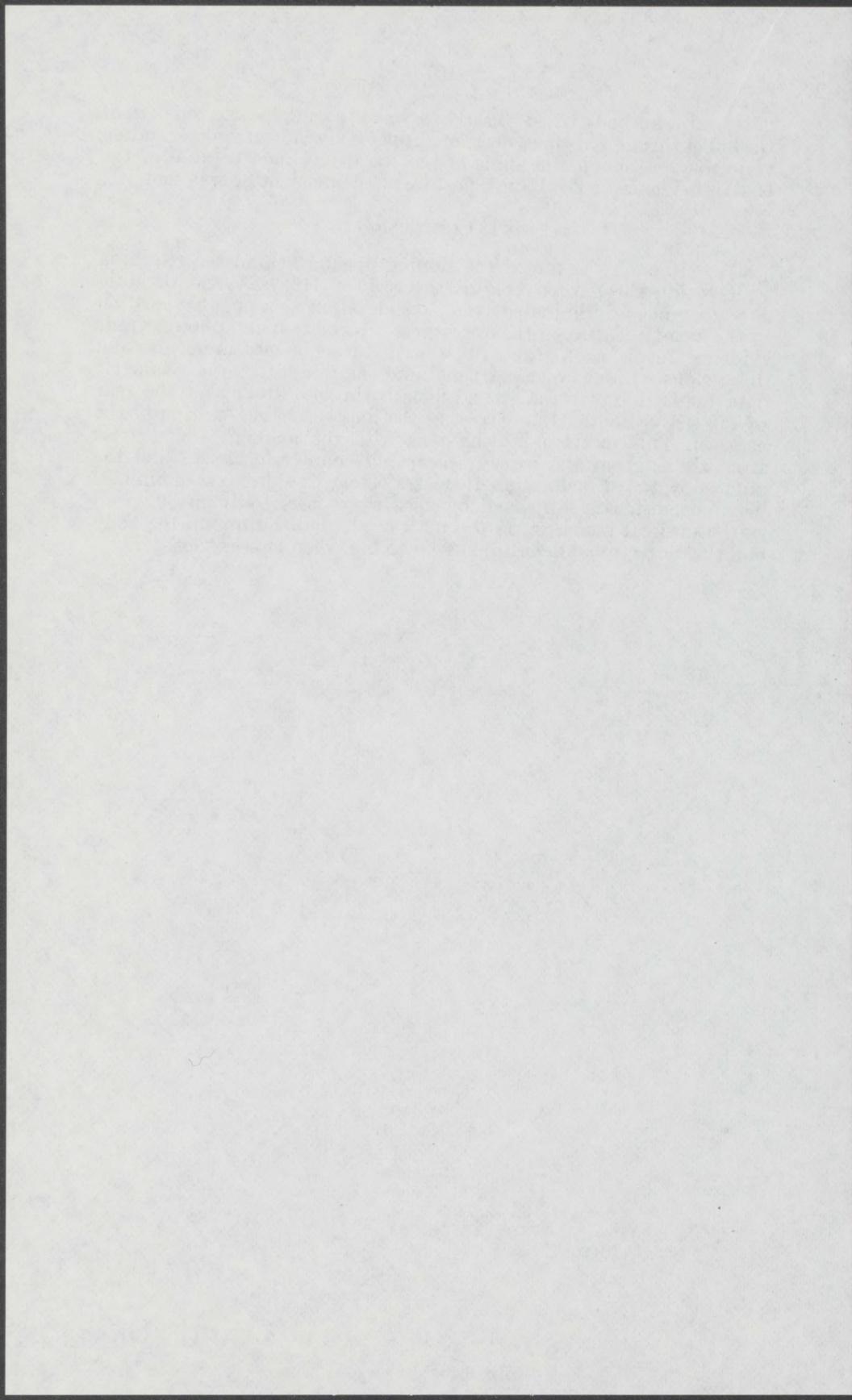
(23) At least one witness stated that he saw a person in the garden area behind 418-422½ South Main Street immediately after the shot was fired. The firm was unable to eliminate the garden area as a possible location of the assassin. Survey measurements made to selected points in this area indicated that the general ground level in the vicinity of the top of the terrace beyond the retaining wall is essentially at the same elevation as a point 56 inches above the surface of the balcony floor. Therefore, the angular range in a vertical plane will vary from level to an incline of approximately 2.5 degrees from the selected point 56 inches above the balcony floor measured to a shoulder height of 5.4 feet for a standing person.

(24) After considerable discussion with the three medical examiners, it became apparent that a 3- to 4-degree difference in angularity of the trajectory would not enable them to reach a definite conclusion about the possible location of the origin of the shot. With the lack of photographic or specific eyewitness evidence concerning Dr. King's posture when he was hit, it is not possible to establish with certainty the vertical angularity of the trajectory. The lower the ballistic angle the more Dr. King would have had to be leaning forward, perhaps somewhat over the balcony railing, to cause the resulting wound. Assuming Dr. King was standing with his head forward and facing

downward, his body tilted slightly forward from the waist, the path of the bullet through his face, neck and upper body indicates a descending trajectory, although the angle cannot be determined because of the lack of evidence of Dr. King's posture at the moment he was shot.

VI. CONCLUSION

(25) Although the top of the sloping ground behind the retaining wall within the garden area at the rear of 418-422½ South Main Street cannot be eliminated from consideration as a possible location of the assassin, based on the eyewitness information and photographic evidence furnished to the firm, the engineering measurements, and discussions with the medical panel and the committee, the geometric data tends to favor the second-floor bathroom window at the rear of 418-422½ South Main Street as the most probable location of the assassin. This location is consistent with the azimuth (66 degrees from the edge of the balcony measured counterclockwise) and the slight downward inclination of the trajectory of 4 degrees 36 minutes. This conclusion is supported by most eyewitness testimony, as well as the medical panel, given the path of the bullet through the body and the most probable posture of Dr. King when he was shot.



SCIENTIFIC REPORT ON THE SUBJECT OF
ANALYSIS OF FINGERPRINT EVIDENCE RELATED TO
THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

By

THE FINGERPRINT PANEL

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Report to the
Select Committee on Assassinations
U.S. House of Representatives
Ninety-fifth Congress
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I. INTRODUCTION

(1) A fingerprint is an impression made by ridges on the ends or bulbs of fingers. These impressions are useful as a means of identification because no two persons have the same ridge characteristics appearing in the same positions on the fingers, and fingerprints do not change during one's lifetime. Three features are considered in classifying fingerprints: general shapes and contours; finger positions of pattern types; and relative size, determined by counting the ridges in loops and by tracing the ridges in whorls. This information is incorporated in a concise formula, the fingerprint classification.

(2) Fingerprints found at a crime scene are referred to as "latent" (hidden) impressions because in most cases they are difficult or impossible to see and, therefore, require development to make them visible for preservation as evidence and for comparison with fingerprints of a known person. The fingertip ridges are covered with perspiration that exudes from sweat pores in the ridges. When an object is touched, an outline of the ridges is left on it in a deposit of perspiration or oily matter from the fingers. Latent prints are made visible by the use of various chemicals, by photographic enhancement, and by dusting them with fingerprint powder that adheres to the moisture or oily matter present in the latent prints. The value of a latent print for identification depends on its number of identifiable characteristics and where it is found.

(3) Dr. Martin Luther King, Jr. was assassinated on April 4, 1968, in Memphis, Tenn. The Federal Bureau of Investigation's Laboratory and Identification Division, Latent Fingerprint Section, examined hundreds of fingerprints collected in the course of the FBI investigation of the assassination of Dr. King. This fingerprint analysis eventually helped lead to the identification and apprehension of the assassin.

(4) Dr. King's killer apparently fled the scene after firing the fatal shot from a second story bathroom window at the rear of a rooming-house, managed by Bessie Brewer, at 422½ South Main Street. This bathroom window provided a view of Dr. King's room at the Lorraine Motel. The suspect, however, left behind important evidence, including a .30-06 caliber Remington rifle with a Redfield telescopic sight, binoculars, and a blue zipper bag containing clothing and personal articles. These items were found in a bundle that had been dropped almost immediately after the assassination in the doorway of Canipe's Amusement Co., 424 South Main Street. Investigators determined that the suspect had rented room 5B at the roominghouse on the afternoon of April 4, 1968, using the name John Willard.

(5) The rifle found in the doorway of Canipe's Memphis store was purchased on March 30, 1968, at the Aeromarine Supply Co. in Birmingham, Ala., by a person using the name Harvey Lowmeyer. On April 11, 1968, the FBI discovered the suspected assassin's getaway

car, a 1966 white Ford Mustang, in the parking lot of an Atlanta, Ga., apartment house. The car was registered to Eric Starvo Galt. Galt had stayed at James Garner's Atlanta roominghouse in late March 1968, and he spent the night before the assassination, April 3, 1968, at the New Rebel Motel in Memphis. Additional evidence was recovered from Garner's roominghouse, including a map of Mexico.

(6) On the evening of Dr. King's murder, April 4, 1968, Capt. Nick J. Carimi, Memphis Police Department, Bureau of Identification, lifted several prints from the second-floor bathroom at the rear of Bessie Brewer's Memphis roominghouse, and from room 5B. (1) On the following day, James H. Brandon and Bobby F. Ewing, technicians with the Memphis Police Department Bureau of Identification, lifted several more prints from the roominghouse. (2) The 10 fingerprint lifts taken by Captain Carimi and the technicians were given to the FBI on April 6, 1968, and Special Agent Robert Fitzpatrick personally delivered the specimens to the FBI Laboratory and Identification Division in Washington, D.C., on the same day.

(7) Of the 10 lifts from the roominghouse, only 2 were of value for later comparison. One latent fingerprint, lifted from the dresser in room 5B, matched the print of a Memphis police officer, and a fingerprint removed from the fireplace in room 5B was not identified. (3)

(8) The evidence from the bundle was examined, and the following latent prints were found. (4) (FBI "Q" numbers are noted. In indexing evidence, the FBI assigns "Q" numbers to "questioned" items and "K" numbers to "known" items.)

Black rifle box (Q1)-----	1 palm print.
Rifle (Q2)-----	1 fingerprint.
Telescopic sight (Q2)-----	Do.
Binoculars (Q14)-----	Do.
Memphis (Tenn.) <i>Commercial Appeal</i> newspaper, April 4, 1968 (Q19)-----	Do.
After shave bottle (Q24)-----	Do.
Schlitz beer can (Q53)-----	Do.

The palm print on the black rifle box (Q1) was identified as that of Donald Wood, a clerk at Aeromarine Supply Co., Birmingham, Ala., where the rifle had been purchased. Of the other prints from the evidence in the bundle, the fingerprints from the rifle and the fingerprint from the binoculars were made by the same finger. The position of the prints and the shape of the ridges indicated that the prints were probably from a left thumb. (5)

(9) The windowsill from the second-floor bathroom at the rear of Bessie Brewer's Memphis roominghouse was sent to the FBI Laboratory and Identification Division, Washington, D.C. The FBI found one latent fingerprint on the sill, but determined it belonged to FBI Special Agent Frank Johnson. (6) The FBI took 25 latent lifts from room 34 of the New Rebel Motel in Memphis, the place where Eric S. Galt stayed on April 3, 1968, the day before Dr. King was killed. Only four of these lifts were valuable. Two prints from Galt's New Rebel Motel registration card (Q86) were later found to belong to a motel clerk and an FBI agent. (7)

(10) On April 15, 1968, the FBI recovered a map of Mexico (Q194) in the room where Galt had stayed at Garner's roominghouse in Atlanta, Ga. A latent lift from the map matched the prints from the

rifle and the binoculars.(8) The FBI determined from the map lift that the print, probably from the left thumb, had an ulnar loop of 12 ridge counts.

(11) In its efforts to identify the latent prints, the FBI experts under the direction of George Bonebrake reviewed all sections of its single fingerprint file and compared all outstanding identification orders. The FBI noted that the map print was similar to that found on the rifle and the binoculars. From a search of the records of 53,000 fugitives, the investigators discerned that approximately 1,900 of these fugitives had ulnar loops of 10 to 14 ridge counts in the left thumb. On April 19, 1968, 15 days after Dr. King's murder, the three latent fingerprints were identified with the prints of James Earl Ray, an escapee from the Missouri State Penitentiary who had been serving a sentence for robbery.(9)

(12) Ray was apprehended at Heathrow Airport in London, England, on June 8, 1968. Four days before his arrest, he allegedly robbed the Fulham Branch of the Trustee Savings Bank in London of about £95. A holdup note printed on a paper bag was left at the scene by the suspect and recovered by officers of the Metropolitan Police, New Scotland Yard. Fingerprint specialists at New Scotland Yard and the FBI positively matched the print found on the note with the left thumb print of James Earl Ray.(10) Ray, however, denied that he robbed the Fulham Bank.

(13) The committee, in its investigation of the assassination of Dr. Martin Luther King, Jr., decided to review all fingerprints identified as those of James Earl Ray as well as prints on other evidence that had been associated somehow with Ray and might indicate conspiracy. It determined not to reexamine, for example, fingerprints that were identified as those of investigating officers; prints from anonymous letters; and prints related to suspects other than Ray. The fingerprints that the committee determined should be reviewed came primarily from (1) the bundle found in the doorway of Canipe's Amusement Co.; (2) the Brewer Memphis roominghouse; (3) the New Rebel Motel; (4) the 1966 Ford Mustang; and (5) the Garner Atlanta roominghouse. Some miscellaneous items were also selected for review, such as the June 4, 1968 London robbery note, because of Ray's contention that he was not involved in the holdup.

(14) The committee needed a highly qualified expert in fingerprint analysis to review more than 60 questioned specimens related to the death of Dr. King. It first retained Victor J. Scalice of Forensic Control Systems, New York, N.Y., who had served as a member of the committee's John F. Kennedy fingerprint panel. (See Kennedy fingerprint panel report for a description of the selection of those panel members.) Scalice reviewed six of the prints selected by the committee. He compared a photographic copy of the fingerprints of James Earl Ray to latent lifts from the following items: the rifle (Q2); the binoculars (Q14); the Memphis Commercial Appeal newspaper (Q19); the Schlitz beer can (Q53); and the London robbery note (Q389); and determined that these impressions had been made by James Earl Ray, confirming the conclusions of the FBI analysts. Scalice was unable to compare a lift from the telescopic sight (Q2), however, because the photograph of the original lift was poor.(11)

(15) Scalice could not examine all of the relevant prints because of an extremely full schedule of other work so he agreed that the committee should employ an expert in the Washington, D.C., area who could review the original latent lifts at the FBI headquarters if necessary.

II. SELECTION OF FINGERPRINT PANEL

(16) To fulfill its obligation to investigate all the circumstances of the death of Dr. King, the committee convened a panel of fingerprint examiners to review relevant latent prints that were collected by the FBI in 1968. The panel members were asked to review the fingerprint exhibits selected by the committee and compare them with the fingerprints of James Earl Ray and, as part of its investigation of possible conspiracy, with the prints of his brothers, John L. Ray and Jerry W. Ray. They also were asked to compare selected latent lifts with the prints of known or suspected Ray associates, including: Jesse B. Stoner, president of the segregationist National States Rights Party and an associate of Jerry W. Ray (12); Randy Rosenson, an alleged associate of Raoul who Ray mentioned in a 1977 Canadian Broadcasting Co. interview (13); and Gus Prosch, an alleged gunrunner and supposed purchaser of a weapon at the Aeromarine Supply Co. in Birmingham, Ala., on April 3, 1968, a weapon that according to one source, may have been used in Memphis the next day. (14)

(17) The committee, following the suggestion of fingerprint examiner Victor J. Scalice, sought to use highly qualified fingerprint examiners from the Washington, D.C., area to review latent fingerprint lifts relevant to the death of Dr. King and, if necessary, examine the original materials at the FBI headquarters. On the recommendation of Burtell M. Jefferson, Chief of Police, Metropolitan Police Department, Washington, D.C., the committee employed as consultants Ray H. Holbrook and Darrell D. Linville, fingerprint specialists with the Metropolitan Police Department.

(18) Ray H. Holbrook completed a Federal Bureau of Investigation fingerprint training course in 1959. He worked in the FBI Identification Division from 1959 until 1969. He began his present work as a fingerprint specialist with the Identification Branch, Fingerprint Examination Section, Metropolitan Police Department, Washington, D.C., in 1969. Holbrook has lectured at the Metropolitan Police Academy and at the Antioch Law School in Washington, D.C. He is a certified latent print examiner and a member of the International Association for Identification.

(19) Darrell D. Linville completed a Federal Bureau of Investigation fingerprint training course in 1957. He worked with the FBI Identification Division from 1957 until 1970. He began his present work as a fingerprint specialist with the Identification Branch, Metropolitan Police Department, Washington, D.C., in 1970. Linville has taught at the Metropolitan Police Department Academy, Washington, D.C., and has instructed foreign police officers in the Henry System of Fingerprint Identification. He is a certified latent print examiner and a member of the International Association for Identification. On numerous occasions he has testified as a fingerprint expert.

(20) Both Holbrook and Linville examined latent prints collected at the scene of the June 1972 burglary of Democratic National Headquarters in the Watergate Hotel, Washington, D.C. Senator Sam J. Ervin's Senate Select Committee on Presidential Campaign Activities used their report in its investigation of the burglary.

III. REPORT OF THE FINGERPRINT PANEL

(21) The following fingerprints were examined and compared. (The FBI questioned evidence index numbers, or Q numbers, are noted if they were assigned.)

FBI photograph

No.:

3. One fingerprint on side of telescopic sight. (Q2) (Identified by FBI as right ring fingerprint of James Earl Ray.)

6. One fingerprint on aftershave bottle. (Q24) (Identified by FBI as right index finger of James Earl Ray.)

10. One fingerprint on latent lift marked "right side of fireplace" from room 5B, Brewer roominghouse, Memphis.

17. Two fingerprints and one palm print on Browning rifle.

25. Two fingerprints on bathroom door—New Rebel Motel, Memphis.

26. One fingerprint on bathroom door—New Rebel Motel, Memphis.

27. One palm print on bathroom door—New Rebel Motel, Memphis.

28. One palm print on bathroom door—New Rebel Motel, Memphis.

29. One palm print from 1966 Mustang, left door handle.

30. One palm print from 1966 Mustang, 8 inches from right door plunger under right rear glass.

31. One impression of value on 1966 Mustang right door handle.

44. Two fingerprints on lined piece of paper, Garner roominghouse, Atlanta, (Q168)

45. Two palm prints on piece of newspaper, Garner roominghouse, Atlanta.

46. One palm print on latent lift A-1, Garner roominghouse, Atlanta.

47. One palm print on latent lift A-3, Garner roominghouse, Atlanta.

48. One palm print on latent lift A-5, Garner roominghouse, Atlanta.

49. Two palm prints on latent lift 9, Garner roominghouse, Atlanta.

50. One palm print on latent lift 10, Garner roominghouse, Atlanta.

51. Two palm prints on latent lift 11, Garner roominghouse, Atlanta.

52. One palm print on latent lift 12, Garner roominghouse, Atlanta.

53. Two fingerprints on change of address order, signed Eric S. Galt. (Q173)

54. Two fingerprints on change of address order, signed Eric C. Galt. (Q173)
 55. One fingerprint on Mexican map. (Q194)
 56. One fingerprint on Mexican map. (Q194)
 57. One fingerprint on Mexican map. (Q194) (Identified by FBI as left thumb print of James Earl Ray.)
 58. One fingerprint and one impression of value on Mexican map. (Q194)
 59. One fingerprint on Mexican map. (Q194) (Identified by FBI as left index fingerprint of James Earl Ray.)
 60. One fingerprint on Mexican map. (Q194)
 61. One fingerprint on paper bearing notation. (Q214)
 62. One fingerprint on money order. (Q216)
 63. One fingerprint on money order. (Q216)
 64. One fingerprint on money order. (Q217)
 65. One fingerprint on money order. (Q219)
 66. Two fingerprints on money order. (Q221)
 67. Three fingerprints on money order. (Q221)
 68. One fingerprint on money order. (Q222)
 69. One fingerprint on money order. (Q223)
 70. One fingerprint and one palm print on money order. (Q223)
 71. One fingerprint on letter signed Eric S. Galt. (Q225)
 72. One fingerprint on back of envelope to Locksmithing Institute. (Q215)
 76. One fingerprint on Futura Books order blank, dated February 17, 1968 signed Eric S. Galt. (Q255)
 77. One fingerprint on order blank. (Q255)
 87. Two fingerprints on envelope. (Q254)
 88. One fingerprint on envelope. (Q253)
 89. One fingerprint on envelope. (Q253)
 111. Two fingerprints on envelope. (Q293)
 112. Three fingerprints on envelope. (Q293)
 113. One fingerprint on envelope. (Q294)
 115. One fingerprint on coupon from Eric S. Galt to Modern Photo Bookstore. (Q326)
 - 134-135. Three fingerprints on letter from Galt to Southern African Council. (Q334)
 153. Palm print on Sneyd paper with name and address. (Q367)
 154. Five fingerprints on Sneyd letter. (Q367)
 - 158-159. Four fingerprints on Royal Bank of Canada newsletter.
 - 162-164. Letter signed Galt. (Q385)
 165. One fingerprint on London robbery note. (Q389) (Identified by FBI as a fingerprint of James Earl Ray.)
 - 166-167. Eleven fingerprints and two palm prints on rooming-house ledger and card. (Q 407 and Q408)
 173. One fingerprint on check from Indian Trails Restaurant, Winnetka, Ill. (Q404) (Identified by FBI as a fingerprint of James Earl Ray.)
- (22) Also, two unnumbered latent lifts taken from the second-floor bathroom at the rear of Bessie Brewer's Memphis roominghouse were examined.

(23) The following print photographs were provided for comparison to the questioned fingerprints.

(24) A. Inked finger and palm impressions of James Earl Ray.

(25) B. Inked finger and palm impressions of John L. Ray.

(26) C. Inked finger and palm impressions of Jerry W. Ray.

(27) (The impressions of James Earl Ray and his brothers, John and Jerry, were compared with all of the latent prints examined.)

(28) D. Inked impressions of Gus Prosch, Jr., who allegedly bought a weapon at Aeromarine Supply Co., Birmingham, Ala., on April 3, 1968, the day before Dr. King was killed. (Compared to photograph 17 only.)

(29) E. Inked impressions of Jesse B. Stoner, president of the segregationist National States Rights Party and an associate of Jerry W. Ray. (Compared to photographs 31 and 44 only.)

(30) F. Inked impressions of Randy Rosenson, an alleged associate of Raoul who Ray mentioned in a 1977 Canadian Broadcasting Co. interview. (Compared to photographs 31, 44, 55, 56, and 60.)

(31) No palm prints were available for Prosch, Stoner, or Rosenson.

(32) The results of the comparisons were as follows:

Photograph 17 was compared with inked impressions of Gus Prosch, with negative results.

Photographs 31 and 44 were compared with inked impressions of Jesse Stoner, with negative results.

Photographs 31, 44, 55, 56, and 60 were compared with inked impressions of Randy Rosenson, with negative results.

(NOTE: No palmar impressions were available for Prosch, Stoner or Rosenson.)

Photograph 3, developed on side of the Redfield telescopic sights, is an impression made by the right ring finger of James Earl Ray.

Photograph 6, developed on aftershave lotion bottle, is an impression made by the right index finger of James Earl Ray.

Photograph 57, developed on 1966 Republica Mexicana, Guia Roji (map of Mexico), is an impression made by the left thumb of James Earl Ray.

Photograph 59, developed on 1966 Republica Mexicana, Guia Roji (map of Mexico), is an impression made by the left index finger of James Earl Ray.

Photograph 115, one fingerprint on coupon from Eric S. Galt to Modern Photo Bookstore.

Photograph 165, developed on London robbery note, is an impression made by the right thumb of James Earl Ray.

Photograph 173, developed on Indian Trails check, is an impression made by the right thumb of James Earl Ray.

(33) The panel concluded that James Earl Ray made the latent impressions from the telescopic sight (photograph 3), the aftershave bottle (photograph 6), the Mexican map (photographs 57 and 59); the London robbery note (photograph 165); and the check from the Indian Trails Restaurant (photograph 173) Indian Trails Restaurant (photograph 173); a coupon from Eric S. Galt to Modern Photo Bookstore (photograph 115). These results agree with the earlier findings of the FBI. Two impressions from an unnumbered latent lift card, taken from the second-floor bathroom at Brewer's 422½

South Main Street roominghouse, Memphis, were also examined. One latent palm impression from the bathtub was of no value for comparison. The other palm impression from the bathroom windowsill was compared to the palm print of James Earl Ray and found not to match.

(34) The remaining latent impressions were compared with the inked finger and palm impressions of James Earl Ray, Jerry William Ray, and John Larry Ray, but no additional identifications could be made.

(35) The following consolidated identifications were made. The fingerprints are considered identical with an unknown person or persons.

Photograph 44: Two latent impressions of value developed on lined piece of paper (Q168). The two latent impressions are identical with each other.

Photograph 53: Two latent impressions of value developed on "Change of Address Order" signed Eric S. Galt (Q173). The two latent impressions are identical with each other.

Photograph 62: One latent impression of value developed on back of Bank of America money order No. 0799-18037 (Q216). The one latent impression is identical with the latent impression in photo No. 65 and with one latent impression in photo No. 67.

Photograph 63: One latent impression of value developed on back of Bank of America money order No. 0799-18037 (Q216). The one latent impression is identical with the latent impression in photo No. 64.

Photograph 64: One latent impression of value developed on back of Bank of America money order No. 0799-18288 (Q217). The one latent impression is identical with the latent impression in photo No. 63.

Photograph 65: Two latent impressions of value developed on back of Bank of America money order No. 0799-17281 (Q219). One of the two latent impressions is identical with the latent impression in photo No. 62 and with one latent impression in photo No. 67. The other latent impression is identical with the latent impression in photo No. 69.

Photo 67: Three latent impressions of value developed on back of Bank of America money order No. 0799-19701 (Q221). One of the three latent impressions is identical with the latent impression in photo No. 62 and with one latent impression in photo No. 65. One of the two remaining latent impressions is identical with one latent impression in photo No. 70.

Photograph No. 69: One latent impression of value developed on front of Bank of America money order No. 0799-19704 (Q223). The one latent impression is identical with one latent impression in photo No. 65.

Photograph 70: Three latent impressions of value (one of which is a palmar impression) developed on front of Bank of America money order No. 0799-19704 (Q223). One of the three latent impressions is identical with one latent impression in photo No. 67.

Photograph 76: One latent impression of value developed on order blank for Futura Books dated February 27, 1968, signed Eric S. Galt (Q255). The one latent impression is identical with one latent impression in photo No. 77.

Photograph 77: Two latent impressions of value developed on order blank for Futura Books dated February 27, 1968, signed Eric S. Galt (Q255). One of the two latent impressions is identical with the latent impression in photo No. 76.

Photograph 134 and 135: Four latent impressions of value developed on letter from Galt to Southern African Council (Q334). Three of the four latent impressions are identical with each other.

Photographs 158 and 159: Five latent impressions of value developed on bank newsletter, Royal Bank of Canada. Two of the five latent impressions are identical with each other.

REFERENCES

(1) Compilation of FBI fingerprint reports, July 5, 1978, House Select Committee on Assassinations, report of Captain Nick J. Carimi, Memphis Police Department, Bureau of Identification, April 16, 1968 (MLK document 230450) (hereinafter cited fingerprint report).

(2) Fingerprint report, report of James H. Brandon and Bobby F. Ewing, fingerprint technician, Memphis Police Department, Bureau of Identification, April 17, 1968.

(3) Fingerprint report, FBI laboratory worksheet for Q68-71, April 8, 1968.

(4) Fingerprint report, FBI laboratory worksheets for the rifle box, rifle, and other items from the bundle found in the doorway of Canipe's Amusement Co., April 5, 1968 and April 8, 1968.

(5) Fingerprint report, FBI summary, "James Earl Ray—Interesting Identification." Undated.

(6) See fingerprint report, FBI worksheet Q68-71, note 3 above.

(7) See fingerprint report, FBI index of latent prints. Undated, 14 pp.

(8) Ibid. See also fingerprint report, FBI laboratory worksheet, April 17, 1968.

(9) See fingerprint report, FBI summary, note 5 above. See also FBI Airtel, from Director to Memphis Murkin file 44-1987G, serial 325.

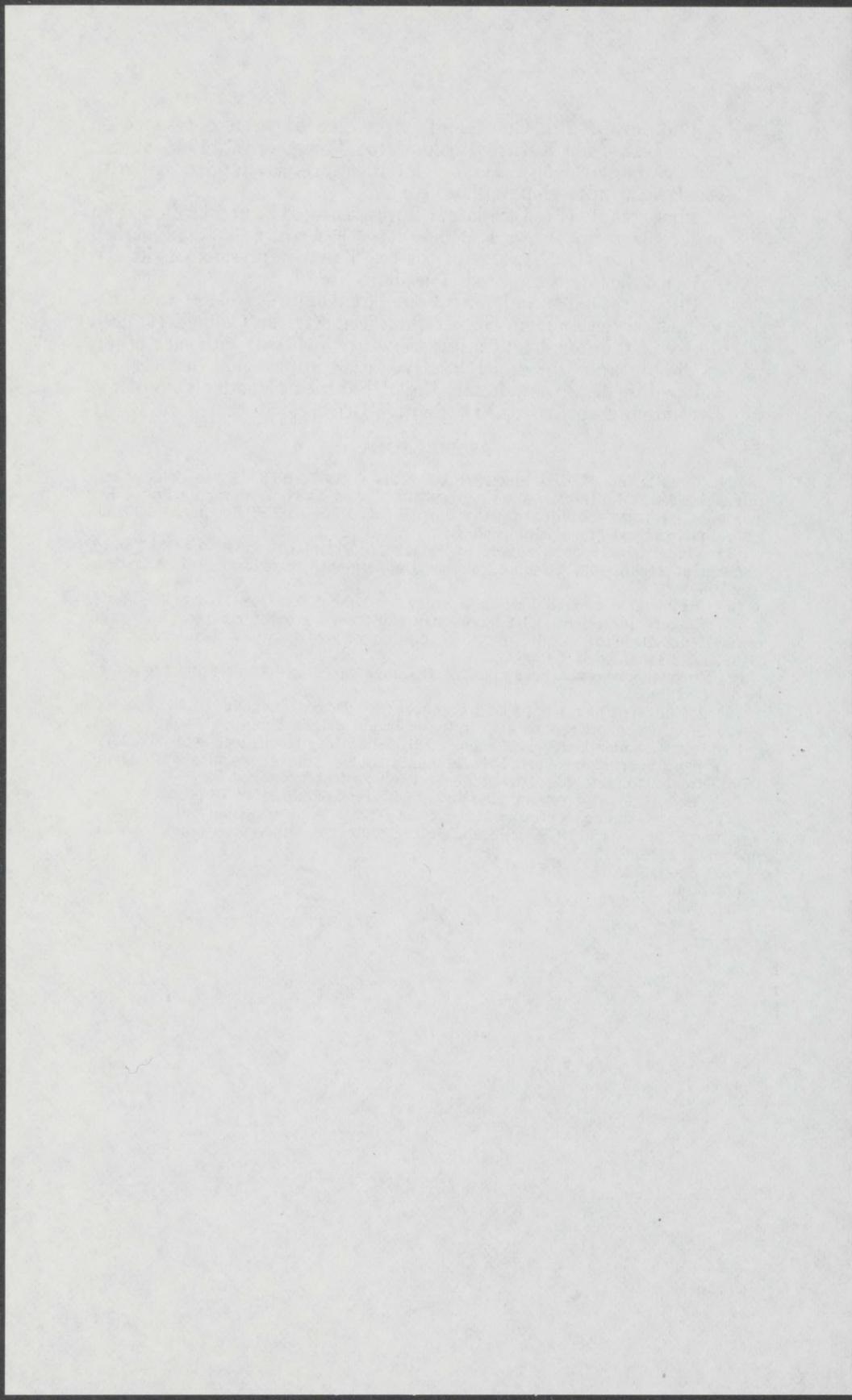
(10) See fingerprint report, FBI index of latent prints, note 7 above.

(11) See incoming correspondence from Victor J. Scalice, Forensic Control Systems, August 15, 1978, House Select Committee on Assassinations (MLK document 240206).

(12) See HSCA report, II. D.

(13) Ibid.

(14) Ibid.



SCIENTIFIC REPORT ON THE SUBJECT OF
QUESTIONED HANDWRITING RELATED TO
THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

By

JOSEPH P. McNALLY
Examiner of Questioned Documents
Valley Cottage, N.Y.

Report to the
Select Committee on Assassinations
U.S. House of Representatives
Ninety-fifth Congress
Second Session

March 1979

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I. INTRODUCTION

(1) In the course of its investigation of the assassination of Dr. Martin Luther King, Jr., the Federal Bureau of Investigation obtained and examined hundreds of documents that contained specimens of handwriting. Many of these documents were signed by or related to James Earl Ray, convicted assassin of Dr. King, or related to Eric S. Galt, John L. Rayns, and Ramon George Sneyd, aliases used by Ray. The documents examined included motel registrations, laundry receipts, checks, bank records, sales invoices, money orders, passports, correspondence, and other miscellaneous writings. The FBI also analyzed letters from citizens, including anonymous and crank mail, as well as handwriting samples and documents relating to suspects other than James Earl Ray.

(2) Based on their examination of handwritten Eric S. Galt signatures, the FBI determined that the signatures were all written by the same person, and ultimately concluded that the relevant documents had been executed by Ray. Further comparisons revealed that documents bearing the signatures of John L. Rayns and Ramon George Sneyd were also written by Ray.

(3) Since Ray admitted using the Galt, Rayns, and Sneyd aliases, there was little controversy about the origin of these writings. The committee, therefore, determined that a comprehensive review of the FBI handwriting examination was unnecessary, and decided to examine only the following items:

(4) 1. London robbery note (FBI specimen Qc389; MLK exhibit F-242) (Figs. 1-1 and 1-2). On June 4, 1968, 4 days before his apprehension, James Earl Ray allegedly robbed the Fulham branch of the Trustee Savings Bank in London, England, of about £95. The Metropolitan Police of New Scotland Yard sent the FBI a photocopy of a robbery note left at the Fulham bank by the robbery suspect. The FBI laboratory received the copy on July 15, 1968. The committee's King fingerprint panel, as well as the FBI examiners, determined that a latent fingerprint on the note was the right thumbprint of James Earl Ray. The FBI experts, however, examined the handwriting on the note and were unable to identify the handwriting as that of Ray because the writer, rather than printing the note, outlined the letters and filled them in so that the normal identifying characteristics were not evident. Ray denied that he was involved in the Fulham bank robbery. The committee, therefore, decided that a second handwriting analysis of the note might provide further evidence bearing on Ray's part in the holdup.

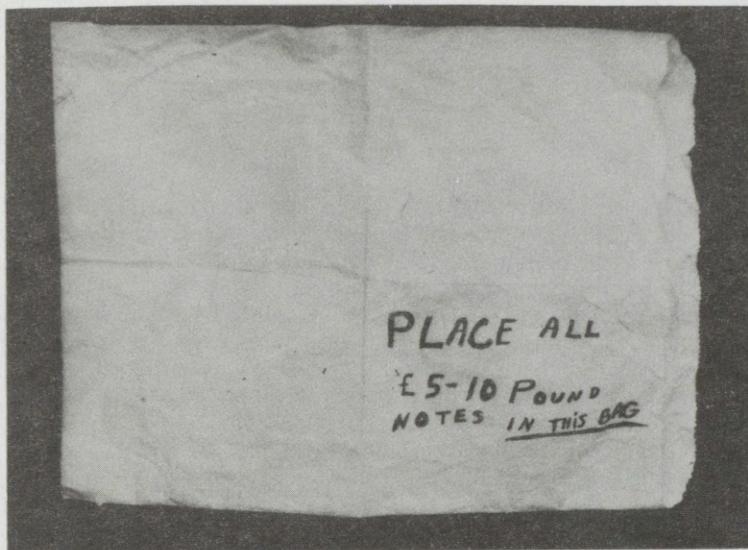


FIGURE 1A.—Note found at the Fulham branch of the Trustee Savings Bank, London, England, on June 4, 1968 (front).

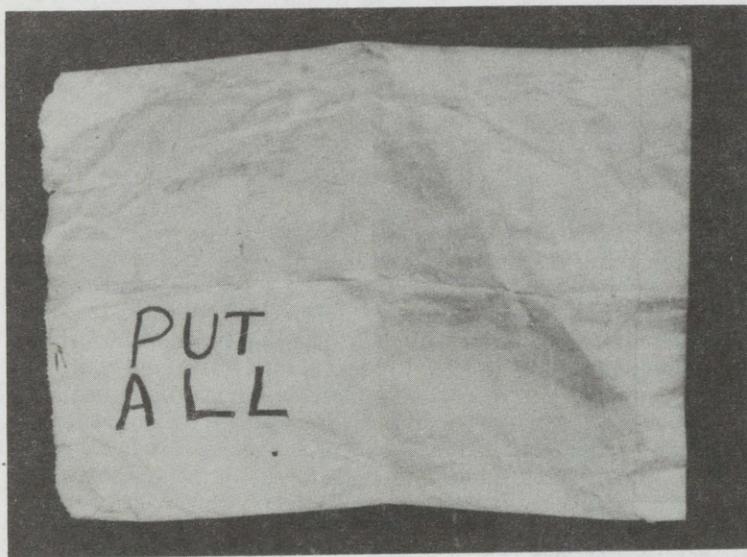


FIGURE 1B.—Fulham bank note (back).

(5) 2. Three items were examined that related to Ray's efforts to obtain a Canadian passport in April 1968. Following the April 4, 1968 assassination of Dr. King in Memphis, Tenn., Ray fled to Atlanta, Ga. and from there he traveled to Toronto, Ontario, Canada, where he arrived sometime between April 6 and 8, 1968. While in Toronto, Ray applied for a Canadian passport at a local travel agency on April 16, 1968, and the passport was issued from Ottawa, Ontario, the Canadian capital, on April 24, 1968. The passport was issued to Ramon George Sneyd, the identity Ray had assumed. He used the passport to travel from Toronto to London, England, on May 6, 1968. In the course of obtaining the passport, Ray first adopted the alias Paul Edward Bridgman, which he used in a request for a Canadian birth certificate he made on April 10, 1968. He learned, however, that the real Bridgman already had a passport. Afraid that his ruse would be detected if he used the Bridgman name, Ray adopted the alias Ramon George Sneyd by April 16, the day he applied for his passport and ordered a birth certificate from the Bureau of Vital Statistics in that name. In connection with his passport application, Ray completed a Statutory Declaration in Lieu of Guarantor form so that he did not need a witness to swear that he had been a Canadian citizen for at least 2 years.

(6) Ray maintained that he secured his Canadian passport without assistance. The committee analyzed the handwriting on the following items related to his efforts to secure a passport to determine whether they had been prepared by Ray or by someone else:

- (a) Photocopy of an April 10, 1968, letter from Paul Bridgman requesting a birth certificate. (MLK exhibit F-233A) (fig. 2.) The committee obtained a photocopy of this letter from the FBI file of Canadian materials related to the investigation of the death of Dr. King, received from the Shelby County, Tenn., district attorney general's office on July 25, 1977.

DEAR SIR;

4-10-68

ENCLOSED IS \$2.00 MONEY ORDER
FOR BIRTH CERTIFICATE.

NAME PAUL EDWARD BRIDGMAN

BORN TORONTO, ONTARIO, NOVEMBER 10, 1932

FATHER EDWARD G.B. BRIDGMAN.

MOTHER MAIDEN NAME, EVELYN GODDEN.

THANKS.

Sincerely

Paul Edward Bridgman

102- OSSINGTON - AVE.

TORONTO, CANADA.

ONTARIO.

Pres. & Conf.

Hon. Robert Kelch

Prov. Sec'y

Minister of Citizenship & Registrar Gen
Parliament Bldgs., Torontocertified abstract of birth records - ^{registrations} - ⁱⁿ question

2589 2

FIGURE 2.—April 10, 1968, letter of request for birth certificate, signed Paul Edward Bridgman.

- (b) Photocopy of an April 16, 1968, letter from Ramon George Sneyd requesting a birth certificate. (MLK exhibit F-233B) (fig. 3.) A photocopy of this document was also found in the FBI Canadian materials which the committee received from the Shelby County Tenn., district attorney's office.

4-16-68

DEAR SIR

ENCLOSED IS A M.A FOR \$2.00,
 WOULD YOU PLEASE SEND BIRTH CERTIFICATE,

NAME: RAMON GEORGE SNEYD
 BORN OCTOBER-8-1932
 TORONTO, ONTARIO

FATHER'S NAME: GEORGE SNEYD

MOTHER'S NAME, MAIDEN,

GLADYS MAE KILNER

THANKS,

Ramon George Sneyd

962 DUNDAS ST. W.

TORONTO, ONTARIO.

2590

FIGURE 3.—April 16, 1968, letter of request for birth certificate, signed Ramon George Sneyd.

- (c) Photocopy of the Statutory Declaration in Lieu of Guarantor signed by Ramon George Sneyd on April 16, 1968. (FBI specimen Qc364; MLK exhibit F-234) (fig. 4.)



STATUTORY DECLARATION IN LIEU OF GUARANTOR

I, RAMON GEORGE SNEYD
 of 962 DUNDAS ST. W. - TORONTO, ONTARIO

do solemnly declare that:

1. The statements contained in the attached application for passport are true and correct;
2. There is no one in Canada, eligible under the Canadian passport regulations to vouch for passport applications, who knows me well enough to vouch for my application. The reason for this is that

I HAVE BEEN IN FOREIGN COUNTRIES

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Declared before me
 at TORONTO in the
 Province of ONTARIO
 this 16th day of APRIL
 AD 1968

 Commissioner for Oaths or a Notary
 Public
 (Strike out inappropriate)

Ramon George Sneyd

FIGURE 4.—Statutory Declaration in Lieu of Guarantor, dated April 16, 1968, and signed Ramon George Sneyd.

(7) 3. Photocopy of hand-drawn map of escape plan from Brushy Mountain State Penitentiary, Petros, Tenn. (Fig. 5.) In 1978 the com-

mittee obtained a hand-drawn map of an escape plan, allegedly made by James Earl Ray. The map was analyzed in an attempt to determine if it indeed was drawn by Ray.

II. SELECTION OF THE HANDWRITING EXPERT

(8) The committee needed a highly qualified questioned document examiner to analyze the writings relevant to its investigation of the assassination of Dr. King. It chose Joseph P. McNally, who had served on the committee's John F. Kennedy handwriting panel. That selection process is set forth in the introduction of the report of the Kennedy handwriting panel.

(9) McNally received a B.S. and an M.P.A. in police science from the John Jay College of Criminal Justice, City University of New York. He began work in questioned document identification in 1942 with the New York City police laboratory. He has worked as supervisor of the document identification section of the police laboratory, training officer in the police academy, commanding officer of the police laboratory, and handwriting expert in the office of the district attorney of New York County. He retired from the police department at the rank of captain in 1972 and began private practice in questioned document identification. He is a consultant to the Human Resources Administration of New York City.

(10) McNally is a fellow of the American Academy of Forensic Sciences, a member of the International Association for Identification, the American Society for Testing and Materials, and the American Society of Questioned Document Examiners. He has lectured at the City University of New York, Rockland College, and the New York Police Academy.

III. FINAL REPORT OF DOCUMENT EXAMINER JOSEPH P. McNALLY

(11) The following writings were examined and compared:

- (a) Two photocopies of a note (apparently written on a paper bag), (MLK exhibit F-242A front, 242B back) (Fig. 1-1 and 1-2.)
 Front: "P L A C E A L L
 £ 5 - 10 P O U N D
 N O T E S I N T H I S B A G"
 Back: "P U T
 A L L"
- (b) Photocopy of April 10, 1968, letter requesting birth certificate, signed "Paul Edward Bridgman". (MLK Exhibit F-233A) (Fig. 2.)
- (c) Photocopy of April 16, 1968, letter requesting birth certificate, signed "Ramon George Sneyd". (MLK exhibit F-233B) (Fig. 3.)
- (d) Statutory Declaration in Lieu of Guarantor, dated April 16, 1968, signed "Ramon George Sneyd". (MLK exhibit (F-234) (Fig. 4.)
- (e) Photocopy of hand-drawn map. (Fig. 5.)
- (f) Photograph of a handprinted note—exemplar (or specimen) printing of James Earl Ray. (Fig. 6.) Designated "last page" and "pg. 20". The note consists of 28 lines and begins as follows:

"IT IS SUGGESTED THAT ON -L AND DEPENDANT UPON, THE SUBMISSION OF THE ISSUES HERE PROPOSED TO BE RAISED HAS BEEN. . ."

IT IS SUGGESTED THAT ON -L AND DEPENDANT UPON, THE SUBMISSION OF THE ISSUES HERE PROPOSED TO BE RAISED HAS BEEN ADJUDICATE,

AND UNLESS SUCH ADJUDICATION BE FAVORABLE TO MOVANT, THESE ISSUES AND THE RECORD OF THE ADJUDICATION THEREON ARE ESSENTIAL TO THE SUBMISSION OF A PROPER RECORD FOR APPEAL, IF THERE IS TO BE AN ADEQUATE APPELLATE REVIEW WITHIN THE MEANING AND THE SPIRIT OF THE AUTHORITIES HEREIN CITED. THE RULE THAT CONSTITUTIONAL QUESTIONS SHALL BE RAISED AS EARLY IN THE PROCEEDING AS IS PROPER, AND THE RULE THAT WHAT IS NOT BRIEFED ON AN APPEAL IS DEEMED TO BE WAIVED, SHALL EFFECTIVELY OPERATE TO FORECLOSE MOVANT'S RIGHTS ON THE APPEAL HEREIN, UNLESS THIS HONORABLE COURT ABIDES BY ITS OBLIGATION TO "ENFORCE THE CONSTITUTION OF THE UNITED STATES." (SMITH V. O'GRADY 312, U.S. 329 334, 61 S. CT. 572, 574, 85 L. ED. 859.)

AN MOVANT RESPECTFULLY URGES ALL THESE THINGS.

RESPECTFULLY SUBMITTED BY:

NOTORIZED BY:

JAMES RAY pg. 20

LAST
PAGE

FIGURE 6.—Hand-printed note, containing notations "last page" and "James Ray pg. 20".

- (g) Canadian passport application papers, Form A-O, May 16, 1968, in the name Ramon George Sneyd. (FBI specimen Q369)

(Fig. 7.) Four photographed pages which contain:
 Page 1—Hand printing.
 Page 2—Print and signature “Ramon George Sneyd”.
 Page 3—Affidavit (script) signed “Ramon George Sneyd”.
 Page 4—Typed letter, dated May 17, 1969.

DEPARTMENT OF EXTERNAL AFFAIRS File No.

FORM A-O—APPLICATION FOR CANADIAN PASSPORT

For use by persons 16 years of age and over. Please detach and read the instruction sheet before completing application.

ANSWERS TO BE TYPEWRITTEN OR PRINTED IN INK.

1. NAME (Last, first, middle)
 FIRST NAME: RAMON
 MIDDLE NAME: GEORGE
 FAMILY OR LAST NAME: SNEYD
 NAME BEFORE MARRIAGE:

2. MAIL PASSPORT TO IN CARE OF (if applicable)
962 DUNDAS ST. W. STREET, BOX OR R.F. NO. APART. NO. TORONTO CITY, TOWN, ETC. CANADA COUNTRY

3. DATE OF BIRTH (DAY MONTH YEAR) 3 10 32 PLACE OF BIRTH TORONTO CITY, TOWN, ETC. ONTARIO PROVINCE CANADA TELEPHONE OFFICE HOME

4. HEIGHT 5' 10 1/2 COLOUR OF HAIR BLACK COLOUR OF EYES BLUE WEIGHT 170 lbs. OCCUPATION AUTO SALESMAN

5. DATE OF DEPARTURE KNOWN ENTER HERE

FOR OFFICIAL USE ONLY



Gates

6. VISIBLE DISTINGUISHING MARKS (See Instruction No. 9)

7. PLEASE READ INSTRUCTIONS Nos. 2 AND 10 BEFORE ENTERING NAMES OF CHILDREN TO APPEAR IN PASSPORT

GIVEN NAMES	LAST NAME	COUNTRY OF BIRTH	DATE OF BIRTH			SEX
			DAY	MONTH	YEAR	

Please attach a separate sheet showing children's names if space above inadequate

8. PERMANENT ADDRESS OF CHILDREN (CHILD) NAMED ABOVE FOR OFFICIAL USE

9. IF APPLICANT'S PERMANENT ADDRESS NOT SAME AS GIVEN IN QUESTION NO. 2, PLEASE PROVIDE HERE COUNTRY 4-1-A

10. PERSON TO NOTIFY IN CANADA IN CASE OF EMERGENCY

NAME PAUL BRIDGMAN STREET 102 OSSINGTON CITY, TOWN TORONTO PROVINCE ONTARIO RELATIONSHIP FRIEND

11. APPLICANT'S MARITAL STATUS

SINGLE MARRIED WIDOW/WIDER DIVORCED SEPARATED ANNULLED

12. HAS YOUR NAME BEEN CHANGED? AND COMPLY WITH INSTRUCTION NO. 11.

IF "YES", GIVE FORMER NAME

13. HAVE YOU APPLIED FOR A CANADIAN PASSPORT OR CERTIFICATE OF IDENTITY (TRAVEL DOCUMENT) WITHIN THE LAST TEN YEARS?

IF "YES", PLEASE ENCLOSE AND ENTER DOCUMENT NO. DS9093 DATE OF ISSUE 24 APRIL 1968

14. HAVE YOU LOST A CANADIAN PASSPORT IN LAST TEN YEARS?

IF "YES", PLEASE COMPLY WITH INSTRUCTION NO. 12

15. HAVE YOU A VALID OR EXPIRED PASSPORT OF ANOTHER COMMONWEALTH COUNTRY?

IF "YES", PLEASE ENCLOSE AND ENTER DOCUMENT NO. DATE OF ISSUE

16. HAVE YOU THE NATIONALITY OR CITIZENSHIP OF A FOREIGN COUNTRY IN ADDITION TO CANADIAN CITIZENSHIP? IF "YES", ENTER NAME OF COUNTRY

PHOTOGRAPHS



Ramon George Sneyd

FOR OFFICIAL USE ONLY

DOCUMENTS IN	SEEN	OUT	FILE MADE BY		
BIRTH CERT.	<input checked="" type="checkbox"/>	<input type="checkbox"/>		INHERED BY APPLICATION EXAMINED BY	
CERT. BIRTH ABR.	<input type="checkbox"/>	<input type="checkbox"/>			
CERT. OF NAT.	<input type="checkbox"/>	<input type="checkbox"/>			
CERT. OF CIT.	<input type="checkbox"/>	<input type="checkbox"/>			
MARRIAGE	<input type="checkbox"/>	<input type="checkbox"/>			CARD BY PASSPORT WRITTEN BY
SEPARATION	<input type="checkbox"/>	<input type="checkbox"/>			PASSPORT NO. <u>VT 602244</u>
DIVORCE	<input type="checkbox"/>	<input type="checkbox"/>			DATED <u>May 16, 68</u>
CHANGE OF NAME	<input type="checkbox"/>	<input type="checkbox"/>			VALID TO <u>24 APRIL 73</u>
ADOPTION	<input type="checkbox"/>	<input type="checkbox"/>			CHECKED BY <u>ALP</u>
OTHER SEE REMARKS COLUMN	<input type="checkbox"/>	<input type="checkbox"/>			

REMARKS
Gates
 Passport issued to replace spelled passport DS909324 issued at Ottawa on 24 April 1968

FIGURE 7A.—Form A-O: Application for Canadian Passport, Department of External Affairs, printed name of applicant “Ramon George Sneyd”. (Page 1)

ALL APPLICANTS NOT BORN IN CANADA
PLEASE READ INSTRUCTION NO. 13 AND ANSWER QUESTIONS 17 TO 20 INCLUSIVE

17. IF YOU OR YOUR FATHER WERE ADMITTED TO CANADA AS A LANDED IMMIGRANT NAME OF SHIP OR AIRLINE
GIVE PORT OF ENTRY DATE

18. GIVE PERIODS OF PERMANENT RESIDENCE IN CANADA UP TO PRESENT TIME
FROM: TO: FROM: TO: FROM: TO:

19. HAVE YOU A CERTIFICATE OF NATURALIZATION OF CITIZENSHIP OR HAS YOUR NAME BEEN INCLUDED IN A CERTIFICATE OF NATURALIZATION
CHECK APPROPRIATE BOX IF QUESTION APPLIES TO YOU AND SUBMIT CERTIFICATE FOR INSPECTION. ENTER CERTIFICATE NO. DATE OF ISSUE (See Instruction No. 13)

20. DO YOU CLAIM CANADIAN CITIZENSHIP THROUGH YOUR FATHER (THIS EXCLUDES ADOPTIVE FATHER) YES NO
IF "YES," GIVE FATHER'S NAME AND **FORWARD FOR INSPECTION** HIS BIRTH CERTIFICATE (See Instruction No. 13)
FATHER'S COUNTRY OF BIRTH FATHER'S NATIONAL STATUS WHEN YOU WERE BORN

PRESENT MARRIAGE—This section must be completed by women who are married or who have been married. NOTE: If married more than once, please answer questions below regarding present or most recent marriage. In next section enter details of your earlier marriage or marriages. (Please note Instruction 13(c) and Questions 29 and 30, if applicable)

21. PLACE OF MARRIAGE DATE OF MARRIAGE YOUR NATIONALITY OR CITIZENSHIP BEFORE MARRIAGE

22. HUSBAND'S FULL NAME HUSBAND'S BIRTH DATE HUSBAND'S PLACE OF BIRTH

23. PRESENT NATIONALITY OR CITIZENSHIP OF HUSBAND AT TIME OF MARRIAGE IF WIDOW, GIVE DATE OF HUSBAND'S DEATH

24. IF MARRIED BEFORE JANUARY 1, 1947 AND YOU CLAIM CITIZENSHIP SOLELY THROUGH MARRIAGE, WAS YOUR HUSBAND AT THE TIME OF MARRIAGE
A CANADIAN NATIONAL, OR BRITISH SUBJECT BY BIRTH BY NATURALIZATION OR BY INCLUSION IN HIS FATHER'S CERTIFICATE OF NATURALIZATION (See Instruction No. 13)
YOUR RESIDENCE IN CANADA HAS BEEN (Give Dates) YOU HAVE PREVIOUSLY RESIDED IN (Name Country or Countries)
FROM: TO:

PREVIOUS MARRIAGE(S)—This section must be completed by women who have had a marriage other than the one noted above. If there has been more than one previous marriage, please answer same questions for each previous marriage on a separate sheet and attach. (Please note Instruction 13(c) and Questions 29 and 30, if applicable)

25. PLACE OF MARRIAGE DATE OF MARRIAGE YOUR NATIONALITY OR CITIZENSHIP BEFORE MARRIAGE

26. HUSBAND'S FULL NAME HUSBAND'S BIRTH DATE HUSBAND'S PLACE OF BIRTH

27. PRESENT NATIONALITY OR CITIZENSHIP OF HUSBAND AT TIME OF MARRIAGE IF HUSBAND DECEASED, DATE OF DEATH

28. IF MARRIED BEFORE JANUARY 1, 1947 AND YOU CLAIM CITIZENSHIP SOLELY THROUGH MARRIAGE, WAS YOUR HUSBAND AT THE TIME OF MARRIAGE
A CANADIAN NATIONAL, OR BRITISH SUBJECT BY BIRTH BY NATURALIZATION OR BY INCLUSION IN HIS FATHER'S CERTIFICATE OF NATURALIZATION (See Instruction No. 13)
YOUR RESIDENCE IN CANADA HAS BEEN (Give Dates) YOU HAVE PREVIOUSLY RESIDED IN (Name Country or Countries)
FROM: TO:

29. IF MARRIED MORE THAN ONCE, **FORWARD PRESENT MARRIAGE CERTIFICATE FOR INSPECTION.**

30. IF MOST RECENT MARRIAGE WAS DISSOLVED OR ANNULLLED, **FORWARD DIVORCE DECREES OR OTHER SUPPORTING DOCUMENTS.**
(All Certificates and Documents will be Returned)

31. **DECLARATION OF APPLICANT**
I solemnly declare that the statements made in this application are true, that the photographs enclosed are a true likeness of me, and that I am a Canadian Citizen. I enclose the fee of five dollars (\$5.00) Canadian funds or its equivalent in bank draft or postal money order

Do not Send Cash

L 15809, PORTUGAL 16 5 1968
LOCATION (CITY, TOWN, ETC) DAY MONTH YEAR SIGNATURE OF APPLICANT (See Instruction No. 14)

32. **DECLARATION OF GUARANTOR**
Please see Instruction No. 4, for list of eligible guarantors and procedure for certifying photographs.
(Only Guarantors listed will be accepted)
NOTE: No Fee is Chargeable For This Declaration

FIRST NAME MIDDLE NAME FAMILY NAME
I, _____, _____, _____
declare that to the best of my knowledge and belief all the statements made in this application are true. I make this declaration from my knowledge of the applicant
whose name is _____
whom I have known personally for _____ years
LOCATION (CITY, TOWN, ETC.) DAY MONTH YEAR
BUSINESS ADDRESS OF GUARANTOR (IN FULL) (Phone No.) TELEPHONE OFFICE HOME

FIGURE 7B.—Application for Canadian Passport, dated May 16, 1968, and signed "Ramon George Sneyd" in Lisbon, Portugal. (Page 2)

AFFIDAVIT
(in lieu of guarantor)

I, Ramon George Sneyd
of

make oath and say:

- 1. The statements contained in the attached application for a passport are true and correct;
- 2. There is no one in Lisbon Portugal eligible under the Canadian passport regulations to act as guarantor for passport applications, who knows me well enough to act as guarantor for my application. The reason for this is that 2 am only visited here on vacation
- 3. Attached hereto and marked Exhibit "A" to this my Affidavit is a true photograph of myself.

Sworn before me at
.....(city)
in(country)
this day of
A.D. 19

Ramon George Sneyd
(Signature)

[Signature]
(Signature of qualified official)

AUBREY L. MBRANTZ

NOTE: In addition to usual signature please PRINT below name and address of official before whom Affidavit is sworn.

.....
(Name) (Address)

Notarial Stamp or Seal MUST also be affixed.

Ext. 517/Eng.
(Passport Div.)

44-38861 JK Q369
FBI

FIGURE 7C—Affidavit (in lieu of guarantor), dated May 16, 1968, and signed "Ramon George Sneyd". (Page 3)

In replying to this letter, please write on the envelope:—

Number 059184 Name SNEYD,

H. M. PRISON,
HEATHFIELD ROAD,
WANDSWORTH,
LONDON, S. W. 18.

Dear Sir,

I am at present in detention at the above listed address in London England. In the near future I will most probably be deported to the United States. The reason I am writing you is that you will probably dispatch agents to London to return me to the U.S. and I would like to have it on record now that I have no intention of making any oral statements, not that I have anything to hide but I would prefer to tell my story to a judge & jury. Therefore I would respectfully suggest you send someone with less imagination than Mr. Unison. I have also written my attorney Mr. Arthur Hones a similar letter. Sincerely

No. 243 (28150-3-10-62)

R. G. Sneyd.

0
387

44-38861 JK Q387

FBI
LABORATORY

FIGURE 8.—Letter in script from H.M. Prison, Heathfield Road, Wandsworth, London, SW. 18, signed "R. G. Sneyd".

(12) The London robbery note (item 1), the Bridgman and Sneyd birth certificate request letters (items 2 and 3), the Sneyd statutory declaration form (item 4), and the handdrawn map (item 5), were examined as questioned documents. The 28-line hand printed note (item 6), the Sneyd Canadian passport application (item 7), and the Sneyd letter from H.M. Prison, Heathfield Road, London (item 8) were used as exemplars or specimens of the writing and printing of James Earl Ray for comparison to the five questioned items.

(13) The quality of most of the photocopies and photographs of the questioned documents was rather poor and any opinion is necessarily qualified. The following determinations were made, however, from the examination of the five questioned items.

(14) A. The handprint on the birth certificate request letters (items 2 and 3), and pages 1 and 2 of the Sneyd Canadian passport application (item 7) were made by the same person.

(15) B. The script writing on the Sneyd letter from London (item 8) and page 3 of the passport application (item 7) were made by the same person.

(16) D. The signatures "R. G. Sneyd" (item 8) and "Ramon George Sneyd" (item 3), pages 2 and 3 of the passport application (item 7), and the Sneyd signature on the statutory declaration form (item 4) were made by the same person.

(17) E. The script writing "Pers. & Conf. . . . in question" at the bottom of the Bridgman birth certificate request letter (item 2) does not correspond to the script writing in the Sneyd London letter (item 8).

(18) F. The handprint notations on the statutory declaration form (item 4), although difficult to see, do not appear to resemble any handprint on the other documents.

(19) G. The bulk of the handprint on the map (item 5), identified as being by the same person, is in uppercase handprint. There are only a few exceptions that occur in the lowercase letters; "h", "i", and "p". There are many more lowercase handprinted forms on the hand-drawn map, including: "a", "d", "e", "f", "g", "h", "i", "l", "r", and "t". The letter "g" in script also occurs on the hand-drawn map. In the writing of the documents used for the applications for passport and birth certificates, the writer may have tended to be more formal, precise and careful to have everything consistently in the same type of handprint (uppercase). The hand-drawn map (item 5) is certainly an informal writing, intended for the writer alone and may have deviated from the other writings described here primarily because of its informality. This map is intended as a series of "scratch" notes and the method of writing—lowercase handprint, uppercase handprint, script forms writing in different directions—bear out this observation. The circumstances surrounding preparation of the hand-drawn map apparently caused the deviation in the method of writing—a greater use of lowercase letter forms mixed with uppercase letter forms than found in the bulk of these writings.

(20) Unfortunately, there are no "spontaneous" writings of the subject contemporaneous with the writing of the hand-drawn map (item 5) available for comparison.

(21) The uppercase writing forms of the hand-drawn map, plus lowercase writing forms which parallel those found in the other writings were examined and compared. From this examination and comparison it was determined that the uppercase forms of the map (item 5) and the other handprintings correspond. Similarities occur in the "A's" (both written with a tendency to flatten out the top section). The "B's" agree. The "D" of the map is written without interruption with the left vertical continuing on to form the right semicircle. This "D" occurs in the other writings. The "E's" are also similar. The small "h" of the map and that of the subject's writing corresponds. The odd quirk of using the lowercase "i" and dotting it appears in the writings. The "L" of the known documents with the curved horizontal stroke is common to the map and other writings. The "M" of the map has the middle section coming down to the baseline of writing. It does the same in the other writings. The "N" of both sets of writings agrees. The remainder of the uppercase handprinted forms in the map and the other writings agree.

(22) There is sufficient agreement in the uppercase handprinted letter forms and the few lowercase handprinted letter forms which are comparable in the map and the rest of the documents to warrant a conclusion that the writing on this hand-drawn map resembles that of other documents.

(23) H. The script writing and signatures have been associated with each other. The handprint on some documents has also been associated. Where one has a combination of print and script on the same documents, it seems obvious that the documents involved emanated from the same source or the same person, though print and script usually cannot be compared adequately because they are different forms of writing.

(24) I. On comparison of the printing on the two photographic prints on the paper bag London robbery note (item 1) and the handprinted, 28-line "James Ray" note (item 6), the writing on the holdup note (item 1) could not be identified as the same as that on the Ray note exemplar (item 6).

(25) There is a loss in clarity and detail of the writing pattern in both the questioned document (item 1) and known document (item 6). In the questioned document, the London robbery note, it appears that the individual letters were first written in dual lines, one paralleling the other, and the opening then filled in. (See figs. 1A and 1B.) The writer of the questioned document has carefully "lined-off" letters making up the message. In this way, the writer has effectively disguised the writing pattern, thus precluding positive identification.

(26) A letter-by-letter examination and comparison of the questioned holdup note (item 1) and the known Ray note (item 6) indicated as follows:

"A" In the questioned note, a triangular shape with the horizontal placed right in the center. This "A" indicates that it has been constructed with three separate strokes—two diagonals and a horizontal.

In the known document, some of the "A's" are written in one continuous movement with a horizontal continuance of the right diagonal. Others have been written in two strokes—

a double-staffed left side continuing on to the right diagonal and the horizontal written as a separate stroke. Others are written in three movements, such as the questioned "A," but the right side is more of a curve, and in some forms appears like a "7" with a horizontal stroke.

The four "A's" of the questioned note are careful and consistent. The "A's" of the known are careless and inconsistent.

"C" In the questioned note (item 1) the arc at the left is flattened and the bottom curve is shallow.

"E" The "C" of the known note appears to have more of a curve. In the questioned document, the "E" of "PLACE" is written with the top horizontal slightly longer than the bottom. The "E" of "NOTES" is written with the bottom horizontal slightly longer than the top.

In the known note some of the "E's" have been written with four strokes—one vertical and three horizontal—all separated. Some of the known "E's" have been written as an "L" and then the last two horizontals added. The "L" form of these "E's" has a little "hump" at the bottom left. It seems that the questioned "E's" have been written with four separate strokes but they are much more carefully formed than the known "E's". Neither of the questioned "E's" show the "L" design found in some of the known "E's."

"i" In the questioned document (item 1), the "i" of "iN" is written without a dot while the "i" of "THiS" is written with a dot.

In the known note (item 6), the capital "I" is written like the typed "I" with serifs at the top and the bottom of the vertical. The small "i" is usually written with the dot. Only in three instances is the dot missing over the "i": "iSSUES" (line 5), "SPiRiT" (line 11), and "NOTORiZED" (line 28). In any event, a straight line stroke with "i" is of little identifying value.

"L" In the questioned note, this letter is composed of two straight line strokes. The vertical is apparently one stroke and the horizontal is added as the second stroke.

In the known note, the "L" is written in a continuous movement with a little "loop" or "spur" at the bottom left.

"D" The questioned "L" is much different from the known "L." In the questioned document (item 1), it appears to be written in two strokes—a vertical and a curve.

Most of the known "D's" appear to be written in the same manner with some made in a continuous writing movement with a double-staffed vertical at the left side continuing on to the curve at the right.

"G" The questioned note (item 1) gives the appearance of being written in two movements—one for the "C" curve and another for the short horizontal that makes "C" a "G."

The "G" of the known document is written in a continuous movement with the short horizontal spur a continuation of the circle.

"H" A commonplace design form in the questioned note. Only one capital "H" in the known note ("THE" on line 6, fourth

- word), and this "H" is changed from a small "h". The rest of the "h's" of the known note are lower case.
- "N" In the questioned note is a standard letter design form. Some of the "N's" of the known document are carefully written, similar to the questioned "N." Most of the "N's" are sloppily written, differing from the questioned writing.
- "O" Commonplace design form in the questioned note, which is somewhat similar to some of the "O's" of the known note.
- "P" In the questioned document (item 1), a carefully written letter form. In the known note, most of the "P's" appear to have been written in lower case with design forms different from the questioned writing.
- "T" In the questioned note, the "T's" are made up of two straight-line strokes.

In the known writing, the "T's" are made in the same manner of many of the letter "T's". In the known note, however, the horizontal appears to be longer. Many of the known "T's" have a little eyelet loop beginning the horizontal cross-stroke. This does not occur in the questioned writing.

- "U" Carefully written standard letter form in the questioned writing.

In the known, the "U" is written carelessly. It sometimes looks like an "O," and other times like a "V."

- "S" In the questioned note, this is just an ordinary standard form. It is similar to one or two of the "S's" of the known, which tend to be somewhat inconsistent. But the bulk of the "S's" of the known are different from that of the questioned.

(27) There are one or two similarities occurring between the questioned writing (item 1) and known writing (item 6). But these similarities are not significant personal characteristics that would tend to individualize the writing. They fall more into the category of "class" or "group" similarities. On the other hand, there are a number of differences that occur. Since the amount of writing in question is rather restricted, these differences indicate lack of similarity. The writing of the questioned document has been done carefully and methodically, in a manner that virtually defies identification. Almost all the letters are composed, in whole or in part, of straight lines: "A," "E," "H," "i," "L," "N," "T" (20 letters); a combination of straight and curved lines: "B," "D," "P" (5 letters); and curved lines: "C," "G," "O," "S," "U" (8 letters). The straight-line stroke letters are virtually unidentifiable. Those of mixed straight lines and curves are difficult to identify. The others may be more easy to identify.

(28) The numbers "5-10" on the questioned London note (item 1) also fall into a standard writing pattern that is unidentifiable with the known writings.

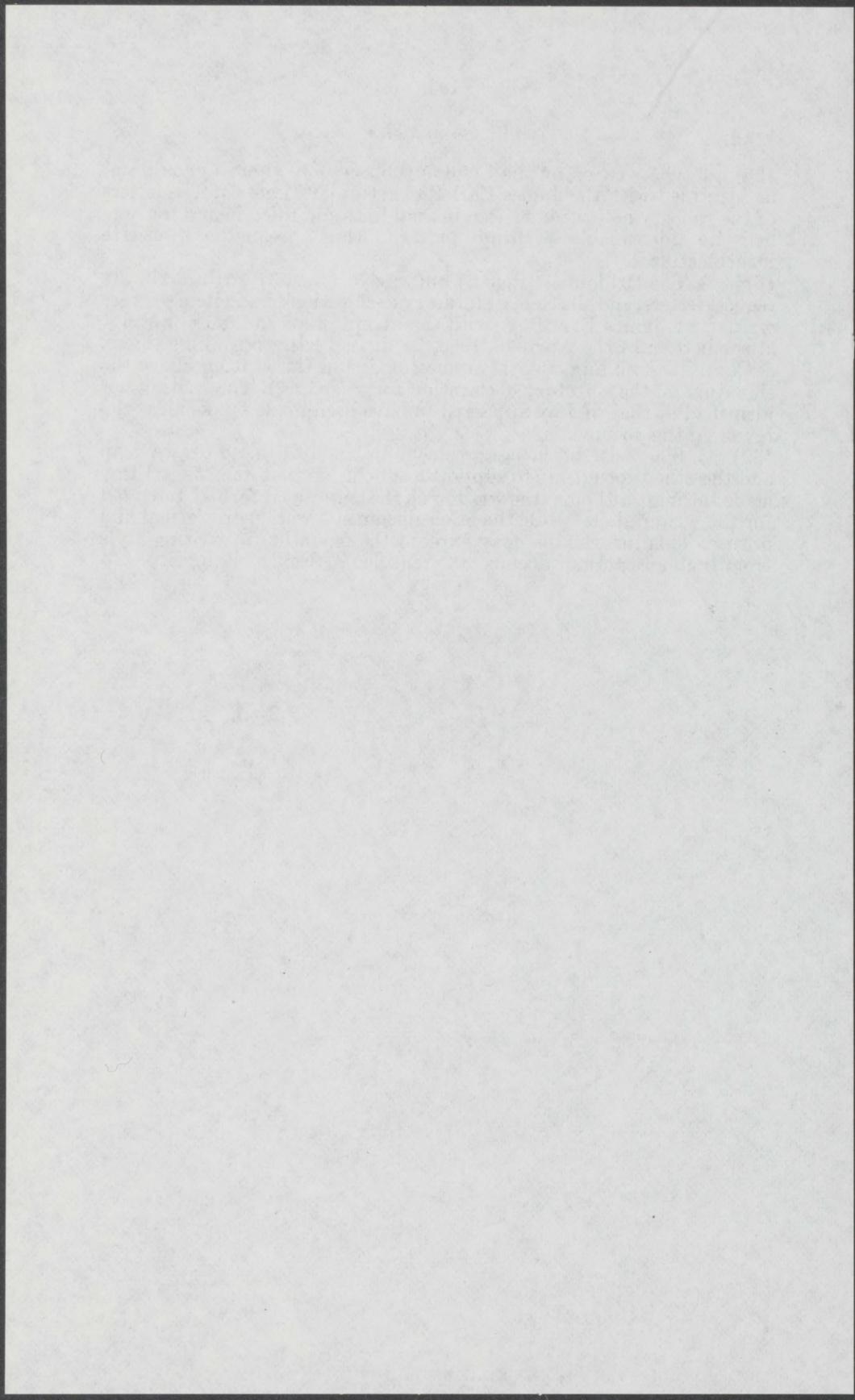
(29) The overall writing pattern of the questioned document, the London robbery note (item 1), is composed of letter design forms that have been written in a disguised manner. This disguised writing pattern precludes positive identification. In the case of the specific known exemplars that have been examined and compared in this report, no connection has been made between the questioned writing and the writing of the known exemplars.

IV. CONCLUSION

(30) 1. The writing on the London robbery note (item 1) could not be identified with the James Earl Ray exemplar (item 6). The letters of the robbery note were written in dual lines and filled in and the note had no identifiable writing pattern, thus precluding positive identification.

(31) 2. The Bridgman (item 2) and Sneyd (item 3) birth certificate request letters, and the Sneyd statutory declaration form (item 4) were written by James Earl Ray, with the exception of the lines of script at the bottom of the April 10, 1968, Bridgman letter beginning "Pers. & Conf." and ending "* * * in question," and the writing above the signature on the statutory declaration form (item 4). The writing not identified as that of Ray appeared to have been made by officials who reviewed the documents.

(32) 3. There is sufficient agreement in the 1978 hand-drawn map and the other documents to support a conclusion that James Earl Ray made the map, although the writing on the map was informal, intended for the writer alone, while the other documents were more formal and precise. This informality may explain the deviation in writing style from the more formal documents identified as Ray's writing.



SCIENTIFIC REPORT ON THE SUBJECT OF
THE REVIEW OF THE JAMES EARL RAY
POLYGRAPH EXAMINATIONS

By
THE POLYGRAPH PANEL

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I. INTRODUCTION

(1) A wide variety of sophisticated devices are used to assist in the apprehension of suspected criminals and in determination of their guilt or innocence. The results of tests relating to fingerprints, firearms, and handwriting are among those generally acceptable as evidence in judicial proceedings. The results of polygraph examinations, however, have not merited such acceptance as evidence at trial.

(2) The polygraph is an instrument that records various body changes that occur as a person is interviewed. This data may serve as a basis for diagnosis of whether the person is truthful or lying. Polygraph equipment records responses with pens on a roll of paper, measuring simultaneously at least three physiological responses: Breathing patterns, cardio (blood pressure and pulse), and galvanic skin response (skin resistance). From the readings of physiological activity, a person's psychological set is determined.*

(3) Under rules adopted at the time of the creation of the committee in 1976, use of polygraph examinations during the investigation was strictly limited. In fact, reference to either "the failure or agreement to take a polygraph test," or to the results of a polygraph examination, was specifically prohibited.

(4) Such restrictions, however, were not provided for confidential administration of tests or the review and analysis of polygraph tests taken independently by key figures in the investigation. Consequently, the committee employed a panel of polygraph consultants to review the charts and other materials from polygraph examinations of Jack Ruby and Yuri Nosenko, important witnesses in the investigation of the assassination of President John F. Kennedy, as well as James Earl Ray, convicted murderer of Dr. Martin Luther King, Jr.

(5) In 1977, James Earl Ray voluntarily submitted to two polygraph examinations: One for a Playboy magazine article, the other for a television report by newspaper columnist Jack Anderson. Both examinations were conducted at Brushy Mountain State Penitentiary, Petros, Tenn., where Ray is serving a 99-year sentence for the murder of Dr. King. On June 22, 1977, polygraphist Douglas E. Wicklander of John E. Reid & Associates, Inc., Chicago, Ill., tested Ray in connection with a Playboy magazine interview, published in September 1977. Based on this examination, Wicklander formed the opinion that Ray lied in denying participation in Dr. King's murder but told the truth when he denied there was a conspiracy to kill the civil rights leader. Copies of charts, questions, and other materials from this test were turned over to the committee following authorization by Ray's lawyer at the time, Jack Kershaw. The committee's polygraph panel reviewed this material.

*See the introduction to the polygraph panel's analysis of the polygraph examination of Jack Ruby for more detailed background information.

(6) Chris Gugas, director of Professional Security Services, Hollywood, Calif., conducted another polygraph examination of Ray on December 21, 1977, for Ralph Andrews Productions. The results of the test were broadcast in "The Truth With Jack Anderson," a television program presented in January 1978. Gugas agreed to supply copies of the original test, questions, and related material to the committee. Gugas, like Wicklander with his Playboy test, formed the opinion that Ray lied in denying participation in the assassination but was truthful in denying a conspiracy to kill Dr. King.

II. SELECTION OF THE PANEL

(7) In August 1977, the committee decided to convene a panel of polygraph experts to review the June 1977 polygraph examination of James Earl Ray. In its effort to hire the most qualified polygraphists, the committee sought panel members who could approach their work objectively, free of substantial ties with Government agencies, and of involvement with the investigation of Dr. King's assassination. Recommendations for panel membership were requested from officers of the American Polygraph Association. They suggested nine persons who were then asked to provide résumés to the committee. Additional information was sought later, and each person was asked to provide his own list of leading polygraphists. Although some names appeared with regularity, it was evident that there is no general agreement about the leading polygraphists.

(8) The committee interviewed 19 prospective panel members and chose 3 polygraphists:

(9) 1. Richard O. Arther received a B.S. degree, with honors, in police science from Michigan State University in 1951, and an M.A. degree in psychology from Columbia University in 1960. Arther founded Scientific Lie Detection, Inc., in 1958, and cofounded the National Training Center of Polygraph Science, also in 1958. He has taught at Brooklyn College, Seton Hall University, the John Jay College of Criminal Justice, and the Graduate School of Public Administration of New York University.

(10) Arther has written over 200 professional articles and 2 books. He is a member of the Academy of Certified Polygraphists and the American Polygraph Association.

(11) 2. Charles R. Jones received a B.S. degree in education (major in social science) and completed the training course at the National Training Center in New York in 1959. Jones has been an instructor at the police training school in Charleston, W. Va., and currently teaches at the Zonn Institute of Polygraphy, Inc., in Atlanta, Ga. He joined the Lincoln M. Zonn firm in 1961, and is currently the president of that organization.

(12) Jones is a member of the American Polygraph Association. In 1976 he was elected a vice president of that organization.

(13) 3. Benjamin Frank Malinowski is a retired U.S. Army warrant officer with a career in criminal investigation and polygraph examinations. He attended the National Training Center in 1966, and is a graduate of the Provost Marshal School at Fort Gordon, Ga., and of the Zonn Institute of Polygraphy. He has been an instructor

at the U.S. Army Military Police School at Fort Gordon, Ga., and from 1967 to 1969 he was an operations officer with the Southern European Criminal Investigations task force. In 1975 he founded the Malinowski Polygraph Service.

(14) Malinowski is a member of the Academy of Certified Polygraphists, the American Polygraph Association, and the Georgia Polygraph Association, as well as a former president of the Georgia organization. He has written numerous articles and lectured extensively about polygraphy.

III. EVIDENCE EXAMINED

(15) The committee's panel reviewed both polygraph examinations that James Earl Ray voluntarily took in 1977. The first examination actually consisted of two separate examinations, conducted at Brushy Mountain State Penitentiary on June 22, 1977, by Douglas E. Wicklander of John E. Reid & Associates, for Playboy magazine. The first Wicklander examination went from 11:30 a.m. to 1:30 p.m., and was designed to investigate Ray's personal involvement in the assassination of Dr. Martin Luther King, Jr. The second examination started at about 3:15 p.m. that day, after a rest period of about 1 hour 45 minutes, and ended at 4:30 p.m. It was designed to investigate Ray's possible involvement in a conspiracy to assassinate Dr. King.

(16) The panel examined the following material:

- (1) a complete set of the test charts;
- (2) a short summary of the procedures used during the test, written by the polygraphist;
- (3) the consent form;
- (4) the test questions;
- (5) the "polygraph data" sheet reflecting information on the subject's health and use of medication; and
- (6) a letter sent from John E. Reid & Associates to Playboy magazine summarizing the results of the examination.

(17) The key questions asked during the first examination and Ray's answers follow:

Question 1. On April 4, 1968, did you shoot Martin Luther King, Jr.?

Answer. No.

Question 2. Did you kill Martin Luther King, Jr.?

Answer. No.

Question 3. Did you fire the shot that killed Martin Luther King, Jr.?

Answer. No.

Question 4. Do you know for sure who killed Dr. Martin Luther King, Jr.?

Answer. No.

(18) Wicklander rendered an opinion that Ray was untruthful in his response to the four questions. Wicklander noted "significant emotional disturbances indicative of deception on the subject's polygraph record * * *"

(19) The critical questions asked during the second Wicklander examination and Ray's answers follow:

Question 1. Did anyone ask you to kill Martin Luther King, Jr.?

Answer. No.

Question 2. Did you arrange with anyone to kill Martin Luther King, Jr.?

Answer. No.

Question 3. Did anyone give you money to kill Martin Luther King, Jr.?

Answer. No.

(20) Wicklander rendered an opinion that Ray was truthful in his response to these three questions. Wicklander noted "no significant disturbances indicative of deception on this subject's polygraph records * * *"

(21) On December 21, 1977, at about 2:10 p.m., Ray underwent a second voluntary polygraph examination to investigate his personal involvement in the assassination of Dr. Martin Luther King, Jr., and his possible involvement in a conspiracy. The examination was conducted at Brushy Mountain State Penitentiary by Chris Gugas, Sr., director of Professional Security Consultants, for Ralph Andrews Productions. The panel examined copies of the following material:

- (1) a complete set of the test charts;
 - (2) the test questions;
 - (3) information on Ray's consumption of food, drink, aspirin, and on his blood pressure readings; and
 - (4) a letter from Professional Security Consultants to Ralph Andrews summarizing the examination procedure and results.
- (22) The critical questions and Ray's answers follow:

Series 1

Question 1. Do you know who shot Dr. Martin Luther King, Jr.?

Answer. No.

Question 2. Did you shoot Dr. Martin Luther King, Jr.?

Answer. No.

Question 3. Between 1960 and April 4, 1968, do you recall telling any person in the United States that you were going to shoot or harm Dr. Martin Luther King, Jr.?

Answer. No.

Question 4. Did you fire any rifle at any person in Memphis in April 1968?

Answer. No.

Series 2

Question 1. Were you involved with any other person or persons in a conspiracy to shoot Dr. Martin Luther King, Jr.?

Answer. No.

Question 2. Did you know Dr. Martin Luther King, Jr., was going to be shot?

Answer. No.

Question 3. Did you ever have any rifle or pistol with you in the 422½ South Main Street roominghouse in Memphis on April 4, 1968?

Answer. No.

Question 4. Did you point any weapon toward Dr. Martin Luther King, Jr., on April 4, 1968?

Answer. No.

(23) After reviewing Ray's polygraph charts, Gugas opined that "Ray answered question No. 1 of test series 2 truthfully when he denied conspiring with any person or persons to shoot Dr. Martin Luther King, Jr." Gugas also said that Ray "attempted deception to all the other critical questions" on both series 1 and 2.

IV. EXAMINATION PROCEDURES

(24) On June 27, 1978, the three polygraph panelists, Richard O. Arther, Charles R. Jones, and Benjamin Frank Malinowski, met with the committee to review the two 1977 polygraph examinations of James Earl Ray. Prior to the meeting, the committee provided each panel member with a set of charts for each of Ray's polygraph examinations, test questions, consent forms, and medical data. Each polygraphist had independently examined the materials before the June 27 meeting.

(25) The panel members were asked to focus on the following four issues for each polygraph examination they evaluated:

- (1) Did the circumstances surrounding the administration of the polygraph examination affect the results?
- (2) Did any characteristics or activities of Ray himself affect the outcome of the test?
- (3) Did the procedure, technique, or equipment used by the polygraphist in administering the tests affect the outcome?
- (4) What conclusions could be made concerning interpretations of the charts?

V. FINDINGS OF THE PANEL

A. Review of the June 22, 1977, Douglas E. Wicklander polygraph examination of James Earl Ray—Test 1 and test 2

- (1) *Did the circumstances surrounding the administration of the polygraph examination affect the results?*

(26) The panel found indications of outside noises which may have created a poor environment for the most reliable polygraph examination. One interruption occurred at the crucial question, "Did you kill Martin Luther King, Jr.?" when Ray's attorney, Jack Kershaw, entered the testing facility. The panel, however, could not determine the effect the outside noises of Kershaw's interruption had on the test.

- (2) *Did any characteristics or activities by Ray himself affect the outcome of the test?*

(27) Ray interrupted the examination by talking at various times. The panel concluded the interruptions had no effect on the test.

- (3) *Did the procedure, technique or equipment used by the polygraphist in administering the test affect the outcome?*

(28) In reviewing the June 22, 1977, Ray polygraph test, the members of the panel noted several factors that may have affected the test results.

(29) (a) The panel objected to the use of the words "kill" and "killed" in test questions such as "Did you kill Martin Luther King, Jr.?" ; "Did you fire the shot that killed Martin Luther King, Jr.?" Two of the panel members thought less dramatic words, perhaps "shoot" and "shot," should have been used, while the third believed the stronger verb, "murder," should have been used.

(30) (b) The two control questions were inadequate. For example, the question, "During your escapes from jail, did you take part in or commit a crime?" is unnecessarily redundant and should be phrased differently. Either "take part in" or "commit" should be used, but not both expressions with "or." The question is also dangerous since it encompasses the relevant area of inquiry: Ray was an escaped convict at the time Dr. King was killed.

(31) (c) Stimulus marks were not used to show the beginning or end of questions. The panel believed such marks were necessary to determine exactly when the questions were asked and the physiological activity that occurred as the questions were asked.

(32) (d) The panel concluded that two questions from test No. 2 ("Did anyone ask you to kill Martin Luther King, Jr.?" and "Did you arrange with anyone to kill Martin Luther King, Jr.?") should have been constructed differently.

(33) (e) Two panel members would have combined the administration of tests 1 and 2, although under different circumstances they would not have objected to separate examinations. They believed that a "fatigue factor" may have affected the results of the second test, given shortly after the first test. The third panel member, however, had no objection to giving test 2 later on the same day as test 1.

(34) (f) The panel members agreed unanimously that different control questions should have been used in test 2 rather than the same questions that were used in test 1.

(4) *What conclusions can be made concerning interpretations of the charts?*

(35) The three panel members formed the unanimous opinion that the test 1 polygraph charts indicated that Ray was lying when he denied participating in the murder of Dr. King.

(36) The Wicklander questions in test 2 dealt with the possibility of conspiracy in the King assassination. All three polygraphists agreed that Ray reacted somewhat to test 2, question 3: "Did anyone ask you to kill Martin Luther King, Jr.?" The panel members believed, however, that test 2 was inconclusive.

B. Review of the December 21, 1977, Chris Gugas polygraph examination of James Earl Ray—Series 1 and series 2

(1) *Did the circumstances surrounding the administration of the polygraph examination affect the results?*

(37) The panel concluded that the testing, which took place at 2:23 p.m., was conducted at an unreasonably late hour. Polygraph testing should be conducted at an early hour after the examinee has rested and the body is "fresh." In this case, earlier testing might have provided more readable tracings.

(2) *Did any characteristics or activities by Ray himself affect the outcome of the test?*

(38) In both series 1 and series 2, the panel noted an apparent attempt by Ray to create artificial reactions to control questions. It seemed that Ray had studied polygraph technique and attempted to produce lie-type reactions to the control questions, a ruse used in an attempt to convince the polygraphist that his answers to relevant questions were truthful. He did this by depressing his arm on the cardio cuff, producing an upward swing in his measured blood pressure tracings.

(3) *Did the procedure, technique or equipment used by the polygraphists in administering the test affect the outcome?*

(39) The panel noted that the galvanic skin resistance component was improperly adjusted, making the galvanograph tracings difficult to discern. The pneumograph pens, also improperly adjusted, allowed the pens to hit the pen stops, producing pneumograph tracings that the panel found difficult to distinguish. Finally, the blood pressure change tracings were hard to discern because of improper cardiophymograph pressure in the cardio cuff.

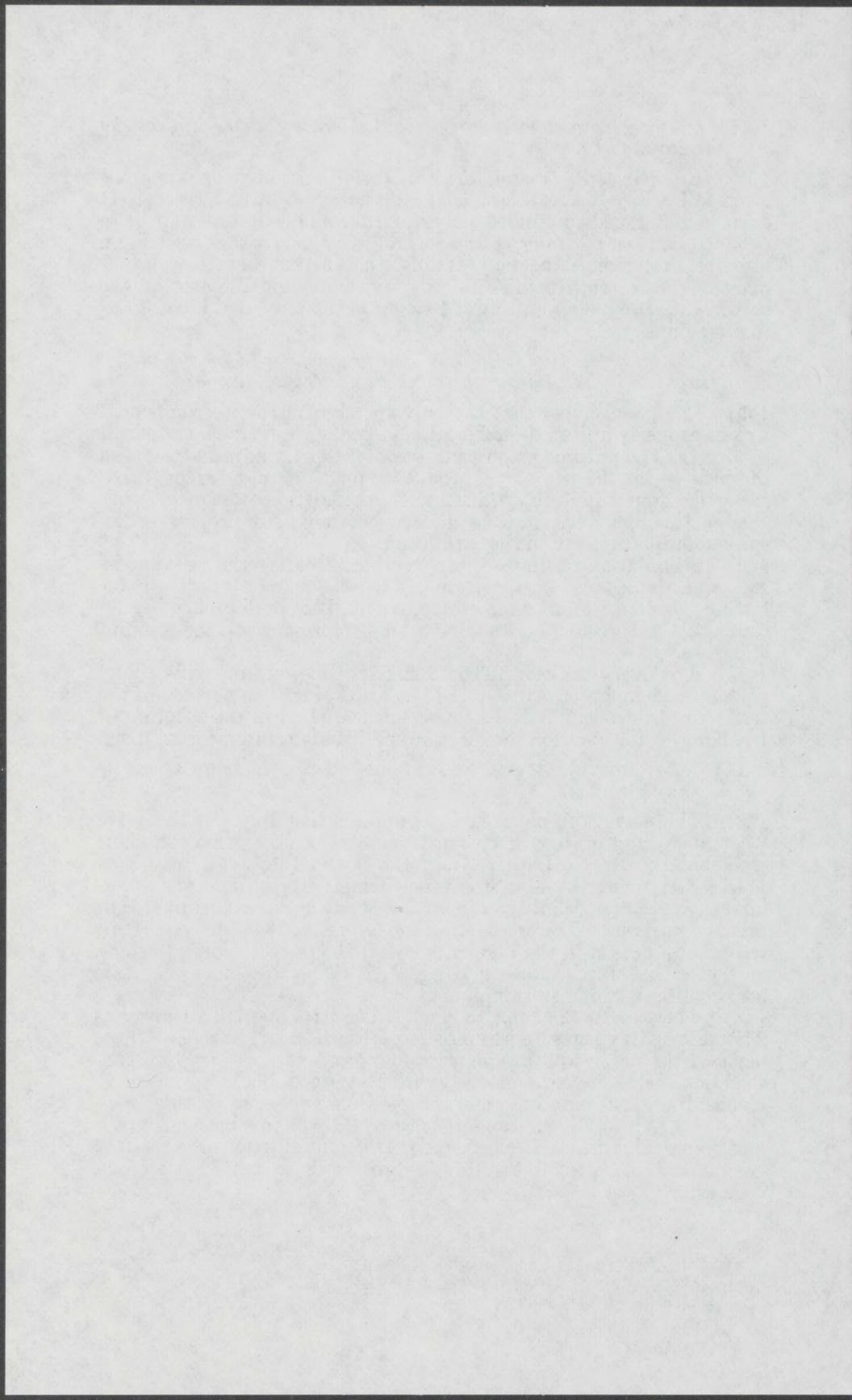
(40) Stimulation testing of Ray, conducted before the relevant issues were introduced to determine if he was a good candidate for testing, was done to an unnecessary extent. This preliminary testing could have fatigued Ray, impairing his performance on the relevant questions.

(41) A relevant question (4) in series 1, "Did you fire a rifle at any person in Memphis in April 1968?" had no value. The purpose of the series was to determine direct involvement of Ray in the shooting of Dr. King, so the question should have specifically mentioned Dr. King.

(4) *What conclusions can be made concerning interpretations of the charts?*

(42) The polygraph panel had the opinion that Ray was deceptive when answering in the negative question 3 of series 1 ("Do you know who shot Dr. Martin Luther King, Jr.?"") and question 5 of series 1 ("Did you shoot Dr. Martin Luther King, Jr.?""). The panel was unable to reach a definitive conclusion about question 8, which contained two issues: "Between 1960 and April 4, 1968, do you recall telling any person in the United States that you were going to shoot or harm Dr. Martin Luther King, Jr.?" They did note that this question was too long and ambiguous.

(43) The panel was unable to reach a definitive opinion about series 2 because of Ray's attempts to interfere with the test, improper adjustment of the polygraph instrumentation, and weak test question construction. Series 2 was concerned with Ray's possible involvement in a conspiracy, but only one relevant question was asked in series 2 on this issue. All other questions touched on direct involvement which had been dealt with earlier in series 1. Different questions should have been asked in series 2 to allow a broader base for a conspiracy conclusion.



INVESTIGATION INTO THE ASSASSINATION OF
DR. MARTIN LUTHER KING, JR.

AN ANALYSIS OF THE ASSASSINATION
INVESTIGATION OF THE
DEPARTMENT OF JUSTICE
AND THE
FEDERAL BUREAU OF INVESTIGATION

Supplementary Staff Report
of the
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I. INTRODUCTION: THE ISSUES AND THE APPROACH*

(1) Because of the extensive effort made by the FBI in both the security (Cominfil) investigations and the COINTELPRO operations carried out against Dr. King and the SCLC during the 1960's the House Select Committee on Assassinations was faced with the troubling question of whether that same agency was either willing or able to conduct a thorough and far-reaching criminal investigation of the assassination itself. Stated otherwise, could the FBI abandon the adversary posture it had assumed toward Dr. King, and carry out an objective and aggressive investigation of the person(s) responsible for the murder?

(2) Because of this overriding issue, the committee's review of the Federal assassination investigation involved a number of additional important inquiries:

- (a) Did the Justice Department, properly exercise its supervisory authority over the direction and conduct of the investigation?
 - (b) Were all available investigative resources committed to the task of identifying and locating the person(s) responsible for Dr. King's death?
 - (c) What was the nature of the FBI's coordination with, and use of, the facilities and resources of local authorities, including the Memphis Police Department and the Shelby County prosecutors?
 - (d) Was the investigation conducted with due regard for the constitutional rights of citizens? Of investigative targets? Of the defendant, James Earl Ray?
- (3) In order to examine these and other significant issues, the committee directed staff to undertake, as its first step, a thorough review of pertinent investigative files from both the Department of Justice and the Federal Bureau of Investigation.

(4) Of primary importance were the FBI Headquarters MURKIN file (the official designation of the FBI's assassination investigation was "MURKIN"); the Memphis FBI Field Office MURKIN file, (Memphis was "office of origin" on the investigation); and major field office reports from 16 separate FBI districts, including the key cities of Atlanta, Birmingham, New Orleans, St. Louis, Kansas City, Chicago, and Los Angeles. In addition, the Justice Department files on the assassination investigation, a separate Department file on Ray's extradition, and the 1977 Justice Department Task Force Report were reviewed.

*This staff report was released on Nov. 27, 1978, during the committee's public hearings on the King assassination.

(5) This file review was followed by a series of lengthy in-person interviews with former officials of both the Justice Department and the FBI who played significant roles, either as supervisors or field agents, in the assassination investigation. The interviews were supplemented by executive session testimony from Ramsey Clark, former Attorney General of the United States; Cartha DeLoach, former Assistant to the Director of the FBI; and Robert Jensen, former special agent in charge of the FBI's Memphis Field Office.

(6) With the exception of J. Edgar Hoover, FBI Director in 1968; Clyde Tolson, Hoover's Associate Director; and Thomas Robinson, U.S. attorney in Memphis in 1968, all of whom are deceased, the committee was able to interview all individuals whose testimony was considered necessary for a thorough examination of the quality of the performance of the FBI and the Justice Department during the assassination investigation.

(7) The results of the committee's inquiry into the issues described above and other related areas are included in the following report. While the report is, in places, critical of both the FBI and the Department of Justice, the committee has received the complete cooperation of these agencies during this aspect of the committee's current investigation. Without ready access both to investigative files, and to Department and FBI personnel involved in the assassination investigation, the committee's task would have been far more difficult.

II. THE COURSE OF THE INVESTIGATION

A. The investigators—Memphis field office

(8) Memphis, Tenn., city of Dr. King's assassination, was 1 of 58 cities (1) in the United States in 1968 with an FBI "field" or "district" office. The Memphis field office was manned by approximately 90 (2) (agents and administrative personnel) working either out of Memphis or a resident agent office elsewhere in the district. Because of the location of the murder, Memphis immediately assumed the responsibilities of "office of origin," a designation which meant that Memphis received a copy of most of the paperwork produced by the Bureau and its various field offices during the investigation, and assumed, in addition to its daily investigative chores, reporting and administrative responsibilities. The head of the Memphis office, carrying the title of special agent in charge (SAC), was Robert Jensen.

(9) SAC Jensen's "case agent" for the FBI's assassination investigation was Special Agent (SA) Joseph Hester. As case agent, Hester assumed immediate responsibility for monitoring all aspects of the investigation, coordinating investigative leads, and preparing monthly reports on the progress of the case.

B. The investigators—FBI Headquarters

(10) Because of the significance of the investigation, and its national and ultimately international dimensions, the direction of the investigation was shaped in Washington, rather than out of the Memphis field office; consequently, a number of FBI headquarters officials were also closely involved in the investigation.

(11) From the beginning, the MURKIN investigation was classified as a civil rights investigation. Richard E. Long, an agent supervisor

assigned in 1968 to the Civil Rights Unit of the Civil Rights Section of the General Investigation Division, became the headquarters "case agent" for the MURKIN investigation; Long received this assignment because Memphis fell within his area of geographic responsibility. (3) As case agent, Long received incoming communications from field offices, worked with others in preparing daily memorandums for his superiors within the FBI and separate reports for the Department of Justice, drafted leads to the field, and coordinated interfield office communications.

(12) Long's immediate supervisor and head of the Civil Rights Unit was Edward J. McDonough. Immediately following King's assassination, McDonough assumed Long's outstanding caseload so that the case agent could devote full time to the paperwork of the MURKIN investigation. McDonough also screened all communications on the MURKIN investigation and assisted in preparing the daily summary memos used to keep FBI superiors informed on progress in the investigation. Neither Long nor McDonough exercised significant independent command authority; McDonough stated in his committee interview that except on rare occasions, neither he nor Long initiated leads from headquarters without clearing them with Clem McGowan, head of the Civil Rights Section. (4)

(13) Wilbur Martindale, head of the Civil Rights Act of 1964 Unit within the Civil Rights Section, worked closely with McDonough and McGowan in coordinating the MURKIN investigation. While not in the strict chain of command, (5) Martindale performed a large part of the daily report writing and recalls meeting on a daily basis with Clem McGowan, head of the Civil Rights Section, and Alex Rosen, Assistant Director in charge of the General Investigative Division, (6) to assess the evidence and direct the field investigation. Martindale also spent several weeks in London following Ray's apprehension as headquarters liaison with Scotland Yard, and was one of four FBI agents who accompanied Ray on his trip to Tennessee following his formal extradition from England. (7)

(14) Clem McGowan, chief of the Civil Rights Section of the General Investigative Division, represented the lowest level of significant command authority at headquarters during the MURKIN investigation; leads to the field generally originated from his office, or that of Alex Rosen or Cartha DeLoach. (8) McGowan's office reviewed most incoming airtels and communications initially, and then passed them up to Alex Rosen or down to Ed McDonough and Richard Long depending on their importance. McGowan recalls meeting on a daily basis with the personnel of his section, and almost as frequently with Rosen and DeLoach, to discuss the MURKIN investigation. He never personally discussed the case with Hoover. (9) McGowan stated that the daily memos prepared within the Civil Rights Section were the primary means used to brief Hoover. (10)

(15) In 1968, the FBI was divided into nine operational divisions, each headed by an Assistant Director. (11) The General Investigative Division (Division 6), which contained McGowan's Civil Rights Section as one of four separate sections, was the responsibility of Assistant Director Alex Rosen. Rosen, who had held this same position since 1942, (12) identified his primary function as keeping Director Hoover

informed of the significant case developments. (13) In performing his functions, Rosen reported directly to Cartha DeLoach. (14)

(16) Rosen stated that active daily and hourly coordination of the investigation was initially the responsibility of the Memphis office, followed closely by headquarters. Once evidence was developed on the international scope of Ray's travels, however, Rosen recalls that the burden of coordinating the investigation shifted from Memphis to headquarters. (15)

(17) Rosen's No. 1 man, James R. Malley, kept fully abreast of MURKIN communications relayed to Rosen's office, and had the authority to act independently on matters he felt Rosen had no need to see. (16) Malley did not meet with Hoover on the MURKIN investigation; (17) in-person briefings of the Director were handled by Alex Rosen or Cartha DeLoach or both.

(18) Cartha DeLoach, one of two Assistants to the Director in 1968, is the highest-ranked member of the MURKIN chain of command still living. In addition to his direct supervisory responsibility for the Bureau's investigative and public relations activities, DeLoach was also responsible for liaison with the Attorney General, Ramsey Clark. During the MURKIN investigation, as at other times, DeLoach answered directly to Clyde Tolson, Associate Director, and to J. Edgar Hoover, Director. In turn, DeLoach dealt primarily with Alex Rosen, and recalls little contact with Malley or McGowan. (18)

C. Initial Response and the Identification of James Earl Ray

(19) At 6 p.m. on April 4, 1968, Dr. King was struck by a single bullet fired from a high-powered rifle, while standing on the balcony of the Lorraine Motel in Memphis, Tenn. Approximately 1 hour later, at 7:05 p.m., King was pronounced dead by attending physicians at St. Joseph's Hospital in Memphis. Cause of death was a bullet that passed through the lower right side of Dr. King's jaw before severing the spinal cord at the root of the neck and lodging in the upper back.

(20) Within brief moments after the shot, members of the Memphis Police Department had saturated the crime scene. A call was placed to the FBI field office in Memphis and SAC Jensen was notified of the assassination attempt. (19) Jensen immediately contacted the night duty man in Division 5 (Domestic Intelligence); (20) shortly thereafter he was put through to Cartha DeLoach, Assistant to the Director of the FBI with supervisory authority over both the Domestic Intelligence Division and the General Investigative Division. DeLoach in turn notified Hoover. (21)

(21) While the news of the attempt on Dr. King's life moved through the FBI's command structure, Attorney General Clark was first contacted, he believed, by Jim Laue, a Justice Department community relations specialists who was with King when he was shot. (22) Steven Pollak, head of the Justice Department's Civil Rights Division (soon to be responsible for supervising the civil rights investigation), believed he was with Attorney General Clark at the time he first heard of the crime. (23) A short time later, Clark was in telephonic contact with DeLoach and thereafter with Hoover. A decision was made—apparently almost instinctively—to involve the FBI completely in the investigation of the assassination, and later that evening a written memorandum was sent from Pollak to the Director of the FBI ordering

“a full investigation into a possible violation of 18 U.S.C. 241”—the Federal statute barring conspiracies to impede or otherwise interfere with the constitutional rights of an individual—in this case Dr. King’s. (24)

(22) Back in Memphis, witnesses to the shooting indicated that the shot had come from the rear of a lower-class roominghouse located at 422½ South Main Street, Memphis. A bundle of evidence containing, among other things, a 30.06 Remington Game Master rifle, model 760, with scope; a box of Peters cartridges; binoculars; articles of clothing and various toilet articles, was recovered from the entrance of Canipe’s Amusement Co., at 418 South Main Street. Individuals inside Canipe’s at the time of the assassination recalled seeing a white male walk quickly away from Canipe’s immediately after the bundle was dropped; moments later a white Mustang parked just south of Canipe’s drove rapidly north on Main Street and away from the crime scene.

(23) As the evening passed, the Memphis office initiated a trace of the weapon by serial number and interviewed witnesses, including Bessie Brewer, the landlady at 422½ South Main Street who recalled receiving a \$20 bill earlier that day in payment for an \$8.50 per week room from a white male using the name John Willard. (25) In addition, agents were attempting to locate and interview Charles Stephens, whom news releases identified as a witness to the assassination. Finally, arrangements were made with the Memphis Police Department to forward all physical evidence to Washington for analysis in FBI labs. (26) Agent Bob Fitzpatrick of the Memphis office left the city on a 12:25 a.m. flight to Washington; the evidence, including the binoculars, the rifle, the bullet taken from King’s body, and a \$20 bill given to Bessie Brewer, arrived in FBI laboratories as of 5:16 a.m., April 5, 1968, and was immediately subjected to analysis. (27)

(24) While the FBI’s Memphis investigation got off the ground, Attorney General Clark decided that an immediate visit to Memphis was in order. Accompanied by Roger Wilkins, Director of the Community Relations Service; Clifford L. Alexander, Jr., Director of the Equal Employment Opportunity Commission; and Cartha DeLoach, Assistant to the Director, FBI, Clark left Andrews Air Force Base on a 6:45 a.m. flight to Memphis the morning of April 5, 1968. (28)

(25) Several reasons have been offered for this visit of high level officials to the scene of the crime. Attorney General Clark indicated some concern over the explosive racial situation in Memphis following the assassination. (29) He also felt a need to remain immediately apprised of progress in the FBI’s investigation in Memphis, thus explaining his decision to bring Cartha DeLoach with him. (30) DeLoach explained his participation in the trip as, in part, “window-dressing,” prompted by a desire to have a high level FBI official on the scene. In Memphis members of this visiting group visited with Mayor Loeb (31) and the U.S. Attorney, Thomas Robinson, and made stops at the FBI field office, Director Holloman’s office in the Memphis Police Department, and the Memphis airport to observe King’s body being placed on a plane for a return trip to Atlanta. (32) Finally, a press conference was held in which Attorney General Clark expressed a belief that the assassin’s capture was imminent, and that the available evidence indicated the involvement of only one individual;

Clark has explained his remarks in terms of his desire to quell the racial unrest that erupted throughout the Nation immediately following King's death. (33)

(26) Many of the early investigative developments, or leads, resulted from the Bureau's analysis of physical evidence discovered at the scene of the crime. Both the binoculars and the rifle were traced to their respective places of purchase. The binoculars had been bought locally, in the city of Memphis. (34) The suspected murder weapon, on the other hand, was traced to the Aeromarine Supply Co., in Birmingham, Ala. (35) Early ballistics tests conducted on the 30.06 rifle and the bullet fragment taken from Dr. King's body during the autopsy revealed that while "the bullet could have been fired from the rifle found near the scene," the mutilation of the bullet made it impossible to state "that it was actually fired from this one rifle." (36) Interviews with clerks at Aeromarine established that the rifle had been purchased on March 30, 1968, by an individual using the name of Harvey Lowmeyer, generally described as a "white male, 36 years old, 5 feet 8 inches tall, 150-160 pounds, black or dark brown hair." (37) Laundry marks found on a pair of undershorts and an undershirt in the bundle of evidence were traced to a specific machine model, and efforts started throughout the country to locate a particular laundry, and a particular machine. (38) One week after the assassination, the suspect's use of the Home Service Laundry in Los Angeles was established. (39) Finally, by April 9, 1969, a pair of duck-bill pliers found in the bundle was traced to the Rompage Hardware Co. in Los Angeles. (40)

(27) The FBI's MURKIN investigation was treated from the beginning as a "major case" or "special" investigation. Additional administrative personnel and agents were assigned to Memphis during the initial stages, including an accountant to maintain nationwide cost figures on the investigation. (41) A 24-hour deadline was imposed on all field offices to check out leads, and a tickler system was implemented by headquarters case agent Richard E. Long to monitor compliance during the field investigation. (42) On April 7, 1968, an "All SAC" memo issued from headquarters with instructions similar to those normally issued in special investigations:

All investigation must be handled under the personal direction of the SAC. Leads are to be afforded immediate, thorough investigative attention. You must exhaust all possibilities from such leads as any one lead could result in the solution of this most important investigation. SAC will be held personally responsible for any failure to promptly and thoroughly handle investigations in this matter. (43).

(28) Finally, in further recognition of the "special" nature of the MURKIN investigation, the FBI sent an inspector from headquarters to oversee the investigation in the crucial field offices. Inspector Joseph Sullivan, selected for his past experience in civil rights investigations in the deep South, was sent to Memphis, and remained there for approximately one week before moving to Atlanta to direct the investigation there. (44) While in Memphis and Atlanta, Sullivan took over the day-to-day direction of the investigation, leaving the

SAC free to attend to other matters in the office. (45) The Committee has been assured that the assignment of Inspector Sullivan to Memphis and Atlanta during the initial stages of the investigation did not indicate a lack of confidence in the field SAC's, (46) but simply was evidence of the importance of the investigation in the eyes of the Bureau. (47)

(29) During the first 2 days of the investigation, the FBI had discovered two aliases used by the suspected assassin—John Willard (used in renting a room at Bessie Brewer's roominghouse on April 4, 1968) and Harvey Lowmeyer (used during the Birmingham rifle purchase). On April 9, a third possible alias—Eric S. Galt was added to a growing list. During a routine motel search in the Memphis area, agents discovered that an individual using that name, and driving a Mustang with Alabama license plate "138993", had registered at the New Rebel Motel on April 3 and checked out on April 4, 1968. (48) Galt's residence was listed as 2608 Highland Street, Birmingham, Ala. (noteworthy because it was the same area as the fake residence listed by "Harvey Lowmeyer" during the rifle purchase on March 29 and 30, 1968).

(30) An investigation of 2608 Highland Street, Birmingham, revealed a roominghouse owned by Peter Cherpes, where Galt had resided during 1967. Cherpes and other tenants noted similarities between an artist's conception of the assassin and Galt. Further investigation in Birmingham disclosed that Galt had purchased the Mustang in September of the previous year from one William Paisley for a price of \$1,950. At the time of the car purchase, Galt possessed a safe-deposit box at the Birmingham Trust National Bank, and a comparison of writing samples from safe-deposit box documents and "Lowmeyer"'s rifle purchase receipt revealed "similarities". Galt's name was added to the list of individuals sought for interview by the Bureau, (49) and a directive issued to all continental offices to search records at the local offices of the Selective Service, telephone company, motor vehicle departments, financial institutions, credit bureaus and other "logical sources" for information under the new alias. (50) In addition, information on the Mustang was entered into the NCIC (51) (National Crime Information Center) system, insuring that inquiries concerning the vehicle would be directed to the FBI.

(31) On April 11, 1968, the Mustang was located in Atlanta, abandoned in the parking lot of the Capital Homes Apartment Building at the intersection of Memorial Drive and Connally Street. The car provided a number of leads. An inspection of mileage figures revealed that it had been driven approximately 19,000 miles since Galt purchased it from William Paisley in September of 1967. A Mexican tourist sticker indicated that the car had entered Mexico, at Nuevo Laredo, on October 7, 1967. (52) The car had been serviced twice in California, once in Hollywood, and on February 13, 1968, in Los Angeles. In the trunk, agents located clothing and bedding, floor mats, a hunting knife and tools, and a piece of cardboard with two names and the address of "1535 North Serrano" written thereon. (53) Shortly after the car's discovery, laboratory tests proved that fibers found on a blanket in the bundle of evidence in Memphis and on a sheet from the vehicle trunk were identical; the FBI concluded that "Galt's automobile (was) involved in the murder." (54)

(32) Additional evidence on Eric S. Galt, the primary suspect, continued to accumulate. By April 13, 1968, 9 days after the assassination, Galt's movements throughout the country had become clearer. Correspondence with the Locksmithing Institute, Little Falls, N.J., showed Galt in Montreal, Canada, on July 31, 1968. Field investigation in Birmingham disclosed Galt's attendance of classes of the Continental Dance Studio between September 12 and October 3, 1967, and a search of post office records in that city revealed his purchase of a significant amount of camera equipment in October of 1967; letters written to the Superior Bulk Film Co., Chicago, carried return addresses of Hotel Rio, Puerto Vallarta, Mexico and 1535 North Serrano, Los Angeles. A second Los Angeles address for Galt—the St. Francis Hotel on Hollywood Boulevard—was established for the period of January 21, 1968, to March 17, 1968.

(33) Particularly important for purposes of the upcoming prosecution case against Galt was a Los Angeles postal change of address card executed and mailed by Galt on March 17, 1968, which gave a new address of "General Delivery, Atlanta, Ga.," the city of King's home and SCLC headquarters. Galt's actual Atlanta address—113 14th Street NE., was discovered on a change of address implemented by the Locksmithing Institute, Little Falls, N.J., on March 30, 1968. Agents were placed in the "hippie" rooming house at that address in an undercover capacity, hoping to catch Galt if he returned to his prior residence. (55)

(34) While agents awaited Galt's return to Atlanta, others interviewed two of the suspect's chief acquaintances in California: Charles Stein, an unemployed, self-described "song-writer," and Marie Martin, a cocktail waitress at the Sultan Room Lounge on Hollywood Boulevard. Stein recalled meeting Galt on December 14, 1967; the following day, December 15, Galt prevailed upon Charles Stein, his sister Rita Stein, and Marie Martin to sign a petition in support of Governor George Wallace's Presidential campaign. Immediately thereafter Galt and Stein drove to New Orleans to pick up Stein's niece and nephew. Stein recalled Galt mentioning a meeting with individuals associated with an engineering or contracting firm; (56) he met Galt once in New Orleans on December 18, 1967, the day after their arrival. The next day they returned to Los Angeles, again driving nonstop. While in New Orleans, Galt stayed at the Provincial Motel; however, investigation at the motel revealed no long distance calls, and local telephone call records had been destroyed prior to the agent's arrival.

(35) Using statements of Stein and Marie Martin, as well as those of other witnesses, the FBI began to document aspects of the suspect's personality. Martin reported that he was constantly at the Sultan Room, took a bartending course, drank vodka and sometimes beer, didn't smoke, and was solemn and emotionless. She also remembered Galt recounting an incident when he drove his Mustang through a Black neighborhood and was hit by tomatoes thrown by the local residents. Charles Stein recalled neat dressing habits, a soft-spoken manner and a penchant for country western music. (57)

(36) In addition, in California agents located a Los Angeles bartending school attended by Galt and discovered two items of interest: First, the FBI obtained its first photo of the illusive Eric Galt, taken at

the time of his graduation; Galt's eyes were closed in the picture. Second, Thomas Lau, president of the Bartending School, told agents that on March 2, 1968, Galt turned down an offer of employment, explaining that he would be leaving town in 2 weeks to visit his brother. (58) Meanwhile, records were discovered at the Piedmont Laundry in Atlanta indicating visits by Galt on April 1, 1968, following "Lowmeyer's" purchase of the rifle in Birmingham, and on April 5, 1968, the day after the assassination. (59)

(37) On April 17, in order to secure an arrest warrant and additional publicity in the fugitive search, a Federal complaint was filed with the U.S. Commissioner in Birmingham, Mildred F. Sprague, charging Eric S. Galt "and an individual alleged to be his brother" with conspiracy to interfere with constitutional rights of Martin Luther King, Jr. (60) A "fugitive press release" was issued with the complaint, (61) and widespread distribution of the information and accompanying photo through the media was encouraged. (62)

(38) While the Department of Justice and the FBI solicited the assistance of the public through their press release, a fingerprint project was in progress at Bureau headquarters which led, on April 19, 1968, to the largest break in the case—the identification of James Earl Ray as the illusive suspect. Almost immediately after the assassination, the Bureau obtained unidentified latent prints of value from the rifle, binoculars, beer cans, and a Memphis newspaper—the Commercial Appeal—items found in the bundle of evidence thought to have been dropped by the assassin shortly after the murder. As the evidence accumulated, additional latents were obtained, including one on a map of Mexico discovered in the Atlanta rooming house by Galt shortly before the assassination. Comparisons revealed that at least three prints, found on the Mexico map, the rifle, and the binoculars, were identical, and apparently came from the left thumb; the print was identified as "an ulner loop with 12 ridge counts." (63)

(39) After unsuccessfully comparing this and other prints with known prints of "approximately 400 suspects," the single fingerprint file and "all outstanding FBI identification orders," (64) a systematic search of fingerprint records of fugitives was initiated. Approximately 1,900 fugitives were identified with "ulnar loops of 10-14 ridge counts in the left thumb." (65) Fifteen days after the assassination, a manual comparison of the smaller group with the isolated latent produced a positive match with the prints of James Earl Ray, a fugitive from Missouri State Prison. (66)

D. Identification to Arrest

(40) It is clear from a review of the investigatory files that the identification of James Earl Ray terminated a major phase of the Bureau's investigation. Inspector Joseph Sullivan, the headquarters representative assigned to coordinate activities in the Memphis and Atlanta field offices during the early stages of the investigation, was taken off the case and sent to Detroit, Mich. to work on the racial informant program in that office. In recommending this move, Assistant Director Rosen, stated:

In view of current developments, there does not appear to be any need for Inspector Joe Sullivan to be in Atlanta, Ga.,

or Memphis, Tenn. We are now engaged in a fugitive investigation and all offices will have to focus their full attention to any leads which might develop as a result of our inquiries. (67)

Simultaneously, Memphis was directed to phase out the 15 agents and 3 stenographic clerks they had received on the heels of the assassination. (68)

(41) A new press release was issued, with directions to all field offices to insure "repeated and widespread distribution." (69) For only the second time in Bureau history, approval was given to make Ray a "special addition" to the "Ten Most Wanted List". (70) Finally, short appeals for public assistance in the fugitive investigation were drafted and approved for use on the April 21 and April 28 installments of "The FBI" on television, (71) and within a week after the identification, various institutions and officials had offered a total of \$150,000 for information leading to the apprehension and conviction of Ray. (72)

(42) With James Earl Ray, a fugitive from Missouri State Prison, now at the center of the investigation, the Bureau initiated efforts directed both at the family and at inmate and criminal associates of the suspect. Jerry Ray, the youngest of the three brothers, was interviewed in Chicago on the day of Ray's identification, denied knowledge of and participation in the assassination, supplied handwriting samples, photos, and major case prints, and stated that he had not seen his brother outside of prison since 1952. (73) Three days later, John Larry Ray, the middle brother, who had been located in St. Louis, stated that he had seen his fugitive brother twice in the last 20 years, and most recently 3 years back. He expressed surprise to the interviewing agents that so much effort was being expended in attempting to locate James, since all he had done was "kill a nigger." (74)

(43) Interviews with Ray's inmate associates produced voluminous and often contradictory information on a variety of topics, including the suspect's racial attitudes, the manner of his April 23, 1978 escape from Missouri State Prison, his involvement in the trafficking and use of drugs while in prison, assassination plots relating to King, and information on the suspect's present whereabouts. On several occasions, and quite predictably, agents attempting these interviews met with antagonism or outright refusals to cooperate in the investigation.

(44) In addition to the information relating to narcotics, the escape, and the suspect's racial attitudes, some inmates also told of a prisoner association known as "Cooley's Organization" alleged to have been active in the "protection" business during the period of Ray's incarceration at MSP. After receiving one allegation that Ray was a member of the organization, (75) and another that Ray said in 1963 that Cooley or his organization would pay \$10,000 to have King killed. (76) a directive issued from headquarters to the Kansas City Field Office to "press every effort possible to determine any information whatsoever concerning the Cooley organization." (77) Extensive field interviews were conducted. However, no substantial evidence was developed of the group's involvement in the assassination or of a concrete link between Ray and the organization. (78)

(45) Throughout the country, additional details on Ray's 1967-68 travels were developed.

(46) Prostitutes, bartenders, and cigarette girls in Puerto Vallarta, Mexico, told of the suspects interest in marihuana and of a possible "racial incident" between Ray and some Black customers at the Casa Susana in Puerto Vallarta. (79)

(47) Interviews with Dale Rodriguez, Lorraine Calloway, and Mariane DeGrasse established the likelihood of a second visit by Ray to New Orleans in March 1968, after leaving Los Angeles. (80) Meanwhile, further efforts were made to determine who Ray telephoned during his first drive to New Orleans with Charles Stein in December 1967. (81)

(48) Nevertheless, while the picture of Ray's preassassination life-style became clearer, important issues remained a mystery. With the passage of time, FBI files reflect increasing emphasis on establishing Ray's source of funding during both the preassassination travels and the postassassination flight. "All-Sac" directives were issued to contact local narcotic investigative agencies(82) to follow up on evidence of Ray's interest in marijuana in Mexico, and amphetamines in Missouri State Prison. On April 23, 1968, all offices were instructed to consider Ray a suspect in the unsolved bank robberies, burglaries and armed robberies. (83) And on April 29, 1968, an "All-Sac" memo issued directing field offices to contact local law enforcement agencies maintaining latent fingerprint records "for (the) purpose of possibly establishing Ray's past whereabouts and source of funds." (84)

(49) As the leads came up dry, additional approaches to the funding issues appeared: Ray's prison financial accounts at Missouri State Prison were reviewed, (85) and on May 6, 1968, Atlanta and Birmingham were told to check local safety deposit box records for April 4, 1968, to determine whether Ray had withdrawn valuables before fleeing. (86) On May 14, 1968, following up on the April 23, 1968 instructions, Washington directed all offices to display Ray's photograph to "appropriate witnesses in unsolved bank robberies and bank burglaries and to consider requesting the assistance of local police in displaying the picture to witnesses in unsolved robberies." (87) A week later, field offices in Atlanta, Birmingham, Los Angeles, Memphis, and New Orleans were told to investigate withdrawals from local banks exceeding \$10,000, during April 1968, to investigate the "possibility" that Ray was a hired assassin and received a timely payoff. (88) Finally, the Springfield Field Office began a thorough reinvestigation of the July 13, 1967, robbery of the Bank of Alton in Alton, Ill. The lead was considered promising because Ray was in the area at the right time and his description approximated that of the two unidentified suspects. Ultimately, however, the investigation bore no fruit. (89)

(50) Above and beyond these questions, however, was the overriding problem of Ray's apprehension itself. Three days after the positive print identification, a directive was sent to all offices re-emphasizing the 24-hour lead deadline, and directing contact with all criminal, racial and security informants to determine whether any possessed information on James Earl Ray. (90)

(51) In addition, record checks and interviews were performed at local banks, telephone companies, credit agencies, police departments, car rental agencies, motor vehicle departments, dancing schools, low and middle class hotels, laundries, libraries, motels, utility companies, selective service bureaus, and appropriate unions. (91)

(52) Beyond these general investigative efforts, specific "Ray-oriented" leads also appeared. On April 24, 1968, acting on Ray's use of Garner's low-rent roominghouse and other similar establishments Washington directed all offices to "conduct appropriate investigations of all hippie roominghouses and similar establishments to obtain any information concerning Ray. (92) And on April 25, a check by Ford Motor Co. of over 1.5 million warranty cards on work done since August 30, 1969, produced negative results with respect to Ray's Mustang. (93)

(53) Despite these impressive nationwide efforts, however, it is clear that the FBI felt the prospect for breaking the fugitive investigation lay with Ray's family. On April 20, 1968, St. Louis was directed to obtain all telephone calls from the phones of John Larry Ray, Carol Ann Pepper (Ray's sister) and any phone located in the Grapevine Tavern in St. Louis (leased by John Larry Ray and licensed to Carol Pepper). (94) This was followed up 2 days later by instructions sent to the four field offices responsible for areas inhabited by key members of the Ray family:

Full coverage is to be afforded relatives of subject residing in your respective territories. This will include a spot surveillance of these persons as well as a determination of their associates and individuals making frequent contact with them. You should also obtain all long distance telephone calls from their residences for period April 23, 1967, to the present time. You should make this a continuing project until otherwise advised by the Bureau * * * You should insure that each relative is adequately covered to possibly assist in the subject's location and apprehension. (95)

(54) While the Bureau approached Ray's relatives directly in numerous field interviews in an effort to secure information on the whereabouts of the fugitive, additional, indirect approaches of the family were also considered. On May 7, the St. Louis office informed the Director of discussions with the local U.S. attorney, in which the latter had agreed to "cooperate fully" in prosecuting Carol Pepper, Ray's sister, for false responses in an official liquor license questionnaire, "in the event pressure of this nature needed." (96) And on May 13, 1968, an official request was sent to the office of the Attorney General seeking authorization to install microphone and technical surveillance on the residence of John Larry Ray. The purpose of the requested surveillance, as phrased in the May 13 memo, was to "assist in the early apprehension of the subject." (97) The request was not approved, and was withdrawn on June 11, 1968, immediately following Ray's apprehension in London. (98)

(55) Efforts to secure precise information on Rays location from the family did not bear immediate fruit. Nevertheless, in a May 9 interview with John Larry Ray in St. Louis, (99) Ray's brother reported that Ray had mentioned an intention to leave the country if he escaped; Ray had also indicated, on one occasion, admiration for Ian Smith, head of the Rhodesian Government. On May 10, 1968, based on this interview and other independent evidence of Ray's interest in African countries (100) headquarters initiated a U.S. passport review in the Washington Field Office, (101) focusing initially on

the 2,100,000 applications that had been filed since April 1967, the month of Ray's escape from Missouri State Prison. Thirty-six agents were assigned to the task (they had completed a review of 700,000 applications by the time of Ray's apprehension in London exactly 1 month later.)

(56) Other steps were taken to supplement the domestic passport project. Wanted fliers were sent to the American consulate in Rhodesia for distribution there, and Washington instructed the FBI legal attaché in Ottawa to implement a similar review project of Canadian passports with the assistance of the Royal Canadian Mounted Police.

(102) A check on flights between Montreal and Rhodesia was also ordered, (103) and 10 days later, on May 21, 1968, arrangements had been made with the State Department to provide information on Ray to the 290 U.S. diplomatic establishments throughout the world. (104)

(57) In addition to these efforts on the international scene, additional, often major domestic efforts were made in the fugitive investigation. On May 14, membership lists of the John Birch Society were checked for any ascertainable leads (105) (Ray had left a John Birch Society pamphlet at Garner's in Atlanta). On May 21, 1968, all domestic offices began a review of drivers license applications for the months of April and May 1968, for all white males between the ages of 30 to 55 years. (106) On May 22, 1968 (107) headquarters, willing to attempt every possible device, considered placing an ad for "self-hypnosis" in publications normally read by Ray "in an effort to surface subject", and sent a directive to various field offices to identify magazines habitually read by Ray. (108) And on May 28, 1968, in anticipation of an extensive project, the Director authorized a request to the Department of Health, Education, and Welfare to check all new social security card applications (received in 1968 at the rate of 110,000 per week), for a lead to Ray's whereabouts. Despite these efforts, however, the FBI's fugitive investigation in May produced discouraging results. As the days passed, the illusive suspect was proving an embarrassment to the Bureau.

(58) Then, on June 1, 1968, a break occurred in Canada when the RCMP passport review project turned up a possible match of Ray in the Canadian passport of one George Ramon Sneyd. RCMP officials determined from the Kennedy Travel Bureau in Toronto that "Sneyd" had purchased a Toronto-London-Toronto airline ticket with a scheduled departure of May 6 and return on May 21, 1968. Meanwhile, the FBI ascertained through print comparisons that Ray and Sneyd were, in fact, the same person, (109) and the trail was once again hot.

(59) A check with airline authorities revealed that Ray, instead of using the return portion of his airlines ticket, had exchanged it in London and continued on to Lisbon, Portugal. (110) FBI headquarters sent Unit Chief Wilbur Martindale to Europe to follow the latest lead. Martindale stopped off in London to meet with the FBI legal attaché from Paris; the two then continued on to Lisbon.

(60) Unknown to the FBI, however, Ray had returned to London on May 17, 1968, after a 10-day stay in Portugal. Approximately 3 weeks after his return to England, and on the same day that Martindale arrived in Lisbon, Ray was arrested at the London International

Airport. The time in London was 11:15 a.m., on June 8, 1968, somewhat more than 2 months after the assassination of Dr. King.

E. Arrest to Guilty Plea

(61) A quick review of basic cost information on the MURKIN investigation reveals that the FBI's nationwide field investigation wound down dramatically during the month of June 1968. For example, the overall mileage driven by FBI agents through May 31, 1968, was placed at 448,775 miles. The mileage figure for June was 24,430, and for the next 4 months—July through October—4,322 miles. Similarly, the overall cost of the MURKIN investigation through May 31, 1968, was \$1,117,870. Expenditures for June ran to \$135,375, and for the next 4 months combined, \$34,390. (111)

(62) Arrangements began immediately to bring Ray back to the United States. Attorney General Clark asked Fred Vinson, Jr., the Assistant Attorney General for the Criminal Division was told by the Attorney General to handle the extradition proceedings in London, (112) and in Memphis and Birmingham, Department of Justice attorneys completed affidavits of key witnesses for possible use in the English proceedings. (113) At the same time, Vinson's counterpart in the Civil Rights Division, Assistant Attorney General Stephen Pollak, was told by the Attorney General to work full time on the King case, (114) while at the FBI, agents were selected to return with Ray to the United States (115) and the London legal attaché began to monitor progress in Ray's various extradition hearings.

(63) In terms of the ongoing investigation, FBI files reflect one area of lingering concern: The funding of Ray's travels. On June 20, 1968, the question of funding was raised in a discussion between Attorney General Clark and Director Hoover, and in a memo later written to summarize the meeting, Hoover wrote:

I stated that in Ray's case, we have not found a single angle that would indicate a conspiracy. I said the only significant thing is the money he had and what he spent freely in paying bills and I thought that could have been obtained from a bank robbery. The Attorney General said that if we could show he robbed the Bank of Alton, it would be helpful. I said we are working on that because he was paying his bills with \$50 bills up to his arrest. I said on the other hand he stayed at flop houses and never stayed at a first-class hotel but at the same time spent, I thought, \$1,200 or more in buying guns and the car, which I thought was \$1,500, and then he took dancing (116) lessons, bartender lessons, and lessons in picking locks * * *

(64) In search of a solution to the funding problem, investigation of Ray's involvement in the Alton Bank robbery continued in the Springfield Office. (117) Meanwhile, the Kansas City Field Office was instructed to contact the warden at Missouri State Prison for new information on the "Cooley Organization"—a lead "which may assist in tracing subject's sources of funds". (118) Finally, on June 24, 1968, Hoover authorized the liaison section to coordinate with the State Department in an attempt to ascertain the existence of a Swiss bank

account in Ray's name. (119) Despite these efforts, a specific answer to Ray's manner of funding alluded the FBI.

(65) Also apparent, following Ray's apprehension, was some effort to investigate the possibility of conspiracy in the assassination. On June 11, 1968, AAG Pollak asked Assistant Director Rosen, "whether the FBI was running out all allegations relative to possible conspiracy," and was assured that "so far (the FBI had) not been able to establish that there was any conspiracy (but remained) constantly alert to this possibility." (120) On June 13, Ray's contact with "a fat man" in Canada was resolved as an innocent occurrence. (121) On June 18, 1968, FBI headquarters, apparently in response to a second directive from the Department of Justice to continue to follow out leads pertaining to a possible Federal violation" (122) (that is, conspiracy), ordered a "specialized recheck" in Birmingham and Memphis of clients at the New Rebel Motel and the Birmingham motels during what was designated as the relevant conspiratorial period (Mar. 29, 1968 and Apr. 3, 1968) in search of possible Ray associates.

(66) While a thorough analysis of the Bureau's conspiracy investigation will be included in a later portion of this report, it can be noted here that the Bureau's finding that Ray acted alone remained, throughout the investigation, constant and unshaken. On July 23, 1968, the FBI sent a memo to the Justice Department recommending dismissal of the conspiracy complaint that had been filed 3 months earlier in Birmingham "in view of the fact that this offense was not cited in the order of extradition." (123) Fred Vinson, AAG of the Criminal Division, concurred with the FBI's recommendation on July 29, 1968; (124) however, AAG Stephen Pollak (whose Civil Rights Division was responsible for the conspiracy prosecution), instructed the FBI 1 day later that "it would not be appropriate to dismiss the complaint at this time. The conspiracy investigation is still underway." (125) Thus, it was not until December 2, 1971, that the conspiracy complaint in Birmingham was ultimately dismissed. (126)

(67) In Memphis, the Tennessee State murder case against Ray proceeded slowly to trial. On July 19, Ray returned from London and was released by the FBI into the custody of local authorities in Shelby County, Tenn. Sometime before, but after Ray's apprehension, Memphis FBI case agent Joe Hester's "prosecutive summary report" had been distributed to Phil Canale, district attorney general, for his use during the prosecution. This was the first major release of FBI investigative files to the local prosecutors since the assassination. Ten additional investigative reports from key field offices were sent to Memphis on August 6, 1978. (127)

(68) As is indicated from the cost data cited earlier, the FBI's investigation had by this time been dramatically reduced; however, some additional steps were being taken. On August 27, a request was made by the FBI to the Justice Department to consider a search warrant or grand jury subpoena to obtain the written notes of author William Bradford Huie. After lengthy consideration, the Department decided on November 27, 1968, not to undertake this approach. (128) While the files contain no explanation for this decision, it is noted that this memo is dated after the publication of Huie's second Look magazine article on Ray and the King case; (129) it seems likely, therefore, that

the Department did not feel the potential gain would justify risking an adverse legal ruling on the propriety of a search warrant served to an author under contract to a criminal defendant, to obtain the product of his communications with the defendant.

(69) The November 12 trial date was postponed when Ray fired his first attorney, Arthur Hanes, Sr., and hired Percy Foreman. Mr. Hugh Stanton, Sr., Shelby County public defender, was assigned to assist Foreman shortly thereafter, and a March 10, 1969, trial date was ultimately set.

(70) In the end, however, the trial never occurred. Rather, Ray pled guilty to the first degree murder of Dr. King and accepted a sentence of 99 years in the Tennessee State prison. In an interview with FBI Memphis SAC Jensen, 3 days later, Ray proved generally uncooperative, and provided no evidence of the involvement of others in the assassination, (130) and while the FBI MURKIN file remains open today, to accept incoming leads on the case, nothing has occurred to change the official conclusion reached during the first months of the investigation: Ray killed King and acted alone.

III. COORDINATION BETWEEN THE DEPARTMENT OF JUSTICE AND THE FEDERAL BUREAU OF INVESTIGATION

(71) Because the Federal Bureau of Investigation was, and remains, only one of several component agencies within the Department of Justice, the conduct of the MURKIN investigation was ultimately the responsibility of the Attorney General of the United States, as head of the Department of Justice, and of the attorneys that the Attorney General assigned to supervise the investigation.

A. *The lawyers*

(72) By April 1968, Ramsey Clark had held the office of Attorney General, either acting or confirmed, for approximately 18 months; he had spent an additional 18 months as Deputy Attorney General under Nicholas deB. Katzenbach.

(73) During the administration of the assassination investigation, Clark's two primary assistants were Stephen Pollak and Fred Vinson, Jr., Assistant Attorneys General for the Civil Rights Division and the Criminal Division, respectively. Because Federal investigatory and prosecutorial jurisdiction was premised on a possible violation of 18 U.S.C. 241 (conspiracy to interfere with the constitutional rights of another), (131), Pollak's Civil Rights Division was formally responsible for the conduct of the investigation, and for any Federal prosecutions that might develop. From the beginning, however, Clark decided to deviate somewhat from the customary Justice Department practice of maintaining responsibility for an investigation exclusively within the confines of the appropriate division; instead he chose to involve the Criminal Division equally in the investigation, feeling that it had a better working relationship with the FBI. (132) Thus, it soon developed that both Pollak and his counterpart, Fred Vinson, Jr., of the Criminal Division, were reporting on the King investigation directly to Clark; moreover, it was Vinson's recollection that both he and Pollak were kept equally informed on this case and shared the burden of responsibility for its progress. (133)

(74) Outside of Washington, the Department of Justice is represented by local U.S. attorneys, one for each Federal district in the country. Normally, the actual prosecution of a Federal criminal case will be the responsibility of the local office, subject only to the supervision of the appropriate division of the Department; in 1968, however, this was not the practice in the area of civil rights prosecutions. Because of political considerations, together with the need to maintain working relations with local law enforcement agencies, the resident U.S. attorney often found it awkward to bring cases against the local authorities under the various Federal civil rights statutes. Thus, by 1968, Federal civil rights investigations and prosecutions had, with very few exceptions, become the responsibility of the Civil Rights Division in Washington; the local U.S. attorney remained on the sidelines, uninvolved in the prosecution except perhaps to provide information on local courtroom practices, or to assist during the voir dire of the jury panel. (134)

(75) In the King investigation, this practice did not change. While the FBI's investigation was carried out by offices throughout the country, local U.S. attorneys in important cities such as Atlanta, Memphis, New Orleans, Los Angeles, Chicago, and St. Louis were excluded from the information flow and therefore from the decisionmaking process.

B. The information flow and the role of the attorneys

(76) The ability of the Justice Department to provide meaningful input into the daily course of the FBI's investigation depended primarily on their ability to remain fully informed concerning developments in the case. Ultimately, however, the amount and quality of investigative information transmitted to the Justice Department depended almost exclusively on the Bureau's willingness to provide the data.

(77) During his executive session testimony, Ramsey Clark recalled that he "caused a quite different relationship between the Office of the Attorney General and the Bureau in this (King) assassination * * * I became personally and directly involved in the investigation, and received information directly about it in a way and to an extent that exceeded all others during my term as Attorney General." (135) Prior to Ray's arrest, Clark's information came in the form of frequent briefings, either telephonically or in person, from Assistant to the Director Cartha DeLoach, as well as from written Bureau memorandums. (136) It was Mr. Clark's recollection that AAG's Vinson and Pollak backed him up on examining the documents that came through. (137) Despite Mr. Clark's efforts, however, it is clear that the written information received by the Attorney General and, in many ways more importantly, by the rest of the Justice Department, was often both superficial and untimely.

(78) During the course of the FBI's MURKIN investigation, the paperwork produced in Washington and the field was voluminous. The various forms of reporting included airtels and teletypes to, from, and among field offices; internal field office and headquarters memorandums; interview reports; and the more formal letterhead memorandums. In addition, major field offices produced monthly reports summarizing the previous 30 days of investigation which were in turn transmitted to Memphis, the office of origin, as well as Washington.

Finally, a prosecutive summary report was prepared by S. A. Hester, case agent in the Memphis field office, shortly after Ray's arrest. (79) Information transmitted to the Department of Justice always arrived from, or at least with the approval of, FBI headquarters in Washington. Moreover, it was transmitted, almost without exception, in sanitized and digested form. During the first days of the investigation following Dr. King's assassination, FBI memorandums to the Department contained only the most basic and fundamental facts; (138) some, such as the April 11, 1968, FBI memorandum to the Department quoted below, contained no facts at all, but were merely assurances that an investigation was being pursued.

The investigation of the murder of Martin Luther King, Jr., on April 4, 1968, has assumed gigantic proportions.

All field divisions of the FBI are participating in an around-the-clock operation designed to identify and apprehend the person or persons responsible for the killing.

Suspects are being developed and processed on a daily basis as additional information is developed. Every aspect of the investigation is being vigorously pursued and the complete facilities of this Bureau will remain fully committed until this matter has been fully resolved. (139)

(80) The superficial nature of these initial memorandums was acknowledged during committee interviews with FBI agents who worked in Washington during the MURKIN investigation; the situation was explained in terms of the need to take security precautions, (140) or to prevent leaks concerning an ongoing fugitive investigation. (141) Moreover, it was the clearly stated opinion of these FBI headquarters personnel that the Bureau had sole responsibility for the ongoing efforts to identify and to locate the assassin, (142) and would have resented any efforts by Justice Department personnel to get more deeply involved in the daily investigative process. (143)

(81) It is important to note that early involvement by Department of Justice attorneys in criminal investigations was not common throughout the Department in 1968; (144) thus, none of the Justice Department officials interviewed by the committee expressed any dissatisfaction with the nature of information received from the FBI. Assistant Attorney General Vinson of the Criminal Division expressed his confidence in the ability of the FBI to determine what, if any, information should be distributed to the Department, (145) and AAG Pollak characterized the information received as more than normal, and consistent with the traditional FBI practice to send digested material to the Department. (146)

(82) In addition to the daily memorandums described above, the Department of Justice also received, starting on May 2, 1968, field office summary reports submitted by the major offices: Memphis, Birmingham, Los Angeles, and Atlanta. (147) These reports were also distributed to the office of the Birmingham U.S. attorney, in light of the fact that a Federal complaint against Eric S. Galt was filed in that city on April 17, 1968. Those reports were distributed with specific instructions that they were not to be disseminated to any other U.S. attorney in the country, thus insuring, from an early point, that

the local U.S. attorney would play no meaningful role in the investigation. (148) The exclusion of the U.S. attorneys was, of course, consistent with normal practice on civil rights investigations. (149) Moreover, Attorney General Clark, when asked about the Bureau's instructions to exclude the local U.S. attorneys from the information flow, expressed total agreement with the policy:

The need for all those U.S. attorneys to have all the information is not at all clear to me, and you might as well print it in the newspapers * * * I don't know why it would have enhanced the investigation to have U.S. attorneys all over the country privy to all the information. (150)

(83) The background role (151) which had been assumed by the Department of Justice during the 2 months following Dr. King's assassination changed somewhat with Ray's arrest in London. In a meeting in the Attorney General Office the day of the arrest, Clark directed AAG Pollak to put aside other commitments and concentrate exclusively on the King case; Cartha DeLoach was instructed simultaneously to keep Pollak advised of "any communication, airtel, or cablegram that might come in connection with this case." (152) At the same meeting, Clark decided that Vinson would coordinate the prisoner's extradition and return to the United States. Vinson left for London shortly thereafter, and Justice Department attorneys from the Civil Rights Division were sent to Memphis and Birmingham to prepare affidavits for use in the upcoming British legal proceedings. (153)

(84) Despite this flurry of activity, however, the files reflected no discernible change in the depth of involvement of the Justice Department in the investigatory process itself. AG Clark's request that Pollak immediately receive all communications concerning the case was, on Hoover's personal instructions, ignored. (154) As an interim measure, Pollak received a more detailed daily memorandum. However, even this practice stopped on June 19, after only seven memos had been sent. (155) Finally, as was noted earlier, both Pollak and Clark indicated a general interest, following the assassination, in the extent to which the FBI was exploring the possibility of conspiracy. Beyond these general inquiries, however, the course and direction of the investigation remained exclusively in the hands of the FBI, with results conveyed to the Justice Department—after the fact—either in the form of monthly field office reports, or in LHM's concerning the resolution of specific areas of inquiry. Active and contemporaneous participation by Justice Department attorneys, for example through the use of a grand jury, the identification of possible witnesses, the use of immunity grants, and the consideration of electronic surveillance, lawful after June 19, 1968, was virtually nonexistent. While further analysis of the grand jury and other investigative tools available to the Justice Department will be included in a later portion of this report, it would be appropriate at this point to include the following excerpt of Mr. Clark's executive session testimony:

Q. Specifically referring to the people in the Department of Justice, Mr. Vinson and Mr. Pollak, how did you perceive their relative roles in this investigation?

A. Well, I guess I didn't see them as having any real role in the investigation. I saw them as backing me up on examining the documents that came through, on thinking about what could and should be done. They were given some special assignments. Fred Vinson went over to London to represent the United States when the arrest was made over there. But I don't recall thinking that they were or should be involved in the actual investigation. (156)

C. Personal relations between the Department and the Bureau

(85) Much has been written of the independence of the FBI under Director Hoover, and the inability of the Department of Justice, and specific Attorneys General, to control, or even be familiar with, the scope and nature of the Bureau's operations. The FBI's COINTEL PRO (counterintelligence program) against Dr. King is one example. The MURKIN investigation, at least to the extent that it reflects the arrogance and independence of various agency personnel, is another.

(86) Throughout the committee's analysis of the FBI's assassination investigation, evidence was disclosed—both in the files during the extensive interviews with FBI and DOJ personnel which followed—instances reflecting a poor and often counterproductive relationship between the investigators of the Bureau and the lawyers at the Justice Department. Examples range from the inevitable, and normally healthy, policy disagreements which may be expected during any lengthy and dynamic criminal investigation, to situations of mutual distrust between members of the two organizations that seriously undermined the possibility of a productive working relationship.

(87) Perhaps the most significant source of friction between the two organizations, beyond the Bureau's apparent inbred fear of departmental intrusion into and control of their activities, was the poor relationship that existed between Attorney General Clark and the FBI Director J. Edgar Hoover. Much of the friction stemmed from basic philosophical differences, characterized by Mr. Clark as "diametrically opposing views of the role of law in a free society." (157) For example, Clark's opposition to the death penalty and general support of the Warren Court defendant-oriented decisions, were strictly at odds with Hoover's more conservative law and order beliefs. (158)

In the same vein, Clark and Hoover differed fundamentally over the use of electronic surveillance in FBI investigations and the AG's unwillingness to authorize requests was a constant source of contention. (159) Finally, and probably of equal overall significance, there was a significant difference in age and experience between the two men. DeLoach, Assistant to the Director in 1968, recalled that while Hoover had great respect from Tom C. Clark (Ramsey Clark's father and a former Attorney General under President Truman before becoming a Supreme Court Justice), he was disturbed by the idea of having to deal with his son some 20 years later. (160) As was so often the case, Hoover's views quickly became those of the FBI rank and file. In interviews with members of the FBI headquarters chain-of-command, it was readily apparent that the Director's basic philosophical disagreements with, and lack of respect for, Attorney General Clark, became prevalent opinions within the Agency. (161)

(88) With this situation as a background, this report now turned to specific instances of difficulty that arose in the DOJ/FBI relationship during the MURKIN investigation:

(89) 1. On April 17, a Federal complaint was filed in Birmingham, Ala., charging Eric S. Galt with conspiracy to interfere with the civil rights of Dr. King (18 U.S.C. 241). Because the assassination and a large portion of the initial investigative activity occurred in Memphis, that city would seem the obvious initial choice for a conspiracy complaint relating to the crime; however, in a memo from Rosen to DeLoach recommending Birmingham, rather than Memphis, as the location for filing, the supporting argument for this choice focused on security considerations and included the statement that "we cannot rely on the U.S. attorney at Memphis. If we tried to file there, we would immediately lose control of the situation and the complaint would become public knowledge." (162) Thus the complaint was filed in Birmingham, city of the rifle purchase.

(90) While Attorney General Clark apparently authorized the filing itself on April 16, 1968, there is no indication in FBI files that the selection of a filing location was discussed either with the AG or with members of the Civil Rights Division in Washington until after the fact. In fact, the memorandum itself clearly envisioned informing AG Clark of the selection of Birmingham and of the circumstances surrounding that decision, only after the filing had occurred. (163)

(91) FBI Headquarters personnel have assured the committee first that normal procedure required the Justice Department to authorize the complaint and the location of its filing, and second that proper procedure was followed in this case. (164) Nevertheless, in interviews with Mr. Clark, Mr. Pollak, and Mr. Pollak's Deputy Assistant Attorney General, Mr. D. Robert Owen, none had any specific recollection of discussing the Birmingham filing, and Mr. Pollak had a "dim recollection" (165) of being surprised when the decision to file in Birmingham was announced, a reaction which would be consistent with the apparent Bureau plans reflected in the April 17, 1968 memo—to inform the AG of the selection after the filing in Birmingham. (165a)

(92) 2. Throughout the period prior to Ray's arrest, FBI files reflect Hoover's irritation over Attorney General Clark's comment to the press concerning the progress of the Bureau's investigation. In response to a report that Clark promised a progress report "soon" on the FBI search for the assassin, Hoover noted: "We are not going to make any progress reports. Our sole objective is to apprehend the assassin not to give blow-by-blow accounts just to appease a selfish press and get cheap headlines." (166) After reading a copy of an April 28, 1968, news article quoting Clark as indicating that there was "no significant evidence that the assassination * * * 'goes beyond the single actor,'" Hoover penned the following notes: "I do wish the AG would stop talking about this case until it is solved."; (167) and on a copy of an article written 2 weeks later citing Clark's "optimism over Ray's imminent capture, Hoover noted: "Still talking!" (168)

(93) Hoover's overall dissatisfaction over Clark's public statements is found in his reaction to an April 24, 1968, Washington Post article, written by Robert Evans and Robert Novak and reporting Hoover's "deep-seated unhappiness" with the AG, "aggravated by Clark's misleading public optimism about a quick solution to the murder of the

Rev. Martin Luther King." Hoover's terse note scribbled on a copy of the article: "Well written." (169)

(94) 3. On June 8, 1968, the day of Ray's arrest in London, relations between the Department and the Bureau appear to have reached their nadir, at least in terms of the MURKIN investigation. FBI files reflect a series of telephone calls and meetings between Attorney General Clark, Cartha DeLoach, and other officials from both Justice and the FBI. Based on a review of FBI files detailing the incidents, the encounters can fairly be characterized as hostile and riddled with mutual distrust. Attorney General Clark's decision to send AAG Vinson to London to coordinate extradition proceedings was immediately resented, and Clark was advised that "this was completely unnecessary if the representative would be going for the purpose of attempting to look into FBI activities;" (170) London Legal Attaché Minnich (171) was then instructed that "while he should confer with Assistant Attorney General Vinson, he should not be 'bossed around' by Vinson or allow Vinson to upset any delicate relations that we have with law enforcement authorities in England." (172)

(95) In addition to the Bureau's resentment of Vinson's role, June 8, 1968, marked a major breach in the relations of Mr. Clark and Cartha DeLoach (until that time Clark's primary liaison with the Bureau on the King investigation). FBI memos reflect the Attorney General's displeasure over the Bureau's failure to keep him fully informed on the recent developments in the case, a disagreement which ultimately caused DeLoach to hang up on Clark during a telephone conversation. Summoned to a meeting in Clark's office immediately after the telephone incident, DeLoach wrote that he brought Assistant Director Rosen "as a witness"—a clear reflection of the erosion of any trust which might have existed between the two men. When interviewed concerning the June 8 difficulties, Mr. Clark and Mr. DeLoach differ in their recollection of the overriding cause of the confrontation. (173) Both confirm its occurrence, however, and Mr. Clark recalled directing Hoover to replace DeLoach immediately with another agent for liaison purposes. The former Attorney General recalled no further contact with DeLoach on the King investigation. (174)

(96) 4. Not surprisingly, evidence of a poor Justice Department/FBI relationship continued to appear after the June 8, 1968, incidents. As was indicated previously, the Attorney General's request of that day that his Assistant Attorney General for the Civil Rights Division, Stephen Pollak, receive all communications (i.e. teletypes, airtels, cablegrams, etc.) relating to the case was ignored 4 days later on the personal direction of Hoover. (175) In addition, internal FBI memos reflect criticism of the Department of Justice for making direct contact with FBI field offices, and thereby failing to remain in the proper channels of communications, (176) and for issuing conflicting instructions to the FBI on the question of dismissing the Birmingham conspiracy complaint against Galt. The latter instance is referred to in one memorandum as a "typical example in the Department of the left hand not knowing what the right hand is doing." (177).

(97) The committee reviewed these incidents in some detail not because the issues raised were of inherent importance, but rather because they, and other incidents not described herein, were one indication of

the nature of the overall relationship which existed between the Justice Department and the FBI in 1968. It is of more than passing significance, for example, that relations between Mr. Clark and Mr. DeLoach were so strained as to require a curtailment of the latter's liaison functions. It is perhaps equally significant that FBI headquarters personnel often viewed the Department as both unnecessarily intrusive and internally mismanaged. These and other incidents are helpful in gaining an overall understanding of the quality of the King investigation, and the respective roles played therein by the Bureau and the Department.

IV. COORDINATION BETWEEN THE BUREAU AND OTHERS

(98) During the course of its assassination investigation, the FBI made contact with, or was contacted by, countless individuals, organizations, and State, Federal, and local authorities throughout the United States and abroad. Often the contacts were simply routine stops in a widespread fugitive investigation; on other occasions, specific leads were being pursued. In addition, random citizen inquiries were received almost daily, the White House expected regular briefings, and the media was constantly seeking information, either through direct requests or investigative reporters.

(99) The Bureau's relationship with these outside individuals and organizations during the MURKIN investigation reflected a variety of elements. On the one hand, the FBI took great satisfaction in their successes—past and present—and relished their reputation as the country's leading investigative agency. Laudatory remarks from public officials were filed and circulated, (178) and cooperative authors were assisted in preparing articles expected to comment favorably on various aspects of the King investigation. (179)

(100) On the other hand, however, FBI files reflected a constant-fear of potentially compromising situations which could tarnish the Bureau's public image, a fear which resulted at times in a type of "we-they," or siege mentality. The outside world was divided into friends and foes: reporters were either for the Bureau (and thereby members of a "special correspondent list") or against, often becoming themselves the targets of FBI investigative efforts. A curious conflict arose in situations where a person possessed potentially valuable information, but at the same time carried a "questionable," or anti-Bureau, reputation that was perceived as a threat to the agency's public image. Through an analysis of these "outside" contacts (which were normally not unique to the Bureau's MURKIN investigation), a clearer picture of the strengths and weaknesses of the agency itself may be gained.

A. Local law enforcement agencies

(101) The term "one-way" street is often used to characterize the FBI's relationship with local authorities during official investigations. The import of the phrase is that while the Bureau is willing to receive, and often solicits information from local authorities during an on-going investigation, it traditionally has refused to release anything in return. Two explanations for this conduct have been offered. First it reflects a legitimate concern for security, especially in fugitive investigations, which dictates that information be released only on a

need-to-know basis. Second, the practice manifests the FBI's strong sense of professional rivalry, resulting during important criminal investigations in a desire not to assist local police departments, investigative reporters (180) or any other interested parties.

(102) During the assassination investigation, the FBI received editorial criticism concerning the lone role it had assumed vis-a-vis major metropolitan police departments. (181) In fact, the Bureau did not totally exclude local authorities from the case. Their assistance was solicited on a number of matters, including comparison of Ray's description to those of suspects in local offenses. (182) use of local latent fingerprint files, (183) display of Ray's photos to witnesses in unsolved crimes (184) and use of local police department investigative files and photographs. (185)

(103) Nevertheless, the contacts with local police departments were made at arms length, and at no time do the files reflect consideration of the potential for employing a task force approach that might have been beneficial in areas peculiarly within the expertise of local authorities. The situation was one in which gains were weighed against potential losses. To the extent that the FBI chose to conceal the nature of its investigation even from local police departments, it insured that no leak would result that could compromise its fugitive investigation. At the same time, however, the one-way streets established by the FBI throughout the country precluded the possibility of a close-knit working relationship with local authorities on matters peculiarly within their expertise.

B. Assistance in the Tennessee murder prosecution

(104) Perhaps the best example of the caution with which the FBI approached local authorities is found in its relationship with the Shelby County officials responsible for investigating and prosecuting James Earl Ray. Federal jurisdiction to investigate Dr. King's assassination was premised on the possible existence of a conspiracy to violate, or interfere with, his civil rights. (18 U.S.C. 241). Simultaneously, local authorities in Tennessee were proceeding with a murder investigation carried out by the Memphis Police Department and scheduled for prosecution by the office of Mr. Phil Canale, district attorney general for Shelby County, Tenn. Because of the limited geographical jurisdiction of the Memphis authorities, and the relative simplicity of their facilities, the FBI's nationwide investigatory apparatus and sophisticated scientific laboratories were of enormous potential value to Shelby County authorities. It is, therefore not surprising that relations between the two offices were harmonious.

(105) Within hours of the assassination, Inspector Zachery, chief of the homicide bureau at the Memphis Police Department, released all available physical evidence to the FBI for analysis in Washington. The evidence remained in the custody of the FBI, either in Washington or Memphis, for almost exactly 1 month, (186) and was used during much of this time for comparison purposes to further the FBI's ongoing, fugitive investigation.

(106) However, despite the apparent harmony in relations between Federal and Tennessee authorities, and the initial cooperation of the Memphis Police Department in supplying the FBI with all physical evidence, it is nevertheless apparent that the FBI approached its

relationship with this local police department with pronounced caution. When the FBI's Memphis field office was approached by local authorities on April 18, 1968, with a request for assistance during Canale's upcoming grand jury proceedings to indict Eric Galt for murder, FBI Headquarters, concerned perhaps over leaks in the fugitive investigation, informed its field office to limit information released to the local police department and prosecutors to that which had already appeared in a public press release. Two weeks later, SAC Jensen received Bureau authorization to testify in the local grand jury proceedings; however, he also received detailed instructions limiting the permissible areas of testimony to various laboratory tests used to identify the fugitive as James Earl Ray.

(107) After the May 7th grand jury proceedings, no additional information was released to the Shelby County authorities, on a formal basis, until after Ray's arrest over 1 month later; then, after the case was solved and the fugitive located, a copy of the "prosecution summary report" (187) prepared by the Memphis field office was released to the local authorities in preparing for trial.

(108) Ultimately, prosecutors in Memphis had access to most of the investigative files in the case. (188) Nevertheless, the limited distribution that had occurred during the ongoing investigation remains an excellent example of the extent to which the FBI has traditionally guarded the substance of its ongoing cases.

V. PROTECTING THE BUREAU'S IMAGE

(109) As was noted previously, FBI files reflect a constant preoccupation with situations which threatened to embarrass the Bureau, or otherwise jeopardize the agency's public image. This tendency is perhaps nowhere more apparent than in the FBI's reluctance, even during an ongoing and challenging criminal investigation, to pursue leads which might associate the Bureau with anti-FBI or otherwise controversial individuals. Some examples follow:

A. Kent Courtney

(110) Shortly after Ray's guilty plea in Memphis, Tenn., on March 10, 1969, Kent Courtney, a New Orleans conservative spokesman and editor of the *Conservative Journal*, was contacted by Jerry Ray, brother of the convicted assassin. Jerry Ray asked Courtney to meet with him in New Orleans to discuss a new attorney to handle his brother's appeal. Jerry also told Courtney that a conspiracy existed, and that James did not act alone. (189)

(111) Courtney immediately contacted the local office of the FBI, seeking "advice as to whether he should meet with Ray or not". (190) He was told to refer his inquiries to Phil Canale, the State prosecutor. Informed of these events, FBI headquarters checked their indices, found information indicating Courtney had opposed the nomination of Abe Fortas to the Supreme Court and was "a rabble rouser and hate monger", and concluded—consistent with the action already taken by its field office—that "the Bureau should in no way, either by implication or direct action, be associated with this individual." New Orleans was accordingly instructed "not (to) have any contact with Courtney". (191)

(112) Instructions were sent to Memphis to conduct a field interview with Jerry Ray. Nevertheless, because of Courtney's character, as reflected in the Bureau's files, the possibility of exploring Jerry Ray's claimed knowledge of the existence of a conspiracy through the publisher, or with his cooperation, was foreclosed. This was, of course, at a time when the FBI's conspiracy investigation was still open. (192)

(113) The FBI's investigation of members of Ray's family will be explored in greater detail later in this report; however, it should be noted here that the Bureau was unsuccessful in its attempt to interview Jerry Ray on this new information. On the advice of J. B. Stoner, his brother's attorney, Jerry Ray refused to talk. (193)

B. Louis Lomax

(114) A situation similar in many respects to that of Courtney developed much earlier in the investigation in the Bureau's relationship with investigative reporter Louis Lomax.

(115) Lomax was an investigative reporter operating out of Los Angeles and writing for the North American News Alliance at the time of the assassination. Within weeks after the assassination, Lomax developed a relationship with Charles Stein, Jr., Ray's driving partner during a mysterious trip to New Orleans in December 1967. (194) Lomax began writing stories containing references to Ray's receipt of a payoff from a New Orleans industrialist and other intriguing conspiracy possibilities. Lomax and Stein also drove to Houston, Tex., in an effort to recreate the first portion of the New Orleans trip, and to locate a telephone booth used by Ray.

(116) FBI files reflected a substantial and time-consuming effort by Bureau field offices to monitor Lomax's investigative activities, and to keep abreast of the results of his efforts, through interviews with Charles Stein, Stein's California relatives, and confidential Bureau sources in a variety of locations including a radio station, (195) a newspaper, (196) a telephone company, (197) a hotel in Los Angeles, (198) and a nightclub in Los Angeles. (199) In addition, extensive memos were written by headquarters personnel. Two such memos, authored on April 30 (200) and May 7 (201) analyzed Lomax's news articles and defended the product of the Bureau's official investigation against Lomax's criticism. A third memo written on May 2, 1968, and including as an attachment Lomax's rap sheet deals with Lomax himself and his past, anti-Bureau activities, and concludes that Lomax is "no good, * * * has repeatedly proven his antagonism toward the FBI, * * * (and is using) his articles regarding the King case as a vehicle to get back in 'big time' television". (202) These memos, written by the FBI Headquarters personnel during the busiest weeks of the MURKIN investigation, are revealing examples of the Bureau's preoccupation with its image and its enemies. In addition, the files reflect, from the beginning, a conscious decision to avoid contact with Lomax. (203) with no apparent consideration given to a field interview, or a grand jury subpoena, to obtain information he claimed to have developed on the King investigation.

C. Jim Garrison

(117) Any number of theories can be proposed to explain the Lomax memos discussed above; one explanation is the apparent concern within

the Bureau that a private investigative reporter would break the case before the Nation's largest domestic investigative agency. This fear was also visible in the Bureau's relationship with Jim Garrison, New Orleans District Attorney and critic of the Bureau's lone assassin theory in the Kennedy assassination, during the MURKIN investigation. (118) On April 12, 1968, headquarters received notice that "a representative of the district attorney, New Orleans, La.," had requested an interview with Walter Bailey, owner of the Lorraine Motel in Memphis, Tenn. No reason for the interview request was given, and it was noted that "based on the information available, it is not known whether District Attorney Garrison is making an attempt to tie the killing of King in with his investigation into the assassination of President Kennedy or whether some ulterior motive exists." (204) Nevertheless, 2 days following the indication of interest by Garrison's office, Alex Rosen, Assistant Director of the General Investigative Division, contacted the New Orleans FBI field office telephonically, instructing the agents to be "most circumspect in its investigation in view of the interest of DA Garrison in this case," and directing that there be "no wholesale showing of photographs in New Orleans." (205) Three days later, in one example of compliance with these instructions, a decision was made, with the approval of Clem McGowan, head of the Civil Rights Section, not to interview one Orlena Miller in the MURKIN case "as Miller was a very close friend of Jim Garrison." (206)

(119) Another, more prolonged example of the Bureau's reluctance to pursue leads associated in any manner with Garrison occurred in May 1968 in a series of communications between Washington and Denver, Oklahoma City, Little Rock, Ark., and Los Angeles, concerning the appropriate manner to pursue a lead on Ray's location involving one Edgar Eugene Bradley. (207) Bradley, who was then involved in fighting extradition to New Orleans in connection with Garrison's Kennedy assassination prosecution, was alleged to have been in recent contact with Ray in Tulsa, Okla. On May 28, 1968, after several earlier memos pertaining to the matter, headquarters directed Los Angeles not to interview Bradley. (207a) Reasons given included the mental condition of the original source of the Bradley lead and Bradley's involvement in the "extradition matter by New Orleans District Attorney James Garrison." Rather, despite the pressing fugitive investigation, the less direct and more time-consuming investigative approach of accounting for Bradley's whereabouts on dates he is alleged to have talked to the source was chosen. Two days later, Bradley learned of the Bureau's field investigation into his past whereabouts and contacted the Los Angeles FBI office, offering his assistance. This in turn prompted a thorough analysis by Los Angeles of the potential embarrassment to the Bureau threatened by different investigative approaches, (208) and a request on June 7, 1968, for headquarters authority to accept Bradley's offer of assistance; the request was withdrawn 3 days later after Ray had been arrested in London.

(120) In retrospect, the committee is in possession of no information that would indicate that curtailment of the MURKIN investigation to avoid association with Garrison jeopardized the ultimate results of the investigation; however, it is also noted that the perspective of hindsight was unavailable to agents during the investigation itself.

D. In search of favorable press

(121) Just as the FBI avoided individuals who posed a threat to their public image, so they courted members of the press and authors who could be counted on to provide favorable coverage of the Bureau's activities. Files were maintained on the writings and editorial positions of correspondents and newspapers, and letters of appreciation under Hoover's signature were sent to acknowledge specific favorable articles. (209) In addition, press officials with whom the Bureau maintained particularly cordial relations were placed on a "special correspondent list."

(122) Also demonstrated during the MURKIN investigation was the FBI's practice of assisting friendly authors in preparing articles or books covering the FBI investigation. One article scheduled for the August 1968 edition of Reader's Digest, which described the FBI's successful fugitive investigation in highly flattering terms, was submitted to the Bureau's Crime Records Division (210) for "review and any changes (the FBI) desired made" prior to publication. The manuscript was reviewed in its entirety, and small changes, including the insertion of two additional references to the participation of Director Hoover and Associate Director Tolson, were made.

(123) The day following Ray's guilty plea, Assistant to the Director Cartha DeLoach proposed a second cooperative effort, with a friendly, capable author, to produce a carefully written, factual book on the investigation. DeLoach noted that "while it will not dispel or put down future rumors, it would certainly help to have a book of this nature on college and high school library shelves so that the future would be protected." (211) In response to an inquiry by Associate Director Clyde Tolson, DeLoach suggested either the Reader's Digest or author Gerold Frank, noting "Frank is already working on a book on the Ray case and has asked the Bureau's cooperation in the preparation of the book on a number of occasions." DeLoach added, "we have nothing derogatory on him in our files, and our relationship with him has been excellent." (212)

(124) On March 12, 1969, Hoover approached DeLoach's two-part recommendation. Nevertheless, 1 week later, in response to a second memorandum directed to Thomas Bishop, Assistant Director of the Crime Records Division, by a member of his Division, and recommending "cooperation with the Reader's Digest and (author) Jim Bishop on his book, Hoover apparently reverses his position, noting "I think we should wait and see what move Ray makes to reopen his case." (213)

(125) In an interview with the committee, Assistant Director Bishop stated that the Bureau ultimately did not cooperate with any author on the King case, offering as a reason Hoover's concern that the resulting publicity would jeopardize the Government's ability to uphold Ray's conviction on appeal. (214) In addition, no further evidence of evidence of active cooperation with any author was found in FBI files. On the other hand, it is also clear that portions of Frank's 1971 book, "An American Death," bear striking similarities to the FBI reports covering the same subject matter. It seems quite likely, therefore, that the author had access to FBI documents through some source prior to the preparation of his book. Possible sources include, in addition to the various offices of the FBI, both the Department of Justice and the

Shelby County prosecutors in Memphis, Tenn. Frank refused to disclose his sources during an interview with the committee. (215)

VI. INVESTIGATIVE METHODOLOGY

(126) A variety of investigative techniques were available to the Department of Justice and its investigative arm—the Federal Bureau of Investigation—during the assassination investigation. Some, such as field interviews, record checks, informant coverage, laboratory analysis of physical evidence, and undercover surveillance—all capable of being implemented by the FBI and its agents acting on their own—were used extensively during the investigation.

(127) To this extent, the investigation presents an excellent case study in traditional FBI police work. Other investigative methods, specifically those which would have required active coordination with, and participation of, Department of Justice attorneys, such as search warrants, electronic surveillance, immunity grants and the grand jury are conspicuously absent. In the following pages, an attempt will be made to understand this situation, and to determine whether it reflects a deficiency in the investigation.

A. Grand jury

(128) In 1968, the early involvement of Department of Justice attorneys in the FBI's criminal investigations was comparatively rare. (216) Traditional roles of the two bodies were clearly defined, with the Bureau responsible for the "investigation" of the case and the attorneys, once presented with a complete investigative package, responsible for the prosecution. In part, this practice reflected FBI resistance in any departmental efforts to oversee or intrude upon the investigative process. In part, it reflected the reluctance of attorneys to become involved in work outside of the court room.

(129) Perhaps the best example generally of cooperation between attorneys and agents in the investigative process is in the use of a grand jury. Reluctant or adverse witnesses are summoned before a group of lay jurors and, in a confidential proceedings, asked to provide evidence on a specified matter. Grand jury subpoenas can be issued for records, as well as for testimony, and witnesses refusing to answer questions on fifth amendment grounds can be compelled to testify through the employment of a grant of immunity. The grand jury has been particularly effective historically in official corruption, organized crime and major criminal conspiracy cases, crimes in which the evidence, either because of the reluctance and fear of the witnesses, or the inherent secrecy of the criminal act, are difficult to crack through ordinary field interviews, laboratory analysis and a search for the crucial eye witness.

(130) A review of the FBI and Justice Department files reflected only one instance prior to Ray's plea in which the Bureau and the Department considered, as an investigative alternative, empanelling a Federal grand jury to secure the testimony of a witness. (217) In late August 1968, William Bradford Huie, an author who wrote both magazine articles and a book, "He Slew the Dreamer", about the assassination, interviewed Harvey and Clara Klingeman, former employers of James Earl Ray, while doing research for his writings.

During the interview, Huie indicated that he had entered into a contract with James Earl Ray and Arthur Hanes, Sr., Ray's attorney, to fund the defense through his writing. Huie showed the Klingemans pieces of paper with Ray's handwriting on it, and gave the Klingeman's details of a vague conspiracy to kill King in which Ray was only an unwitting dupe. (218) On August 24, the FBI began internal consideration of means to secure Huie's evidence, including seizure of the author's notes, through use of a search warrant or a grand jury subpoena, or the taking of Huie's testimony in a grand jury. Three days later the matter was raised with D. Robert Owen, Deputy Assistant Attorney General of the Civil Rights Division, (219) and Federal prosecutors initiated what turned out to be a lengthy and ultimately inconclusive consideration of the Bureau's alternative proposals. (131) Meanwhile, the Birmingham field office was contacted, apparently coincidentally, by Huie himself, and receive a rather extraordinary offer from the author. Huie stated that he was in "constant contact" with Ray through the defendant's attorney, although he had been denied personal access to the prisoner by the trial judge, W. Preston Battle. The author offered to turn over to the FBI on a confidential basis all information received from the defendant both in the past and in the future (including names of cities, States, places, maps and individuals contacted by Ray, as well as activities from the date of his escape from prison to his apprehension in England), if he could be given current, nonpublicized photographs of Ray of character type and was afforded personal access to the prisoner. Huie then requested that the interview be kept confidential. (220)

(132) FBI officials conveyed this new information to the Justice Department on September 10, 1968, along with a request for permission to inform Mr. Phil M. Canale, Jr., State Attorney General, of Huie's evidence, and a request that the Department give consideration to the urgency of making a determination as to the course of action it desires to follow in this matter, in light of the upcoming November 12, 1968, trial date in Memphis. (221) The Birmingham field office was advised not to bargain with Huie, and to keep headquarters informed of any further approaches by the author.

(133) Within the Department's Civil Rights Division, which was ultimately responsible for any Federal conspiracy prosecution, and therefore most keenly interested in the evidence possibly in Huie's possession, a lengthy memorandum of law was drawn up exploring practical and legal problems inherent in the use of the search warrant or the grand jury subpoena. Despite the Bureau's request that the Department also consider taking oral testimony from Huie before a grand jury, the memo reflected no consideration of this alternative. Clearly—and justifiably—concerned over possible damage to the State and potential Federal prosecutions that would result from an invalid search warrant, (222) Pollak ultimately recommended cautious use of a search warrant under tight, specifically defined procedures including requesting Huie's unconditioned cooperation prior to use of the warrant. Pollak's memorandum was transmitted to the Attorney General (223), and the FBI was asked to postpone any disclosure of information to the local prosecutors until a decision was reached by the Department. (223a)

(134) On October 4, 1968, 5 weeks after the matter was first submitted to the Department, the Bureau sent another memorandum to AAG Pollak, reminding him that Canale had not yet been informed of Huie's evidence and asking for a decision concerning the possible employment of the search warrant or grand jury subpoena. No response of any type was given, however, until November 7, 1968, when, after circulation of Huie's first Look magazine article, (224) the Department asked the Bureau to investigate certain leads suggested by the article. (225) The same procedure was followed 1 week later, (226) following release of Huie's second, Look magazine article. (227)

(135) Then, on November 27, 1968, 3 months to the day after the initial FBI request, a short memo is sent to the FBI:

This responds to an inquiry from your Bureau. We have no present plans to obtain a search warrant or issue a subpoena in order to obtain the notes and letters in the possession of William Bradford Huie, allegedly received by him from James Earl Ray through Attorney Arthur Hanes. (228)

No mention was made of the possibility of securing Mr. Huie's oral testimony before a grand jury, and no steps were taken by Federal prosecutors then, or at any later time, to secure that testimony. (229) In February 1969, prior to Ray's plea, Huie was called before a local grand jury in Shelby County conducted by District Attorney General Canale to secure testimony concerning a variety of matters, including the possibility of co-conspirators in the Tennessee murder case.

(136) Beyond this one instance, the FBI never formally proposed the use of a grand jury during their assassination investigation. Different explanations for this situation were given by various members of the FBI's headquarters staff during their interviews with the committee. Alex Rosen, Assistant Director of the General Investigative Division, noted that the Bureau traditionally resorted to the grand jury only after all other investigative methods had failed. Since active leads existed until Ray's arrest, the grand jury was unnecessary. In addition, Rosen raised the possibility that an active field investigation and a simultaneous grand jury investigation could wind up on different tangents, and expressed some concern over the premature publicity of confidential information which might result from involvement of a local U.S. attorney in a grand jury proceedings. (230)

(137) Additional reasons given by FBI headquarters personnel for the absence of a grand jury investigation included a general feeling that people were cooperating during field interviews, neither withholding information, nor giving false information; (231) the Bureau's customary practice of not bringing the prosecutor into the case until the matter was ripe for indictment; (232) a concern about the tenuous jurisdiction supporting the FBI's investigation; (233) a skepticism about the value of this investigative approach, considering the probability that a prospective target would either perjure himself or assert the fifth amendment; (234) a fear over loss of control of the investigation that would result from the participation of Department attorneys; (235) and a feeling that the FBI's field investigation had solved the case, making a grand jury unnecessary. (236)

(138) Department of Justice officials interviewed by the committee were, in many cases, no more impressed with the potential value of the grand jury in the assassination investigation than were their FBI counterparts. Assistant Attorney General Vinson of the Criminal Division noted that the grand jury is, comparatively, an inefficient and laborious means of investigation, and stated that every effort should be made to run out the "leg investigation" before resorting to this approach. (237) Steven Pollak, Assistant Attorney General of the Civil Rights Division, stated that the grand jury was not used in investigations where individuals were cooperating, and described the use of grand jury in civil rights investigations as relatively rare. To the best of Mr. Pollak's recollection, the use of a grand jury in the assassination investigation never became an issue.

(139) Attorney General Clark similarly had no recollection of consideration of a grand jury in the investigation; (238) in addition, he was emphatic in his belief that it could not have furthered the investigation:

A grand jury would have no conceivable utility in the investigation of this case and one in Birmingham (referring to the Federal complaint filed on April 17, 1968, in Birmingham, charging Eric S. Galt with conspiracy to interfere with Dr. King's civil rights.) It would be hard put to add to our ability to solve the matter. (239)

(140) In part, Mr. Clark's skepticism concerning the productivity of a grand jury investigation, is explained by a strong philosophical and practical opposition to the use of a grant of immunity to compel the testimony of witnesses asserting their privilege against self-incrimination under the fifth amendment:

I have, you know, very strong feelings that the fifth amendment relates fundamentally to the integrity of the individual. I think that—this would nowadays offend some people but this is what Christ was talking about when Pilate asked him whether he was the king of the Jews, and he said "Thou sayest it." I am not going to bend my knee. You can't compel me. I am a human being; I have my rights * * *. I think it is coercive, it is distortive, the abuses that you see under it far exceed the benefits that you derive from it, but finally, in a society devoted to freedom and dignity, it is not the way to determine facts. (240)

(141) Using his own words, Mr. Clark saw the grand jury generally speaking "as a shield, not a sword", (241) in existence to protect the individual from unwarranted charges of criminal conduct, and not as a means of supplementing the criminal investigative process.

(142) Against this background, and considering the general tension that existed between the FBI and the Department, the desire of the Bureau to control the investigation, and the general concern for security during Ray's fugitive period, it is perhaps not surprising to observe the absence of consideration of grand jury work reflected by the files during the first crucial months of the assassination investigation. Numerous situations arose, however, of uncooperative witnesses,

such as Charles Stein in Los Angeles, who refused to provide the Bureau with the names of several of Ray's associates he and investigative reporter Louis Lomax claimed to have located during their private investigation; (242) several of Ray's inmate associates, (243) all potentially capable of providing information on the mysterious "Cooley Organization" at Missouri State Prison; or the individual considered by the FBI as the "most likely suspect" in a search for the person responsible for the transmission of a false CB broadcast in Memphis 30 minutes after King's assassination, and who denied making the broadcast in his FBI interview. (244).

(143) Similarly, a grand jury might have been used to some advantage in tracing the possible involvement of Ray's brothers, John and Jerry Ray; (245) or in resolving blatant conflicts of testimony between the source of a conspiratorial allegation, and the parties implicated by that allegation; (246) or in the investigation of leads pertaining to members of extremist organizations, such as the National States Rights Party, the White Knights of the Ku Klux Klan, or the Minutemen, individuals who could normally not be relied upon to be totally candid or cooperative in interviews with agents of the FBI.

B. Electronic Surveillance

(144) At the time of Dr. King's assassination, the FBI was required to submit all proposed "non-consensual" electronic surveillance—either by "wiretap" (that is, electrical connection attached to telephone wires), or "bug" (a concealed listening device used to pick up conversations in the immediate vicinity), to the Attorney General for his approval prior to installation. "Consensual" electronic surveillance (for example through a transmitter worn on the body of an undercover agent during a conversation with the suspect), although clearly legal under decided case law, was monitored by the Justice Department and approved, prior to use, by the appropriate Assistant Attorney General. (247) Because of these authorization procedures, electronic surveillance was another tool requiring coordination between Justice Department attorneys and FBI investigators during the investigative process.

(145) After assuming the position of Acting Attorney General in 1966, Ramsey Clark devoted much of his time to procedures for monitoring and minimizing the FBI's use of electronic surveillance. A quarterly reporting system was established requiring the FBI to submit to the Attorney General a "list of all taps installed, all taps taken off, all taps pending at the beginning of the period and in place at the end of the period." (248) In addition, Mr. Clark made it clear in personal discussions with Mr. Hoover that he did not approve of wiretapping except in the national security area, (249) and that their use would be limited very severely even in that area. (250).

(146) The committee's file review reflects only very limited consideration, and no actual use, of non-consensual electronic surveillance (that is wiretap or bug), during the FBI's assassination investigation. It seems reasonable to assume that this dearth of activity resulted in large part from Mr. Clark's known opposition to non-consensual electronic surveillance as an investigative tool except in the area of national security. In addition, it also undoubtedly reflected the limits placed on the use of electronic surveillance by the

Supreme Court in the decisions of *Berger v. State of New York*, 388 U.S. 41 (1967), and *Katz v. United States*, 389 U.S. 347 (1967).

(147) Despite those obstacles, on May 9, 1968, the FBI, clearly concerned about their inability to locate the illusive Ray, initiated internal consideration of technical surveillance (that is wiretap) and "microphone" surveillance (that is bug) against John Larry Ray, Carol Pepper (Ray's sister) and the Grapevine Tavern, a business jointly owned and operated by the two relatives. (251) Apparently trying to fit the request into Attorney General Clark's national security preference, the justification used on the May 13, 1968, authorization request transmitted to the Justice Department reads as follows:

These installations could assist in the early apprehension of the subject, which could possibly be instrumental in reducing the stresses and tension placed on our *national security* subsequent to the death of Martin Luther King, Jr. (Italic added.) (252)

(148) There are several, significant aspects to this electronic surveillance request. First, while Dr. King's assassination triggered immediate, nationwide rioting in April 1968, it is clear that these disturbances had widely subsided by the second week in May, the time period of the FBI's request for electronic surveillance; thus, it seems fair to characterize the national security justification as insubstantial.

(149) In addition, however, it is clear that the requested electronic surveillance, if installed, would almost certainly have been judged illegal under 1968 constitutional standards. The purpose, stated explicitly in FBI memoranda discussing the proposal, was to surveil the family in hopes of catching the fugitive, and not to gather evidence of the commission of a crime by Carol Pepper or John Larry Ray. Moreover, as to Carol Pepper at least, there was no significant evidence in FBI files to indicate her involvement in any criminal activity—even harboring. Absent a clear threat to national security, or probable cause as to the commission of a crime that might have justified an effort to secure a judicial warrant, no basis existed for the implementation of this surveillance. Moreover, it is clear that the FBI recognized their difficulties, for in an internal memorandum analyzing the legality of the proposed surveillance, the conclusion was reached that the proposed installation is unconstitutional as to the Peppers and that they have at least a theoretical cause of action for damages against those who have installed the devices by trespass. (253) The willingness of the FBI to proceed with this investigative approach in the face of their own recognition of its unconstitutional nature, reflects an absence of concern for the rights of the surveillance targets.

(150) Finally, the FBI's proposal was a clear indication either of the Bureau's failure to seriously consider the possibility of conspiratorial involvement by members of Ray's family, or of its reckless disregard for the damage that this investigative approach could have done to any later prosecution of Ray's brothers. Assuming, as the Bureau apparently did, the illegality of the proposed electronic surveillance, any evidence of conspiracy interceded by the tap would have been inadmissible against individuals with standing to contest that illegality; in addition, the installation of an illegal tap or bug would have raised significant taint problems, and seriously jeopardized the ability to use

any subsequent developed evidence in a later conspiracy prosecution. (254)

(151) The problems that could have been created by the FBI's proposal never materialized. While Attorney General Clark has no recollection of receiving or acting on the request it seems clear from the files, and from various interviews, that the proposal, although sent, was neither authorized nor implemented. (255) Harold F. Dodson, MURKIN case agent in the St. Louis field office (responsible for the areas of proposed electronic surveillance), authorized no electronic surveillance in the MURKIN investigation, and stated specifically that there were no surreptitious entries into the Ray family residences or the grapevine. (256) In addition, a review of the St. Louis field office files, and of the headquarters MURKIN files, produced no evidence of the implementation of the proposed electronic surveillance. In a June 11, 1968 memorandum (257) to Attorney General Clark, Director Hoover withdrew the May 13 request for electronic surveillance in light of Ray's apprehension in London.

(152) Earlier in this section, it was noted that 1967 Supreme Court decisions severely limited the use of electronic surveillance in criminal investigations. This situation changed on June 19, 1968, with the passage of title III of the Omnibus Crime Control and Safe Streets Acts of 1968, an act that permitted the use of court-authorized electronic surveillance by law enforcement officers in the investigation of certain enumerated crimes, including murder. Despite the potential for imaginative investigative efforts offered by the act, President Johnson publicly announced, in signing title III into law, that the administration's established policy of confining wiretapping to national security cases would continue in force, and instructions were sent to Attorney General Clark to continue to limit electronic surveillance accordingly. (257a) Not surprisingly, therefore, FBI files reflect no further attempts to implement electronic surveillance as part of the assassination investigation.

VII. JAMES EARL RAY—THE ULTIMATE SOURCE OF INFORMATION

(153) The evidence against James Earl Ray at the time of his arrest on June 8, 1968, constituted a strong, albeit circumstantial case. A confession would have strengthened the Government's position; however, it was certainly not essential to the prosecution.

(154) On the other hand, information which Ray might possess on the separate question of conspiracy would have been (and remains), potentially invaluable. It is therefore important to determine both the adequacy, and the legality, of the steps taken by the Department of Justice and the FBI in pursuing this source of information.

A. Post-arrest interview

(155) At the time of his arrest, Ray was placed in the custody of Scotland Yard, and was unavailable for interview until after his arraignment on June 10, 1968. (258) A formal FBI request to interview Ray was lodged with the British Attorney General, who decided as of June 24, 1968, that the request would not be conveyed to the Governor of Prisons until after Ray's extradition. (259) Wilbur Martin-dale, a unit chief in the Civil Rights Section who was in London at this point because of his knowledge of the case and his potential value

in interviewing Ray, was sent back to the United States (260) and the Bureau, along with the Department of Justice, began to consider the feasibility of interviewing Ray during his trip back from London to the United States. (261)

(156) On July 11, 1968, the possibility of such an interview diminished somewhat when Arthur Hanes, Sr., wrote Attorney General Clark requesting that his client not be interviewed, or interrogated by any member of the Justice Department, unless done in (his) presence. In addition, Hanes asked that he be able to accompany his client on the trip to the United States, if extradited. (262) Concerned that the presence of an attorney during transportation of a witness would provide a bad precedent, (263) in addition to posing other potential problems, Attorney General Clark and Director Hoover decided to deny Hanes' request to accompany his client, (264) and on the following date Assistant Attorney General Vinson, who had been appointed by Clark to oversee the London extradition proceedings, formally recommended to the Director that no effort be made to interrogate Ray on his return trip to the United States. The recommendation was based on Vinson's grave doubts that the prosecution could demonstrate a knowing and intelligent waiver of Miranda rights by Ray—regardless of the actual facts—considering Hanes' earlier request and the added factor that, on his trip back, Ray will be in restraining devices on a military aircraft. (265) Vinson did note, however, that this did not mean that statements volunteered by Ray may not be used under some circumstances. (266) Following up on this possibility, Wilbur Martindale was assigned as one of four FBI agents who would accompany Ray on the return trip. Ray did not speak, eat or drink, during the flight home, however, and was even reluctant to take aspirin provided by an accompanying military physician after he complained of not feeling well. (267) Thus, no inculpatory or otherwise valuable information was received from Ray during the trip.

B. The FBI and Ray prior to the guilty plea: attorney/client privilege problems

(157) Efforts to interview Ray ceased with his return to Tennessee, and it was not until after the guilty plea in March 1969 that renewed consideration was given to a direct approach of the defendant. (268) Nevertheless, FBI files reflect, almost from the moment of Ray's arrival, a strong interest in the prisoner's activities, visitors, thoughts and communications. At times, this curiosity was harmless. At times, however, it reflected a disregard for the prisoner's attorney/client relationship and for his right to privacy during the preparation of his defense.

(158) Prior to his return to the United States, Ray retained Arthur Hanes, Sr., to represent him in the Tennessee murder trial. Hanes was Ray's primary attorney until November 10, 1968, when Ray fired him and brought in Percy Foreman.

(159) On September 18, 1968, Hanes filed a motion before trial Judge Preston Battle seeking to modify various aspects of his client's conditions of confinement. During the evidentiary hearing held on September 30, 1968, to determine the facts underlying the motion, testimony was taken on various subjects, including the methods used to

monitor Ray's mail; Capt. Billie J. Smith of the Shelby County Sheriff's Department stated that Ray's general mail was read and censored, but then assured the Court that written material passing between Ray and his attorney was perused for security purposes only, and was not read to determine the contents. (269). Following the hearing, Judge Battle memorialized this procedure in the form of a judicial order, and in a teletype sent from the FBI's Memphis field office to Washington, the essence of the court's ruling was conveyed as follows:

Judge Battle ruled that written notes exchanged between Ray and his attorney are privileged. However, the Shelby County Sheriff or his designated agent has the authority to peruse these notes to determine if there is any attempt to breach security of the jail. *These notes should not be perused for the purpose of ascertaining the full contents of the message.* (Emphasis added.) (270)

(160) Despite this indication of clear understanding of Judge Battle's order, however, the need of the Memphis FBI Office to monitor Ray's activities apparently proved overpowering. Within the month following the order, no less than three letters from Ray to his attorney, Arthur Hanes, were intercepted at the prison, photocopied, passed to the FBI's Memphis field office and transmitted to FBI Headquarters in Washington. (271) In addition, on one occasion, the covering memorandum sent to Washington directed the reader's attention to particularly interesting parts of the letter:

Of significance, Ray in his letter to Hanes requests that Mr. Huie not go to any of the addresses in Miami until after the trial. In this connection, Ray also states "that part of the story just covers a few days anyhow and is not too important." (272)

(161) Robert Jensen, SAC of the Memphis office, conceded in interviews and executive session testimony that his signature or initials were on memos transmitting two of the three memos, (273) and speculated (although he could not recall definitely), that the source of the letters was the Shelby County Sheriff. (274) Jensen felt that the letters were volunteered to him, rather than being solicited by the Bureau; (275) he had no recollections of informing the State prosecutor or defense counsel of his receipt of the letters. (276) He did not consider the possibility that receipt of privileged information might taint the prosecution, and (277) explained the situation as follows:

Where the U.S. Government or the FBI or the Justice Department has an interest in a matter and I am volunteered information relative the matter, I am afraid that I would accept it, and I think this is what happened in this case. (278)

(162) This was not, it should be noted, the only example of mail interception found in the FBI files, which also contained correspondence between Ray and J. B. Stoner, (279) Trial Judge W. Preston Battle, (280) Jerry Ray, (281) William Bradford Huie, (282) and Mrs. Carol

Pepper. (283) Moreover, it was not the only time in which the conduct of the Memphis office intruded upon the privacy of the defense camp. On at least one occasion, the office received information concerning the planned defense strategy of Arthur Hanes, Sr., during the upcoming trial. In conveying the information to Washington, Memphis added the following caveat: "Above for Bureau's information only and is not being disseminated to local authorities lest we be accused of interfering with client/attorney relationship." (284) And on August 26, 1968, after receiving copies of a map drawn by Ray of his Missouri State Prison escape and of questions sent to Ray by author William Bradford Huie, the Memphis field office noted that "since there is some question that this information may be privileged, it is not being disseminated and will not be put in a report." (285)

(163) In view of the inherent confidentiality which attaches to communications between a defendant and his attorney, a privilege which was not created, but only reinforced, by Judge Battle's order of September 30, 1968, the knowing involvement of FBI's Memphis office in the receipt and transmission of Ray's letters to Hanes stands out as both illegal and potentially injurious to subsequent prosecutions. (164) On October 31, 1 month after Judge Battle's order, FBI Headquarters, using a carefully worded directive initialed by Clyde Tolson, Cartha DeLoach, Alex Rosen, and others, instructed the Memphis office as follows:

In view of the above order of W. Preston Battle (referring to Sept. 30, 1968, order), you should not accept any written communication from the sheriff regarding correspondence between Ray and other individuals. If it is not in violation of the court order you may accept information from the sheriff if he volunteers this information and it is on an oral basis only. (286)

(165) With the receipt of this directive the Bureau's practice of receiving photocopies of Ray's correspondence apparently ceased. There is no evidence in files reviewed by the committee that knowledge of the operation, or of information found in the intercepted mail, spread beyond the Memphis field office and FBI Headquarters in Washington. (287)

C. Post-guilty plea interview: Miranda problems

(166) Immediately following Ray's guilty plea on March 10, 1969, at the initiative of Assistant Attorney General Jerris Leonard of the Civil Rights Division (who had replaced Stephen Pollak with the change in Presidential administrations in January 1969), consideration of various approaches to Ray began. Alternatives considered included an immediate interview, (288) an interview at some later date, and testimony under oath before a Federal grand jury. The action was being taken in light of President Nixon's reported plan "to take the position in a future press conference that the Federal Government was continuing to give intensive interest to the possibility of existence of a conspiracy." (289)

(167) An immediate decision was made, following a discussion between Leonard, Rosen, and Martindale, to clear an interview of Ray with the appropriate people (290) and by March 12, the Memphis field

office had contacted Canale, Ray's attorney-of-record Percy Foreman, (291) and Harry Avery, Commissioner of the Tennessee Department of Corrections. Foreman, after an informative discussion with the Houston FBI office concerning his relationship with his client and various statements Ray had made about the case, approved the interview of his client in his absence. (292) Neither Canale nor Avery interposed any objections.

(168) The interview itself was conducted by Robert Jensen, SAC of the Memphis office. Authority for the FBI to conduct the interview on their own was given by D. Robert Owen, (293) Deputy Assistant Attorney General of the Civil Rights Division, and in an interview with the committee Owen recalled no consideration of the possibility of having a Department attorney present during the interview. Director Hoover gave specific instructions that results of the interview be given first to him prior to dissemination to the Department. (294)

(169) Jensen's interview with Ray lasted 50 minutes, and covered a variety of topics—including Ray's dissatisfaction with his attorneys, his plans to reopen his case, Charles Stephens, Charles Stein, the FBI (a TV show), fingerprints on the rifle and Inspector Butler of Scotland Yard. Ray provided no evidence supporting the possibility of a conspiracy. (295)

(170) Ray was not accompanied by an attorney during the interview; nor was he informed specifically of his right to have a lawyer present; his right to terminate the interview at will; his right to remain silent; or the Government's ability to use his statements against him at a later date (i.e., *Miranda* rights). In an interview with the committee, SAC Jensen confirmed that he did not advise Ray formally of his *Miranda* rights, explaining that surrounding circumstances, including Ray's extensive criminal record, indicated that he was aware of his rights without formal notification. Moreover, Jensen stated that the interview was not a hostile one, that he had called the guard to terminate the interview when Ray stated he wished to leave, and that he changed the subject matter of the interview when Ray refused to continue along a specific line. (296) Accepting, for the moment, the accuracy of Mr. Jensen's recollections, the fact remains that this interview of Ray was the first official effort to gain information on the possibility of conspiracy from the self-confessed triggerman. The ability to use any statements Ray may have given, in a subsequent trial of the prisoner on conspiracy charges, would depend on being able to survive a motion to suppress the statements that would automatically be filed by any defense counsel, certainly a foregone conclusion in light of the failure of this experienced FBI agent to observe routine interview procedures through the administration of *Miranda* rights prior to questioning.

(171) A second effort was made to interview Ray the following day and Ray refused. With the interview approach comparatively unproductive, consideration turned to the possibility of compelling Ray's testimony before a grand jury. Assistant Attorney General Leonard recalled extensive consideration of this possibility within his division, and felt that his proposal met fairly stiff internal opposition; (297) he did not recall whether any of this opposition emanated from the FBI, and was not certain which specific attorneys objected to this course. Neither former Attorney General John Mitchell (298) nor D. Robert Owen, Leonard's Deputy Assistant Attorney General, (299)

recalled active consideration of the grand jury alternative immediately following Ray's plea.

D. Official approaches of James Earl Ray in 1970 and 1976

(172) In September 1970, Assistant Attorney General Leonard asked Mr. K. William O'Connor, Chief of the Criminal Section of the Civil Rights Division, to review the file on the assassination case, and bring him up to date. (300) Shortly thereafter, a meeting was held between O'Connor and Bernard Fensterwald, Ray's attorney, and Ray was offered an opportunity to appear voluntarily before a Federal grand jury to provide whatever evidence he possessed on the conspiracy issue. Fensterwald recalled at least the intimation that the Department would make efforts to get the sentence against Ray reversed and to secure a new identity for him through the witness protection program, (301) if his client cooperated and provided useful information. O'Connor did not recall the specifics of the offer he conveyed, but was certain Fensterwald received the impression that the Department would attempt to better Ray's situation if he provided valuable information. (302) Ray rejected the offer, explaining to Fensterwald that he did not believe he could say enough to satisfy the Department and stating that in testifying he would be signing his death warrant.

(173) After Ray's decision not to cooperate in 1970, no further efforts were made either by the FBI or the Department of Justice to talk to Ray until 1976, when the Department, as part of an internal review of the FBI's MURKIN investigation and Security and COIN TELPRO operations against King, attempted to conduct an interview. Ray refused to meet with members of the review force. (303)

VIII. THE CONSPIRACY INVESTIGATION

A. The official findings

(174) The ultimate conclusion of the Federal assassination investigation performed by the Justice Department and the Federal Bureau of Investigation was that James Earl Ray, acting alone, killed Martin Luther King, Jr. Moreover, during the extensive interviews conducted by the committee on the subject of the MURKIN investigation, no dissent from this conclusion was voiced.

(175) Director Hoover's views on the issue of conspiracy are clearly stated in a memorandum which he wrote on June 20, 1968, summarizing a discussion with Attorney General Clark. At one point during this conversation, Hoover told the Attorney General that "in Ray's case, we have not found a single angle that would indicate a conspiracy." Later in the discussion, he added his personal opinion that "he (Ray) acted entirely alone," but then assured the Attorney General that "we are not closing our minds that others might be associated with him and we have to run down every lead." (304)

(176) In a recent interview with the committee, Attorney General Clark indicated his agreement with these investigative findings, and added that the Bureau was probably more inclined to view the assassination in conspiratorial terms than he was. (305) It was Mr. Clark's instinctive feeling that Dr. King's death resulted from the act of an eccentric racist loner, and that Ray's reference to a "broth-

er" during the rifle exchange in Birmingham the week before the assassination—the remark which was to provide the factual basis for a Federal conspiracy complaint filed in that city approximately 2 weeks after the assassination—was merely an excuse created by the assassin on the spur of the moment, rather than sound evidence of conspiracy.

(177) Additional evidence of the Department's agreement with the results of the FBI's investigation is found in an August 20, 1968, memorandum from AAG Fred Vinson, Jr., of the Criminal Division, to the Deputy Chief of the Organized Crime and Racketeering Section, (306) in which he wrote that:

While we weren't prepared to announce publicly that we had proved a negative, I was personally satisfied that a thorough job had been done of running out all leads with respect to any connection Ray might have with any sort of conspiracy and that we had come up with nothing. I told him that, to the contrary, our information indicated that Ray was a loner, a shy, reticent person who didn't even have many acquaintances, and that we were pretty well satisfied that he had no independent source of finances.

(178) Moreover, the opinions of Mr. Clark, Mr. Vinson, and Mr. Hoover described above represent the consensus of opinion of those FBI supervisory personnel and Justice Department officials who participated in the assassination investigation and who were interviewed on the subject by the staff of the committee.

B. The investigation

(179) It would not be correct to conclude, based on the ultimate finding of "no conspiracy" reached by the investigators, and the lawyers who supervised the original investigation, that a conspiracy investigation was not conducted. In fact, FBI investigative files reflect, almost from the moment of the assassination, a consciousness within the Bureau of the possibility of conspiracy surrounding the crime. During the first 2 weeks of the investigation, the primary focus was clearly directed toward ascertaining the true identity of the individual who dropped the bundle of evidence and the 30.06 rifle while fleeing the crime scene. However, even during this initial period, directives from Washington were phrased in terms of identifying the "person or persons responsible for the assassination of Martin Luther King, Jr." (307) (emphasis added), and it is apparent that investigators were, even at this early date, sensitive to circumstances which suggested the possibility of conspiracy.

(180) Perhaps the best example of the FBI's general awareness of, and willingness to consider, a conspiracy angle in the assassination investigation is found in an "All-Sac" teletype issued on April 26, 1968, 3 weeks after Dr. King's assassination. (308) Two days earlier, headquarters had completed a review of the main Bureau file on Martin Luther King (ironically created during the security investigation of the civil rights leader), and had identified and documented approximately 50 prior threats on Dr. King's life. (309) These threats were set out in investigative leads and transmitted to

the appropriate field office for resolution. Accompanying the leads, in the April 26 teletype noted above, were the following instructions:

The main file on King has been reviewed at the Bureau and leads are being sent out concerning persons involved in prior threats against King. These leads as well as leads concerning any other suspects developed from any source must be given immediate and thorough handling on a top priority basis. Process has been obtained against James Earl Ray and extensive investigation is continuing to locate Ray and to establish motive of crime. *You have been and will be furnished information relating to other possible conspirators. These must all be thoroughly resolved no matter how remote.* (Emphasis added.) (310)

(181) The truest indication of the FBI's overall sensitivity to the conspiracy possibility, however, occurred after Ray's arrest on June 8. While cost data indicated a significant overall reduction in Bureau expenditures at approximately the time of Ray's arrest, FBI files still reflected a limited number of additional, conspiracy-oriented investigative leads. The major, post-arrest focus, an attempt to determine the source of Ray's funds through an intensive reinvestigation of the July 1967 Alton Bank robbery, certainly stemmed almost entirely from the Bureau's awareness that Ray's extensive expenditures during 14 months of freedom strongly suggested the possibility of association with as-yet-unidentified individuals.

(182) In addition to the funding concern, files reflected efforts over the months following Ray's arrest to (1) identify possible criminal associates through a recheck of the New Rebel Motel in Memphis; and of motels, hotels, and roominghouses in Birmingham for the time period of the rifle purchase; (311) (2) to investigate the possibility that a Louisiana State Policeman was, in fact, the mysterious "Raoul"; (312) (3) and to interview Ray himself on the issue of conspiracy. Thus, while officials in both the Justice Department and the FBI were rapidly reaching a unanimous no-conspiracy conclusion, this did not prevent at least a limited amount of conspiracy-oriented field investigation even following Ray's arrest.

(183) Despite these efforts, however, the committee's review of both the evidence within the FBI files indicating specific conspiratorial possibilities, and of the investigative techniques employed by the Bureau and the Department of Justice in resolving these leads, did not disclose a basis for confidence in the official conclusion that responsibility for Dr. King's death did not extend beyond the triggerman. In fact, the committee's review revealed serious defects in both the focus, and the method, of the overall conspiracy investigation.

(184) First, conspiracy leads were, at times, resolved solely through establishing a potential coconspirator's alibi during the period of March 29, 1968 to April 4, 1968, designated as the pertinent period for purposes of the assassination investigation. (313) The inadequacy of this method was demonstrated by the FBI's own investigation, which had, almost immediately, produced substantial evidence that Ray's plan to kill Dr. King began to take form while he was still a resident of California; that is prior to March 17, 1968. Moreover, the general notion that a conspiracy suspect can be eliminated by establishing his

absence from the scenes of the crime and of one major overt act (the rifle purchase), reflected a simplistic view of the law of conspiracy. In 1968, as now, a conspiracy prosecution required only an agreement and one subsequent overt act by any of the parties in furtherance of that agreement. Proximity to the scene of the crime, while clearly a relevant and significant investigative concern, was not, in a conspiracy investigation, the ultimate issue.

(185) Second, FBI files reflected only limited efforts, independent of specific, positive leads, to investigate the possible involvement of those extremist organizations (such as the White Knights of the Ku Klux Klan or the Minutemen) which had demonstrated both a propensity for violence, and a clear antagonism toward Dr. King. A general canvassing of all racial, criminal, and security informants occurred at various stages during the investigation. (314) Beyond this general directive, however, and a series of alibi checks on known hate-group activists during the initial stage of the investigation, the Bureau's investigation of possible extremist involvement was both limited and unimaginative.

(186) For example, even after the Bureau had received evidence of a possible link between the United Klans of America and Ray in the form of Ray's immediate selection of Arthur Hanes, Sr. (an attorney who had done extensive legal work for the Klan), and in later informant information indicating the possibility that the United Klans of America might become involved in the funding of Ray's defense, (315) no concerted effort was made to pursue the conspiratorial implications of this information. Additional steps which might have been considered include a check of Bureau hate-group indices against Ray's known and potential associates, and the compulsion of sworn testimony of appropriate Klan officials through the use of a grand jury subpoena and the judicious use of immunity grants.

(187) Third, FBI and Department of Justice files reflected almost total reliance on the field interview as a means of resolving issues clearly relevant to the overall conspiracy investigation. At no time was a grand jury utilized to supplement the FBI's field investigation of the numerous conspiracy allegations, despite situations where it would clearly have been appropriate. The circumstances surrounding Ray's escape from Missouri State Prison, for example considered by some to be the first step in an elaborate, year-long conspiracy to assassinate Dr. King, was never investigated through the grand jury. Similarly, a possible association between Ray and a Missouri State Prison inmate association named the "Cooley Organization" was left essentially unresolved after extensive field interviews with MSP inmates and former inmate-associates of Ray confirmed the existence of the group, but (failed) to ascertain information concerning its principles or membership or the extent of its network; (316) the use of a grand jury to explore this issue—a logical step following the unsuccessful interview process—was apparently never considered.

(188) Additional examples of conspiratorial allegations or issues appropriate for grand jury treatment included the false CB broadcast in Memphis one-half hour after the assassination, seen by some as an effort to divert police attention from the flight of the true assassin (317) and allegations received by one John McFerren that the owners of a Memphis produce company had been involved in directing and

funding the assassination. (318). In both situations, however, the Bureau and the Justice Department were satisfied to resolve the issues solely through field investigation.

(189) Of far greater potential significance than any of the defects noted to this point, however, was the almost inexplicable failure of the FBI and the Justice Department to focus a concerted effort on Ray's family, and specifically his brothers, during the conspiracy investigation. Absent any extrinsic evidence, family members of the suspected triggerman deserved at least some investigative attention. Given the significant amount of direct and circumstantial evidence received by the FBI during the months following the assassination that strongly suggested a great deal more contact among the three brothers than any was willing to admit—the failure to pursue this area more aggressively constituted a serious defect in the overall investigative effort.

(190) The single most significant piece of evidence raising the possibility of participation by a brother in the assassination came during early interviews by the FBI of clerks at the Aeromarine Supply Co., in Birmingham. During such an interview, Donald Wood told agents that Ray, while exchanging rifles on March 30, 1968, 5 days before the assassination, explained that he had decided to return the initial rifle, and replace it with a more powerful weapon, after a conversation with his brother. (319). This statement was, of course, later used as the factual basis for a Federal conspiracy complaint charging Ray (then known as Eric Galt) and "an individual whom he alleged to be his brother" with a violation of 18 U.S.C. 241. (320). In addition to this incident, however, the FBI received additional evidence which over the weeks and months to follow created an ever stronger possibility of family knowledge of, and involvement in, circumstances surrounding the assassination of Dr. King. Examples follow:

(191) On August 4, 1967, Ray told a female acquaintance in Canada that he had been in Grey Rocks (a resort north of Montreal) for about 1 week (321) and that he would be leaving within the next few days to meet his brother in Montreal. Three weeks later, Ray told the same acquaintance that he was currently working with a brother in real estate, and that he had no problem with money and could always get some.

(192) In December 1967, immediately before his departure on an abrupt and never adequately explained trip to New Orleans (322), Ray told Dr. Mark O. Freeman, a psychologist, that his brother had found a job for him in the merchant marine based in that city. (323) In early January 1968, shortly after his return from this trip, Ray made a \$364 payment for dance lessons and told a Los Angeles dance instructor that he had recently met his brother in Louisiana. (324)

(193) On March 2, 1968, 15 days before his departure from California and approximately 1 month before the assassination, Ray stated during a discussion at graduation ceremonies at a Los Angeles bartending school that he would be visiting his brother in Birmingham for about 2 weeks. (325)

(194) On March 9, 1968, Ray turned down an offer of employment from the president of the same bartending school, explaining that he was leaving town within 2 weeks to visit his brother. (326) Approximately 3 weeks later, of course, Ray mentioned a conversation with his

brother while exchanging his rifle at the Aeromarine Supply Co. in Birmingham.

(195) In and of itself, the coincidence of numerous references by Ray to a brother during the time period surrounding three important pre-assassination transactions—the New Orleans trip; Ray's departure from California to take up residence in Atlanta, Dr. King's hometown; and the Birmingham rifle purchase—presented a strong basis for directing a major investigative effort toward the family. Moreover, this was not the full extent of the evidence available to the Bureau and the Justice Department.

(196) In his first interview with FBI agents, John Larry Ray, a younger brother, exhibited strong signs of racism when he belittled the crime with which Ray was charged, "all he has done is 'kill a nigger'", (327) and stated that there would be no interest in Ray if King had been white. (328) Moreover, the strong likelihood of John Larry Ray's involvement in Ray's escape from Missouri State Prison had been established by the end of April when a review of prison records indicated a visit to the prison by the brother on April 22, 1967, the day before the escape. (329)

(197) Similar indications of racism were manifested by Ray's second brother, Jerry Ray, particularly in his close association with J. B. Stoner, head of the virulently anti-Black National States Rights Party, following Ray's London arrest. In addition, information received by the FBI around the time of Ray's arrest reflected statements by Jerry that his brother was to receive at least \$100,000 for killing Martin Luther King, and that the purchase of the Mustang and use of the safe deposit box in Birmingham were linked to a conspiracy. (330)

(198) Moreover, it was clear almost from the beginning of the Bureau's investigation of Ray that both brothers were lying to the interviewing agents concerning contact with James Earl during the recent past. John Ray's claim during his initial interview that he had not seen his brother in 3 years was undermined by MSP records indicating his visit to the prison the day before Ray's 1967 escape. And Jerry's similar denial of contact with his brother was contradicted by information received by the Bureau shortly before Ray's arrest, (331) as well as by admissions of James himself to author William Bradford Huie, that he had given a red Plymouth automobile to Jerry in Chicago in August 1967, and had called Jerry while enroute to New Orleans in December 1967. (332)

(199) In addition to undermining Jerry's official denials of contact with James during the preassassination period, Ray's story to Huie also provided a final, major piece of evidence in the growing case against the brothers. In two Look magazine articles published in November 1968, 4 months before the guilty plea, large portions of Ray's story to William Bradford Huie, including the first detailed version of his early association with "Raoul", appeared for the public to examine. Following the plea, the entire "Raoul" story, from the first meeting in Canada to the alleged gun-running operation in Memphis on the day of King's assassination, was published in Huie's book, "He Slew the Dreamer". (333) A comparison of the "brother allusions" by Ray in Canada, California, and Birmingham, with Ray's own Raoul story revealed remarkable coincidences.

(200) For example, Ray's known reference to a planned meeting with a brother in Montreal coincided with his alleged meetings with Raoul in that city; Ray's known references to a brother both before and after the December New Orleans trip coincided with his claim that he met Raoul in New Orleans to receive money and discuss future criminal activities. And Ray's known references to his brother immediately prior to his move to Atlanta, and during the rifle purchase, coincided with his claimed receipt of instructions from Raoul to come East and to purchase a display weapon for the gun-running negotiations.

(201) Thus, within a relatively short period after Dr. King's assassination the FBI had collected evidence of numerous references by Ray to a brother during crucial moments in his preassassination activities, of strong signs of racism in both John and Jerry Ray, of probable involvement by John in the Missouri State Prison escape, of claimed knowledge by Jerry of an assassination conspiracy and a prospective \$100,000 payoff, and of striking coincidences between Ray's own story of Raoul, and the independent evidence of association with his brother. Clearly, this evidence warranted a major and concerted effort by both the FBI and the Civil Rights Division of the Justice Department to determine both the extent and the nature of Ray's actual preassassination contact with his brothers. In fact, however, no such concerted effort was made.

(202) This is not meant to indicate that the Bureau ignored the family, or the brothers, during their investigation. As has been indicated previously, an intense effort was made to secure assistance and information from the various family members during the prearrest fugitive investigation, (334) and during this period the brothers were interviewed on numerous occasions (334a) concerning knowledge of the suspect's location. In fact, at one point the Bureau's preoccupation with the fugitive investigation became so great that a recommendation was made for the use of patently illegal electronic surveillance of John Larry Ray and Carol Pepper in an effort to locate the subject. (335) Had such a tactic been implemented, any subsequent conspiracy case against family members could have been seriously jeopardized. Nevertheless, with the exception of comparisons of the fingerprints and palm prints of the two brothers with unidentified latents in the case; (336) an effort to verify Jerry Ray's alibi for April 4, 1968; (337) and the posing of some questions during the above-noted field interviews arguably connected to a conspiracy investigation; investigative files reflect no significant efforts to determine the extent of their criminal involvement with James.

(203) No effort was made, for example, to determine whether the 1967-68 travels of either brother coincided with those of Ray's companion, Raoul. Such an effort might have included motel and airline canvasses under Ray brother aliases and employment verification for appropriate periods.

(204) Similarly, no effort was made, other than through direct questioning of the brothers, themselves, to establish the alibis of either Jerry or John during the time of the rifle purchase, and John's alibi went unchecked even for the day of Dr. King's assassination. Ironically, the Bureau covered this ground routinely with other conspiracy suspects.

(205) Further, Jerry Ray's statements concerning a conspiracy in June 1968, and again in March 1969 during a discussion with Kent Courtney, a conservative spokesman in New Orleans, were never adequately pursued. Despite a strong indication by Jerry in the latter situation that he would discuss the conspiracy with Courtney during a meeting on March 20, 1969, (338) and Courtney's apparent willingness to cooperate with the Bureau, (339) no consideration was given to the use of consensual electronic surveillance to record Jerry's discussion with Courtney. Rather, a decision was made—based on Courtney's suspect reputation and a fear of Bureau embarrassment—to pursue a field interview with Jerry Ray instead. (340) When Jerry was ultimately located, however, he refused the interview, and thereafter, Bureau efforts ceased. (341)

(206) In addition, the files reveal no efforts to investigate the brothers through interviews with their associates. Given the criminal nature of many of John's associates, this might well have required the use of a grand jury, and immunity grants, investigative tools which might have been useful in the additional areas of John's probable involvement in the MSP escape, and his possible participation in the Alton Bank robbery in July 1967. Some of this grand jury and immunity work could have been accomplished, it is noted, without violating a Justice Department policy against compelling testimony of a family member, or facing the issue of immunity with either of the brothers. As at all other times during the investigation, however, the grand jury and immunity approach was not used.

(207) Finally, the files reveal no efforts to investigate the associates of Ray's brothers, either through direct, saturation interviews or through the development of an informant apparatus. Thus, the possibility that Ray's connection with an active conspiracy with one of his brothers was never adequately pursued.

IX. HOOVER, COINTELPRO, AND THE ASSASSINATION INVESTIGATION

(208) Not surprisingly, the adversary relationship which had existed for so long between the FBI and Martin Luther King, Jr., did not terminate with the assassination of the civil rights leader. To cite only one example * * * FBI files reflect Bureau plans in March 1969 to brief Congressmen in an effort to defeat the proposed creation of a national holiday in recognition of Dr. King's birthday. The counter-intelligence operation was approved by Hoover, who noted at the same time that it must be handled very cautiously. (342)

(209) Despite this continued animosity, however, the general feeling of the Justice Department and FBI officials interviewed on the subject was that Hoover's hatred of King, and the Bureau's extended involvement in security investigations and COINTELPRO activities against the man and his organization, had the ironic effect (although perhaps predictable, in light of the Bureau's noted preoccupation with public image) of increasing the intensity of the investigative effort after the assassination. The following is an excerpt of testimony given by Ramsey Clark:

Q. Mr. Clark, given the dislike which Mr. Hoover felt toward Dr. King and communicated to you in lunches and other occasions, and given the * * * FBI * * * electronic

surveillance and taps in the early sixties, and the continued interest in Dr. King in the form of requests to you for additional electronic surveillance as recently as April 2, only 2 days prior to this assassination, did it ever occur to you that the FBI * * * would not be in a position to objectively carry out the responsibilities of the investigation itself?

A. I don't believe it did * * * I had the strongest, clearest conviction that the FBI would do everything in its power to investigate this case quickly, effectively and successfully, and it wasn't just logic. It was, I mean, my total being told me that the thing Mr. Hoover really loved most, the Bureau, was on the line here, and that if they couldn't produce here where many would suspect their concern, that their failure would do more damage to them in the minds of the people than any other case they had worked on. (343)

Similar sentiments were expressed by FBI unit Chief Wilbur Martin-dale, (344) Assistant Attorney General Vinson of the Criminal Division, (345) and Assistant Attorney General Pollak of the Civil Rights Division. (346)

(210) In an attempt to determine how great the potential problem was, the committee, early in its investigation, identified FBI personnel who were involved in some significant manner in either the preassassination COINTELPRO and security investigations against Dr. King, or the postassassination MURKIN investigation. Not surprisingly, a comparison of the two lists revealed some overlap in personnel both at headquarters and in the field. Beneath Hoover and Tolson, Assistant to the Director Cartha DeLoach had overall supervisory responsibility for the operations of both the Domestic Intelligence Division (Security and COINTELPRO cases) and the General Investigative Division (MURKIN investigation), and was therefore equally involved in both. In the field, the most significant overlap was in the Atlanta office, where the case agent for the King security case (May 21-June 5, 1968), and the SCLC security case (Apr. 26, 1966-Mar. 12, 1971), was also assigned initially as case agent for the MURKIN investigation in that city.

(211) In light of this Atlanta assignment, it is clear that no official effort was made either by the Bureau, or the Department of Justice, to formally preclude the involvement in the assassination investigation of agents with backgrounds in the King security or COINTELPRO operations. (The absence of such an effort was also confirmed in the committee interviews.) However, a number of factors indicated that this use in Atlanta of an agent with extensive King security work in his background as "case agent" during the MURKIN investigation did not create significant problems. First, his assignment as Atlanta MURKIN case agent lasted only for the month of April; thereafter, the responsibilities of the position were assumed by another agent in the office. Moreover, during much of the period prior to Ray's positive identification on April 19, 1968, the operations in Atlanta's office were directed by an inspector from Washington with extensive experience in major civil rights cases. In addition, the position of case agent—while central because of its function in coordinating, monitoring, and reporting on the investigation, did not carry command responsibilities. Thus, while the evidence showed the use of an agent with an extensive

background in King COINTELPRO and security work as case agent in Atlanta's MURKIN investigation, there was no additional evidence that the field office investigation was curtailed or restricted as a result of the assignment.

(212) Attorney General Clark recalled no concern about a widespread or debilitating prejudice against King within the ranks of the FBI that would have affected the day-to-day investigation:

I guess I assumed that the agents who were doing any work that related to Dr. King were just acting in the ordinary course of their employment * * * My sense of the distortion, if there was one or was to be one, was that it came from the top, which was often the case because Mr. Hoover had been so dominant so long, and that the prejudice in individual agents would have been less than the prejudice of the Director toward Dr. King, but that once they saw, as I believed, him making this his first priority investigatively, they would, too. (347)

(213) At headquarters the effect that Hoover's hatred for King had on his personal involvement in the investigation is difficult to gauge from files alone. Nevertheless, certain patterns are clear. Hoover received information on the progress of the case primarily through daily internal FBI memos and briefings with Rosen, DeLoach, and Tolson. His scribbled comments on various investigative memoranda indicated closest attention to those details of the investigation that reflected on the conduct of his (348) agents or an image of the Bureau. (349) A deep-seated distrust of the press, and his displeasure with agents who broke the no comment rule, also appear on numerous occasions:

April 18, 1968.—I want "no comment" *strictly* adhered to. We have plenty to still do in this case and no time to engage in chatter with the irresponsible press which is already printing a lot of "hog-wash". (350) (Emphasis in original.)

April 27, 1968.—Tell Jensen to *stop* talking. (Emphasis in original.) (351)

April 29, 1968.—We must adhere to "no comment". The avid press will be concocting all kinds of wild stories and if we start answering them we are "sunk". The press release is all we have to say at this time. (352)

May 4, 1968.—I *must insist* that we stop giving off the cuff comments re Ray case (Emphasis in original.) (353)

(214) On at least one occasion, Hoover rejected an investigative proposal, apparently because the source of the information to be pursued had, in 1947, called Hoover an "SOB." (354) Nevertheless, as a general rule the files reflect neither positive additions (355) nor restrictions by Hoover on the scope of the investigation. He maintained, apparently, relatively close contact with investigative developments (Assistant Director Alex Rosen described his primary function in the assassination investigation as keeping the Director informed), (356) and clearly developed his own personal theory on the evidence of the case. specifically that Ray was a "racist and detested negroes and Martin Luther King," (357) but that he was not

a fanatic in the sense of Sirhan Sirhan. Moreover, while Hoover believed that "Ray acted entirely alone," he assured Ramsey Clark on June 20, 1968, that "we are not closing our minds that others might be associated with him, and we have to run down every lead." (358) These assurances were then passed on to his chief lieutenants in the MURKIN investigations in the form of a written memorandum to Tolson, DeLoach, and Rosen, among others.

(215) Thus, while there were serious problems with the FBI's assassination investigation both in its failure to pursue significant conspiracy possibilities and in a disregard for the constitutional rights of both citizens and the defendant, James Earl Ray, there was no current evidence that these specific deficiencies, or any others were directly or indirectly caused by Director Hoover's well-documented hatred for Dr. King and his movement.

Submitted by:

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- (1) FBI Functional Organizational Chart (MLK Document 200072).
- (2) Staff interview with Robert Jensen, June 20, 1978, House Select Committee on Assassinations (MLK Document 190108).
- (3) Staff interview with Clem McGowan, June 13, 1978, House Select Committee on Assassinations, p. 2 (MLK Document 220469).
- (4) Staff interview with Ed McDonough, June 14, 1978, House Select Committee on Assassinations, p. 2 (MLK Document 220368).
- (5) The Civil Rights Act of 1964 Unit concentrated primarily on complaints of discrimination in housing, education, and employment; the Civil Rights Unit on the other hand, investigated alleged violations of 18 U.S.C. 241 (conspiracy to interfere with constitutional rights of an individual—the statute used as a basis for the FBI's investigation of Dr. King's assassination) as well as election law violations and involuntary servitude and white slavery cases.
- (6) Staff interview with Wilbur Martindale, June 15, 1978, House Select Committee on Assassinations, p. 2 (MLK Document 220471).
- (7) *Ibid.* at p. 5.
- (8) Interview with James R. Malley, June 14, 1978, House Select Committee on Assassinations, p. 2 (MLK Document 220470).
- (9) Staff interview with Clem McGowan, June 13, 1978, House Select Committee on Assassinations (MLK Document 220469).
- (10) *Ibid.*
- (11) FBI Functional Organization Chart (MLK Document 200072).
- (12) Staff interview with Alex Rosen, June 28, 1978, House Select Committee on Assassinations, p. 1 (MLK Document 210237).
- (13) *Ibid.* at p. 2.
- (14) *Ibid.* at p. 1.
- (15) *Ibid.* at p. 2, Mr. Rosen's current recollection is somewhat inconsistent with the substance of FBI investigations files, which reflect substantial Headquarters involvement in the investigation from the beginning.
- (16) Staff interview with James R. Malley, June 14, 1978, House Select Committee on Assassinations, p. 2 (MLK Document 220470).
- (17) *Ibid.* at p. 2.
- (18) Staff interview with Cartha DeLoach, June 26, 1978, House Select Committee on Assassinations, p. 1 (MLK Document 230174).
- (19) Executive session testimony of Robert Jensen, July 12, 1978. Hearings before the House Select Committee on Assassinations, p. 14.
- (20) *Ibid.* at pp. 14–15.
- (21) Staff interview with Cartha DeLoach, June 26, 1978, House Select Committee on Assassinations, p. 2 (MLK Document 230174).
- (22) Staff interview with Ramsey Clark, June 21, 1978, House Select Committee on Assassinations, p. 2 (MLK Document 220473).
- (23) Staff interview with Stephen Pollak, June 29, 1978, House Select Committee on Assassinations, p. 2 (MLK Document 250279).
- (24) Memorandum from Pollak to Director, FBI; Apr. 4, 1968; FBI Headquarters Murkin file, serial 44-38861-109.
- (25) Memorandum, McGowan to Rosen, Apr. 4, 1968, FBI Headquarters Murkin file, serial 44-38861-327.
- (26) See, for example, FBI letterhead memorandum, Apr. 5, 1968, captioned "Murder Martin Luther King, Jr." (MLK Document 220330).
- (27) Memorandum, McGowan to Rosen, Apr. 4, 1968, FBI Headquarters Murkin file, serial 44-38861-327.
- (28) Department of Justice press release, Apr. 5, 1968, FBI Headquarters Murkin file, serial 44-38861-1699.
- (29) Staff interview with Ramsey Clark, June 21, 1978, House Select Committee on Assassinations (MLK Document 220473).
- (30) *Ibid.*

- (31) Staff interview with Robert Jensen, June 20, 1978, House Select Committee on Assassinations (MLK Document 190108).
- (32) Staff interview with Cartha DeLoach, June 26, 1978, House Select Committee on Assassinations, p. 2 (MLK Document 230174).
- (33) Staff interview with Ramsey Clark, June 21, 1978, House Select Committee on Assassinations (MLK Document 220473).
- (34) Memorandum Rosen to DeLoach, Apr. 6, 1968, FBI Headquarters Murkin file, serial 44-38861-329.
- (35) Memorandum, Rosen to DeLoach, Apr. 5, 1968, FBI Headquarters Murkin file, serial 44-38861-177.
- (36) Memorandum, Rosen to DeLoach, *supra* at ref. 34.
- (37) Teletype, Director to all continental offices, Apr. 8, 1968, FBI Headquarters Murkin files, serial 44-38861-158.
- (38) Teletype, Director to all continental offices, Apr. 8, 1968, FBI Headquarters Murkin file, serial 44-38861-224.
- (39) Memorandum, Rosen to DeLoach, Apr. 12, 1968, FBI Headquarters Murkin file, serial 44-38861-1113.
- (40) Memorandum, Rosen to DeLoach, Apr. 9, 1968, FBI Headquarters Murkin file, serial 44-38861-1174.
- (41) Staff interview of Robert Jensen, *supra* at ref. 2, p. 3.
- (42) Staff interview with Richard E. Long, June 2, 1978, House Select Committee on Assassinations, p. 2 (MLK Document 260327).
- (43) Memorandum, McGowan to Rosen, *supra* at ref. 25.
- (44) Staff interview with Clem McGowan, *supra* at ref. 3, pp. 3, 4.
- (45) *Ibid.* at p. 3.
- (46) Staff interview with Ed McDonough, June 14, 1978, House Select Committee on Assassinations (MLK Document 220368).
- (47) *Ibid.* at p. 2; see, for example, staff interview with James R. Malley, *supra* at ref. 16.
- (48) Memorandum, Rosen to DeLoach, Apr. 10, 1968, FBI Headquarters Murkin file, serial 44-38861-1180.
- (49) *Ibid.*
- (50) Teletype, director to all continental offices, Apr. 10, 1968, FBI Headquarters Murkin file, serial 44-38861-191; see for example, FBI teletype at ref. 37 for similar record check of the "Willard" name.
- (51) Memorandum, Daunt to Bishop, Apr. 18, 1968, FBI Headquarters Murkin file, serial 44-38861-2034.
- (52) Memorandum, Rosen to DeLoach, Apr. 13, 1968, FBI Headquarters Murkin file, serial 44-38861-1348.
- (53) Memorandum, Rosen to DeLoach, *supra* at ref. 39.
- (54) Memorandum, Rosen to DeLoach, *supra* at ref. 52.
- (55) *Ibid.*
- (56) Memorandum, Rosen to DeLoach, Apr. 16, 1978, FBI Headquarters Murkin file, serial 44-38861-1704.
- (57) *Ibid.*
- (58) *Ibid.*
- (59) Memorandum, Rosen to DeLoach, Apr. 17, 1968, FBI Headquarters Murkin file, serial 44-38861-1706.
- (60) Memorandum, Rosen to DeLoach, Apr. 18, 1968, FBI Headquarters Murkin file, serial 44-38861-1367.
- (61) Memorandum, T. E. Bishop to DeLoach, Apr. 17, 1968, FBI Headquarters Murkin file, serial 44-38861-1705.
- (62) Teletype, Director to All SAC's, Apr. 18, 1968, FBI Headquarters, Murkin file, serial 44-38861-1271.
- (63) Memorandum, C. L. Trotter to Mohr, Sept. 2, 1969, FBI Headquarters Murkin file, serial 44-38861-5818.
- (64) *Ibid.*
- (65) *Ibid.*; see, e.g., memorandum, Daunt to Bishop, *supra* at ref. 51, (placing the range of ridge counts searched at "9-15" and the number of potential suspects identified at 1740).
- (66) While some outside commentators have expressed concern over the amount of time necessary to identify Ray through his prints, the committee's investigation has revealed no problems in the Bureau's procedures.
- (67) Memorandum, Rosen to DeLoach, Apr. 19, 1968, FBI Headquarters Murkin file, serial 44-38861-4046.
- (68) Memorandum, Rosen to DeLoach, Apr. 19, 1968, FBI Headquarters Murkin file, serial 44-38861-1727.

- (69) See, e.g., Teletype, Director to All SAC's, Apr. 19, 1968, FBI Headquarters, Murkin file, serial 44-38861-1396.
- (70) Memorandum, Jones to Bishop, Apr. 19, 1968, FBI Headquarters Murkin file, serial 44-38861-1938.
- (71) Memorandum, Jones to Bishop, Apr. 25, 1968, FBI Headquarters Murkin file, serial 44-38861-2584.
- (72) See e.g., Teletype, Director to All SAC's Apr. 27, 1968, FBI Miami field office, Murkin file, serial 44-1854-614.
- (73) Airtel, SAC Chicago to Director, Apr. 19, 1968, FBI Headquarters Murkin file, serial 44-38861-1316.
- (74) Memorandum, Rosen to DeLoach, Apr. 23, 1968, FBI Headquarters Murkin file, serial 44-38861-2406.
- (75) Memorandum, Rosen to DeLoach, May 10, 1968, FBI Headquarters Murkin file, serial 44-38861-3362.
- (76) Memorandum, Rosen to DeLoach, May 9, 1968, FBI Headquarters Murkin file, serial 44-38861-3435.
- (77) Teletype, Director to SAC, Kansas City, May 13, 1968, FBI Headquarters Murkin file, serial 44-38861-3369.
- (78) See, e.g., memorandum, Branigan to Sullivan, June 14, 1968, FBI Headquarters Murkin file, serial 44-38861-4682; Airtel, Director to SAC Kansas City, June 20, 1968, FBI Headquarters Murkin file, serial 44-38861-4653.
- (79) A summary of the committee investigation of the Casa Susana racial incident can be found in the section of the Final Report of the House Select Committee on Assassinations pertaining to the assassination of Dr. King.
- (80) Memorandum, Rosen to DeLoach, Apr. 26, 1968, FBI Headquarters Murkin file, serial 44-38861-2207.
- (81) See e.g., Teletype, Los Angeles to Director, Apr. 25, 1968, FBI Headquarters Murkin file, serial 44-38861-2190; memo, Rosen to DeLoach, Apr. 30, 1968, FBI Headquarters Murkin file, serial 44-38861-2598.
- (82) Teletype, Director to All SAC's, Apr. 22, 1968, FBI Headquarters Murkin file, serial 44-38861-1658.
- (83) Teletype, Director to all SAC's, Apr. 23, 1968, FBI Miami field office Murkin file, serial 44-1854-206.
- (84) Teletype, Director to All SAC's, Apr. 29, 1968, FBI Headquarters Murkin file, serial 44-38861-2443.
- (85) Memorandum, Rosen to DeLoach, May 3, 1968, FBI Headquarters Murkin file, serial 44-38861-3123.
- (86) Airtel, Director to SAC's Atlanta, Birmingham, and Memphis, May 6, 1968, FBI Headquarters Murkin file, serial 44-38861-2989.
- (87) Teletype, Director to All SAC's, May 14, 1968, FBI Headquarters Murkin file, serial 44-38861-3495.
- (88) Airtel, Director to SAC's Atlanta, Birmingham, Los Angeles, Memphis, New Orleans, May 21, 1968, FBI Headquarters Murkin file, serial 44-38861-3806.
- (89) Memorandum, Rosen to DeLoach, May 25, 1968, FBI Headquarters Murkin file, serial 44-38861-4353; see, e.g., Teletype, Director to SAC Springfield, June 7, 1968, FBI Headquarters Murkin file, serial 44-38861-432 (direction to "completely exhaust" every avenue of investigation on Alton, Ill., bank robbery); Memorandum, Rosen to DeLoach, July 29, 1968, FBI Headquarters Murkin file, serial 44-38861-5079.
- (90) See Teletype, Director to All SAC's, supra at ref. 82.
- (91) See, e.g., FBI Headquarters Murkin file, serial 44-38861-2324, summarizing investigation of Atlanta field office.
- (92) See, e.g., Teletype, Director to All SAC's, Apr. 24, 1968, FBI Miami Murkin file, serial 44-1854-273.
- (93) Teletype, Detroit to Director, Apr. 25, 1968, FBI Headquarters Murkin file, serial 44-38861-2350.
- (94) Teletype, Director to SAC St. Louis, Apr. 30, 1968, FBI Headquarters Murkin file, serial 44-38861-2498.
- (95) Teletype, Director to SAC's Chicago, Kansas City, St. Louis, Springfield, May 1, 1968, FBI Headquarters Murkin file, serial 44-38861-2622.
- (96) Teletype, SAC St. Louis to Director, May 7, 1968, FBI Headquarters Murkin file, serial 44-38861-3146.
- (97) Memorandum, Director, FBI to Attorney General, May 13, 1968, FBI Headquarters Murkin file, serial 44-38861-3509.
- (98) Memorandum, Director to Attorney General, June 11, 1968, captioned "Electronic Surveillance", FBI Headquarters Murkin file, serial 44-38861 non-recorded serial.

- (99) FBI interview with John Larry Ray, May 9, 1968, by State Attorney Patrick W. Fradley, St. Louis field office Murkin file, serial 44-775.
- (100) See, e.g., Memorandum Rosen to DeLoach, May 10, 1968, FBI Headquarters Murkin file, serial 44-38861-3510.
- (101) Ibid.
- (102) Correspondence, Director to Ottawa Legat, May 11, 1968, FBI Memphis field office Murkin file, serial 44-1987 Sub L-75.
- (103) Ibid.
- (104) Memorandum, Rosen to DeLoach, May 21, 1968, FBI Headquarters Murkin file, serial 44-38861-3832.
- (105) Teletype, Director to SAC Boston, May 14, 1968, FBI Headquarters Murkin file, serial 44-38861-3514.
- (106) Correspondence, Director to all SAC's May 21, 1968, FBI Miami field office Murkin file, serial 44-1854-604.
- (107) Memorandum, Rosen to DeLoach, May 22, 1968, FBI Headquarters Murkin file, serial 44-38861-4552.
- (108) Teletype, Director to SAC's Birmingham, Chicago, Kansas City, Los Angeles, Newark, May 22, 1968, FBI Headquarters Murkin file, serial 44-38861-3872.
- (109) Teletype, Director to SAC's Memphis, Buffalo, and Legat Ottawa, June 5, 1968, FBI Headquarters Murkin file, serial 44-38861-4262.
- (110) Airtel, Legate, Paris to Director, June 13, 1968; FBI Headquarters Murkin file, serial 44-38861-4725.
- (111) See, e.g., memorandum, Callahan to Mohr, captioned "Murkin-Cost Data," June 4, 1968, July 23, 1968, Nov. 20, 1968, FBI Headquarters Murkin file, serials 44-38861-4444, 44-38861-4933, 44-38861-5471.
- (112) Memorandum, DeLoach to Tolson, June 8, 1968, FBI Headquarters Murkin file, serial 44-38861-4447.
- (113) Memorandum, Rosen to McGowan, June 10, 1968, FBI Headquarters, Murkin file, serial 44-38861-4379.
- (114) See memorandum, DeLoach to Tolson, supra at ref. 112.
- (115) Transportation of Federal prisoners is normally the responsibility of the U.S. Marshall Service. The use of FBI agents to transport Ray resulted in bad feelings within the USMS, and a feeling that the FBI had infringed on another agency's jurisdiction. See, e.g., memorandum DeLoach to Tolson, July 26, 1968, FBI Headquarters Murkin file, serial 44-38861-4970.
- (116) Memorandum, Director to Tolson, DeLoach, Rosen, Bishop, Sullivan, June 20, 1968 FBI Headquarters Murkin file, serial 44-38861-4660.
- (117) See, e.g., memorandum, Rosen to DeLoach, July 29, 1968, FBI Headquarters Murkin file, serial 44-38861-5079.
- (118) Airtel, Director to SAC, Kansas City, June 20, 1968, supra at ref. 78.
- (119) Memorandum, Rosen to DeLoach, June 24, 1968, FBI Headquarters Murkin file, serial 44-38861-4779.
- (120) Memorandum, Rosen to DeLoach, June 11, 1968, FBI Headquarters Murkin file, serial 44-38861-4408.
- (121) Memorandum, Director to Pollak, June 13, 1968, FBI Headquarters Murkin file, serial 44-38861-4419.
- (122) Memorandum, Attorney General to Director, June 18, 1968, FBI Headquarters Murkin file, serial 44-38861-4671.
- (123) Memorandum, Director to Attorney General, July 23, 1968, FBI Headquarters Murkin file, serial 44-38861-5003.
- (124) Memorandum, Fred M. Vinson, Jr., to Stephen Pollak, July 29, 1968, FBI Headquarters Murkin file, serial 44-38861-5003.
- (125) Memorandum, Stephen Pollak to Director, July 30, 1968, FBI Headquarters Murkin file, serial 44-38861-5004.
- (126) Order granting defendant's motion for dismissal of complaint, U.S. District Court, Northern District of Alabama, Dec. 2, 1971.
- (127) Memorandum, Rosen to DeLoach, Oct. 1, 1968, FBI Headquarters Murkin file, serial 44-38861-5225.
- (128) Memorandum, Pollak to Director, Nov. 27, 1968, FBI Headquarters Murkin file, serial 44-38861-5462.
- (129) William Bradford Huie "I Had Been in Trouble Most of My Life, in Jail Most of It" Look, Nov. 12, 1968, and article, Look magazine, Nov. 26, 1968, "I Got Involved Gradually, and I Didn't know Anybody was to be Murdered."
- (130) Teletype, Memphis to Director, Mar. 13, 1969, FBI Headquarters Murkin file, serial 44-38861-5622.

(131) The FBI's complaint filed pursuant to title 18, U.S.C. 241 alleged a violation of Dr. King's constitutional right to travel.

(132) See staff interview with Ramsey Clark, *supra* at ref. 22; see, e.g., staff interview with Fred Vinson, Jr., June 30, 1978, House Select Committee on Assassinations, p. 2 (MLK Document 230173).

(133) *Ibid.*

(134) Staff interview with Stephen Pollak, *supra* at ref. 23.

(135) Executive session testimony of Ramsey Clark, July 19, 1978, p. 63.

(136) Staff interview with Ramsey Clark, *supra* at ref. 22.

(137) Executive session testimony of Ramsey Clark, *supra* at ref. 135.

(138) See, e.g., letterhead memoranda, FBI to DOJ, Apr. 6, 1968, Apr. 8, 1968, Apr. 9, 1968, FBI Headquarters Murkin file, serials 44-38861-329/44-38861-982, 44-38861-224, 44-38861-1174/44-38861-139.

(139) Letterhead memorandum, FBI to Attorney General and others, Apr. 11, 1968, FBI Headquarters Murkin file, serial 44-38861-859; see, e.g., LHM Apr. 12, 1968, FBI Headquarters Murkin file, serial 44-38861-538, 44-38861-1113.

(140) Staff interview with Wilbur Martindale, *supra* at ref. 6, p. 4.

(141) Staff interview with Clem McGowan, *supra* at ref. 3, p. 4.

(142) Staff interview with James R. Malley, *supra* at ref. 16, p. 4.

(143) Staff interview with Ed McDonough, *supra* at ref. 4; see, e.g., staff interview with Wilbur Martindale, *supra* at ref. 6.

(144) Staff interview with Fred Vinson, Jr., *supra* at ref. 132.

(145) *Ibid.*

(146) Staff interview with Stephen Pollak, *supra* at ref. 23, p. 3.

(147) Memorandum, Rosen to DeLoach, May 2, 1968, FBI Headquarters Murkin file, serial 44-38861-2946; teletype, Director to SAC's Birmingham and Memphis, May 2, 1968, FBI Headquarters Murkin file, serial 44-38861-2851.

(148) *Ibid.*

(149) Executive session testimony of Ramsey Clark, *supra* at ref. 135, p. 76.

(150) *Ibid.* at p. 74.

(151) In response to a question concerning the appropriate role of DOJ attorneys during the prearrest investigation, Mr. Clark responded as follows:

Q. In addition to keeping abreast of the steps in the investigation effort, did you perceive an active role during the actual fugitive investigation following the assassination until the time of Mr. Ray's apprehension on the part of Department of Justice attorneys, or was their responsibility up until that time to receive and digest information from the field in preparation for possible prosecution * * *

A. Well, you know, there really wasn't a whole lot we could do as lawyers * * *

(152) Memorandum, DeLoach to Tolson, *supra* at ref. 112.

(153) Memorandum, Pollak to Director, June 10, 1968, FBI Headquarters Murkin file, serial 44-38861-4505.

(154) See, e.g., memorandum, Rosen to DeLoach, June 12, 1968, FBI Headquarters Murkin file, serial 44-38861-4528.

(155) Memorandum, Pollak to Director, Aug. 16, 1968, FBI Headquarters Murkin file, serial 44-38861-5114; see, e.g., individual memos can be found in FBI Headquarters Murkin file, serials 44-38861-4419, 44-38861-4515, 44-38861-4426, 44-38861-4503, 44-38861-4549 44-38861-4585.

(156) Executive session testimony of Ramsey Clark, *supra*, at ref. 135, ref. 66.

(157) Staff interview with Ramsey Clark, *supra* at ref. 22.

(158) *Ibid.*

(159) *Ibid.*

(160) Staff interview with Cartha DeLoach, *supra* at ref. 18.

(161) See, e.g., staff interviews of Ed McDonough, James R. Malley, Alex Rosen, *supra* at ref. 4, ref. 8, ref. 12. See also staff interview with Thomas Bishop, June 20, 1978, p. 3 (MLK Document 230012).

(162) Memorandum, Rosen to DeLoach, Apr. 17, 1968, FBI Headquarters Murkin file, serial 44-38861-1555.

(163) *Ibid.* at p. 2 ("Action" section of memo, step 4).

(164) See, e.g., staff interviews with Alex Rosen, Wilbur Martindale, James Malley, *supra* at ref. 12; ref. 6; ref. 16 respectively.

(165) Staff interviews with Stephen Pollak, *supra* at ref. 23.

(165a) It should be noted that at least one serial in the FBI files suggests Attorney General Clark's willingness to leave the decision on the filing location to the FBI. Mr. Clark is reported to have told Macon Weaver, U.S. attorney in

Birmingham, that he did authorize prosecution of Galt but was unaware where process would be filed since this was a decision for the FBI. (Memo, SAC Birmingham to file, Apr. 18, 1968, Birmingham Field Office file 44-1740-1005). This is, of course, inconsistent with the authorization procedure described by Assistant Director Rosen during a committee interview.

(166) FBI Headquarters Murkin files, serial 44-38861-1061.

(167) Article, Washington Star, Apr. 28, 1968, p. A16, FBI Headquarters Murkin file, serial 44-38861-2633.

(168) Article, New York Times, May 13, 1968, p. 38, FBI Headquarters Murkin file, serial 44-38861-3556.

(169) Article, Washington Post, Apr. 24, 1968, p. 37, FBI Headquarters Murkin file, serial 44-38861-2638.

(170) Memorandum, DeLoach to Tolson, supra at ref. 112 (page 3 of addendum to memorandum).

(171) A legal attache (legate) is an FBI overseas representative. Legates are attached to the U.S. Embassy and are found in a limited number of major cities throughout the world.

(172) Memorandum, DeLoach to Tolson, supra at ref. 112 (page 5 of addendum to memorandum).

(173) Staff interviews with Ramsey Clark, Cartha DeLoach, supra at refs. 22 and 18.

(174) Staff interview with Ramsey Clark, supra at ref. 22.

(175) In rejecting Clark's request, the Director instructed his staff to disseminate only the information usually disseminated to the Department.

(176) Memo DeLoach to Tolson, July 2, 1968, FBI Headquarters Murkin, random file serial 44-38861-4761.

(177) Memorandum, Rosen to DeLoach, Aug. 21, 1968, FBI Headquarters Murkin file, serial 44-38861-5115.

(178) See, e.g., memorandum Director to Attorney General, June 12, 1968, FBI Headquarters Murkin file, serial 44-38861-4355.

(179) See text, infra at ref. 209-215.

(180) See text, infra at ref. 194 et seq. concerning FBI's relationship with Louis Lomax, an investigative reporter on the King case.

(181) Editorial, Los Angeles Times, Apr. 30, 1968, FBI Headquarters Murkin file, serial 44-38861-3184.

(182) See, e.g., Teletype Memphis to Director, Apr. 22, 1968, FBI Headquarters Murkin file, serial 44-38861-1739.

(183) See, e.g., Teletype, Director to All SAC's, Apr. 29, 1968, FBI Headquarters Murkin file, serial 44-38861-2443.

(184) See, e.g., radiogram, director to All SAC's, May 14, 1968, FBI Headquarters Murkin file, serial 44-38861-3495.

(185) Ibid.

(186) Memorandum, Jensen to file, May 3, 1968, FBI Memphis Murkin file, serial 44-1987-sub 162B.

(187) See, e.g., memorandum, Rosen to DeLoach, June 18, 1968, FBI Headquarters Murkin file, serial 44-38861-4644.

(188) Memorandum, Vinson to Director, Aug. 1968, FBI Headquarters Murkin file, serial 44-38861-5059.

(189) Airtel, SAC New Orleans to Director, Mar. 18, 1969, FBI Headquarters Murkin file, serial 44-38861-5661.

(190) Ibid.

(191) Airtel, Director to SAC's New Orleans and Memphis, Mar. 26, 1969, FBI Headquarters Murkin file, serial 44-38862-5661.

(192) Ibid.

(193) See, e.g., Teletype, Memphis to Director, May 23, 1969, FBI St. Louis Murkin file, serial 44-775-1142.

(194) Ray's trip to New Orleans is discussed in the final Report of the House Select Committee on Assassinations pertaining to the assassination of Dr. King.

(195) Teletype, Houston to Director, Apr. 25, 1968, FBI Headquarters Murkin file, serial 44-38861-2013.

(196) Teletype, Houston to Director, Apr. 26, 1968, FBI Headquarters Murkin file, serial 44-38861-2241.

(197) See Teletype, Los Angeles to Director, Apr. 25, supra at ref. 81.

(198) Ibid.

(199) Ibid.

(200) See memorandum Rosen to DeLoach, Apr. 30, supra at ref. 81.

(201) Memorandum, Rosen to DeLoach, May 7, 1968, FBI Headquarters Murkin file, serial 44-38861-3145.

(202) Memorandum, Rosen to DeLoach, May 2, 1968, FBI Headquarters Murkin file, serial 44-38861-3196.

(203) The apparent concern was Lomax's ability to exploit the relationship with the FBI.

(204) Memo Rosen to DeLoach, Apr. 12, 1968, FBI Headquarters Murkin file, serial 44-38861-850.

(205) Memorandum, ASAC Sylvester to SAC, New Orleans, Apr. 15, 1968; FBI New Orleans Murkin file, 157-10673-186. When asked about these instructions, Mr. Rosen had no specific recollection of the situation but stated that Garrison's total unreliability may partially account for his desire that the New Orleans office disassociate themselves from Garrison's office.

(206) Memorandum, ASAC Sylvester to SAC, New Orleans, Apr. 17, 1968; FBI New Orleans Murkin file, serial 157-10673-258. In an interview with HSCA staff, Jim Garrison could not recall Orlena Miller. Staff interview with Jim Garrison, Dec. 28, 1977 (MLK Document 150160). Efforts by the committee to locate Orlena Miller in New Orleans with knowledge of the King case were not successful.

(207) See e.g., Teletype Denver to Director, May 23, 1968; FBI Headquarters Murkin file, serial 44-38861-3925. Teletype Oklahoma to Director, May 24, 1968; FBI Headquarters Murkin file, serial 44-38861-3956. Teletype, Little Rock to Director May 24, 1968; FBI Headquarters Murkin file, series 44-38861-3973. Memorandum Rosen to DeLoach, May 27, 1968; FBI Headquarters Murkin file serial 44-38861-4306. Teletype Los Angeles to Director, May 27, 1968; FBI Headquarters Murkin file serial 44-38861-4067.

(207a) General Investigation Division internal memorandum unrecorded serial May 28, 1968.

(208) "Extensive investigation would be required to verify his whereabouts if do not use his assistance. Note that Bradley promptly learned of recent investigation, as mentioned referenced Los Angeles Airtel. Since he has offered full assistance, then should investigation proceed without prior contact with him, he would undoubtedly feel his offer was ignored. Since allegations of New Orleans District Attorney Garrison are uppermost in Bradley's mind, embarrassment to Bureau could follow if he took his own inference that such investigation pertains to Garrison's allegations.

Embarrassment might also arise should Garrison learn of current investigation about Bradley, since Garrison might infer this supports his position in some way.

It is felt that most discreet verification of alibi could be undertaken on basis of information received directly from Bradley, since it would allow fewest possible contacts and minimize possible embarrassment. Los Angeles holding investigation in abeyance."

Airtel, SAC, Los Angeles to Director, June 7, 1968; FBI Headquarters Murkin file, serial 44-38861-4366.

(209) See e.g., letter, Director to Dick Thornburg, June 14, 1968; FBI Headquarters Murkin file, serial 44-38861-4599.

Adverse or hostile treatment of the Murkin investigation also received Bureau attention, although of a different variety. Offending editors were contacted, normally by the SAC of this local FBI office, and lengthy memos were sent to Washington detailing the specifics of the ensuing conversations. In one memo anticipating such a confrontation, Washington promised by the local SAC that "the next time I am in personal contact with ranking officials of the Los Angeles Times newspaper, I intend to point out to them in the appropriate manner their blatant disregard for the truth in this matter as well as their exceedingly poor taste in publishing such an editorial." (Airtel, SAC, Los Angeles to Director, Apr. 30, 1968, FBI Headquarters Murkin file, serial 44-38861-3184.)

See also, Airtel, SAC, Houston to Director, April 26, 1968; FBI Headquarters Murkin file, serial 44-38861-3182 (describing lengthy conversation with editor of Houston Chronicle concerning editorial entitled "FBI Loses Some of its Shine." According to the memo, the SAC successfully "straightened out" the offending editor, and received repeated assurance that "(the editor) had the greatest respect for Mr. Hoover and realized that no other investigative agency could have done such a thorough job of investigating."

- (210) The Crime Records Division of the FBI in addition to responsibilities in the areas of crime statistics, Congressional liaison, and citizen correspondence, handled all press and media relations for the FBI.
- (211) Letter, DeLoach to Tolson, Mar. 11, 1969; FBI Headquarters Murkin file, serial 44-38861-5654.
- (212) *Ibid.*
- (213) Letter, Jones to Bishop, Mar. 20, 1969; FBI Headquarters Murkin file, serial 44-38861-5655.
- (214) Staff interview with Thomas R. Bishop, June 20, 1978 House Select Committee on Assassinations p. 3 (MLK Document 230012).
- (215) Staff interview with Gerold Frank, Sept. 1, 1977 House Select Committee on Assassinations p. 4 (MLK Document 130100).
- (216) See staff interview with Fred Vinson, Jr., *supra* at ref. 132.
- (217) Use of a grand jury to secure the testimony of James Earl Ray had been considered by the Department of Justice on at least two occasions, to be discussed in a separate section of this report.
- (218) Teletype, Chicago to Director, Aug. 23, 1968, FBI Headquarters Murkin file, serial 44-38861-5142.
- (219) Memorandum, Director to Pollak, Sept. 10, 1968, FBI Headquarters Murkin file, serial 44-38861-5158.
- (220) Airtel, SAC Birmingham to Director, Sept. 2, 1968, FBI Headquarters Murkin file, serial 44-38861-5160.
- (221) See memorandum, Director to Pollak, *supra* at ref. 219.
- (222) Memorandum, to Attorney General re James Earl Ray Possible Evidence of Conspiracy; DOJ King Assassination file, 144-72-662.
- (223) Memorandum, Pollak to Director, Sept. 17, 1968, FBI Headquarters Murkin file, serial 44-38861-5174.
- (223a) *Ibid.*
- (224) See Look magazine, Nov. 12, 1968, *supra* at ref. 129.
- (225) Memorandum, Pollak to Director, Nov. 7, 1968, FBI Headquarters, Murkin file, serial 44-38861-5382.
- (226) Memorandum, Pollak to Director, Nov. 16, 1968, FBI Headquarters, Murkin file, serial 44-38861-5388.
- (227) See Look magazine, Nov. 26, 1968, *supra* at ref. 129.
- (228) See, memorandum, Pollak to Director, *supra* at n. 128.
- (229) When interviewed by the committee AAG Pollak could not recall why the Department's decision took so long, and agreed that the reason for the ultimate decision not to pursue a warrant was based on an assumption that Huie's articles contained most of the information.
- (230) See staff interview with Alex Rosen, *supra* at ref. 12.
- (231) See staff interview with James R. Malley, *supra* at ref. 16.
- (232) *Ibid.*
- (233) See staff interview with Clem McGowan, *supra* at ref. 3.
- (234) *Ibid.*
- (235) See staff interview with Wilbur Martindale, *supra* at ref. 6.
- (236) See staff interview with Ed McDonough, *supra* at ref. 4.
- (237) See staff interview with Fred Vinson, *supra* at ref. 144.
- (238) See executive session testimony of Ramsey Clark, *supra* at ref. 135, p. 78.
- (239) *Ibid.* at p. 78.
- (240) *Ibid.* at pp. 79-80.
- (241) *Ibid.* at p. 82.
- (242) FBI interview with Charles J. Stein, Apr. 24, 1968 by State attorneys Gardner and Slicks, dictated on Apr. 30, 1968. Los Angeles Murkin file 44-1547.
- (243) See, e.g., FBI interview with George Jones (Kansas City, Apr. 22, 1968, 302 by State attorney Howe); Robert Burns and James Stidham (Kansas City June 14, 1968, 302 by State attorney Howe).
- (244) Memorandum, Rosen to DeLoach, Aug. 19, 1968, FBI Headquarters Murkin file, serial 44-38861-5097.
- (245) For further analysis of the investigation concerning Ray's family, see text, *infra*, at refs. 319-340.
- (246) See, e.g., memorandum from Director to Pollak, Apr. 20, 1968 and Apr. 25, 1968, FBI Headquarters Murkin file, serial 44-38861-5631 (concerning the Bureau's resolution of allegations made by one John McFerren concerning Frank C. Liberto and James W. Latch of Memphis, Tenn.)
- (247) Executive session testimony of Ramsey Clark, *supra* at ref. 135, p. 85.
- (248) *Ibid.* at p. 26.

- (249) Ibid. at pp. 25-26.
- (250) Ibid. at p. 85.
- (251) Memorandum, Rosen to DeLoach, May 9, 1968, FBI Headquarters Murkin file, serial 44-38861-3764 (HSCA Document 260130).
- (252) See memorandum, Director to Attorney General, supra at ref. 97.
- (253) Memorandum, Casper to Mohr, May 10, 1968, FBI Headquarters Murkin file, serial 44-38861-3763.
- (254) It is unclear whether these problems were considered by Attorney General Clark or other attorneys in the Department of Justice (as is noted in the text which follows, Mr. Clark has no recollection of receiving the electronic surveillance request). However, it is interesting to note that in approving the proposal, Assistant to the Director DeLoach appended the following note: "It is doubtful that Attorney General will approve. These could be of great assistance."
- (255) Several FBI documents reflect strong dissatisfaction with the amount of time being taken by Attorney General Clark to act on pending electronic surveillance requests. See, e.g., memorandum, Brennan to Sullivan, June 10, 1968, caption: Electronic Surveillance Awaiting Approval of Attorney General (MLK Document 260130).
- (256) Staff interview with Harold F. Dobson, June 28, 1978, House Select Committee on Assassination (MLK Document 230396).
- (257) See memorandum, Director to Attorney General, supra at ref. 98.
- (257a) Article, New York Times, June 20, 1968, p. 23 (Incorporating text of President's statement in signing title III into law).
- (258) Telegram, Hoover to Phillip Canale, Jr., June 9, 1968, FBI Headquarters Murkin file, serial 44-38861-4346.
- (259) Teletype, Legate, London to Director, June 24, 1968, FBI Memphis Murkin file, serial 44-1987 sub M-110.
- (260) Memorandum, General Investigative Division, June 24, 1968, FBI Memphis Murkin file, serial 44-1987 sub M-111.
- (261) Teletype, Memphis to Director, June 26, 1968, FBI Headquarters Murkin file, serial 44-38861-4718. (Recommending consideration of interview of Ray prior to his delivery into custody of local authorities in Tennessee.)
- (262) Letter, Arthur Hanes to Attorney General Clark, July 11, 1968, FBI Headquarters Murkin file, serial 44-38861-4923.
- (263) Memorandum, Hoover to Tolson, DeLoach, Rosen, Bishop, July 16, 1968, FBI Headquarters Murkin file, serial 44-38861-4853.
- (264) See, letter, Vinson to Hanes, July 16, 1968; FBI Headquarters Murkin serial 44-38861-4923.
- (265) Memorandum, Vinson to Director, July 17, 1968; FBI Headquarters Murkin file, serial 44-38861-4923.
- (266) Ibid.
- (267) See staff interview with William Martindale, supra at ref. 6.
- (268) See staff interview with Robert Jensen, supra at ref. 2.
- (269) Testimony, Capt. Billie J. Smith, evidentiary hearing on defense motion to modify conditions of confinement, Aug. 30, 1968 (MLK Document 110337).
- (270) Teletype, Memphis to Director, Aug. 30, 1968, FBI Headquarters Murkin file, serial 44-38861-5209.
- (271) See, e.g., memorandum, SAC Memphis to Director, Oct. 11, 1968, and attached communications, FBI Headquarters Murkin file, serial 44-38861-5235; memorandum SAC, Memphis to Director, Oct. 14, 1968 and attached communications, FBI Headquarters Murkin file, serial 44-38861-5242. Airtel, SAC, Memphis to Director, Nov. 24, 1968, and attached communications, FBI Headquarters Murkin file, serial 44-38861-5327.
- (272) See Airtel, SAC, Memphis to Director, supra at ref. 271.
- (273) See executive session testimony of Robert Jensen, supra at ref. 19, p. 14.
- (274) Ibid. at pp. 50-51. When interviewed on the subject, William Morris, former sheriff of Shelby County, told members of the committee staff that he did not deny the mail photocopying had occurred, but stated that he had no recollection of any specific details surrounding the situation. (Staff interview with William Morris, Nov. 21, 1968, House Select Committee on Assassinations (MLK Document 270327).)
- (275) Ibid. at p. 51.
- (276) Ibid. at p. 55.
- (277) Ibid.
- (278) Ibid. at p. 54; Cartha DeLoach had no recollection of any activity in Memphis which might have intruded upon Ray's attorney/client privilege. (Staff

interview with C. DeLoach, June 26, 1978 (MLK Document 230174). Alex Rosen, Assistant Director of the General Investigative Division, did not recall seeing either the Sept. 30, 1968, Memphis airtel detailing Battle's order, or the three letters which followed in apparent contravention of the order. He recognized his initials on the Oct. 31, 1968 headquarters directive to Memphis, but had no independent recollection of the situation that had triggered the directive. (Staff interview with Alex Rosen, June 28, 1978 (MLK Document 210237).

Finally, neither Attorney General Clark (executive session testimony of Ramsey Clark, July 19, 1978, at pp. 89-92) nor Shelby County District Attorney Canale knew of any activity constituting an infringement on Ray's attorney/client privilege.

(279) Memorandum SAC Memphis to Director, Aug. 14, 1968, FBI Memphis Murkin file, serial 44-1987 sub M-172. Stoner was subsequently hired by Ray to represent him in certain civil actions; however, a formal attorney/client relationship did not develop until after Ray's plea.

(280) See memorandum, SAC, Memphis to Director, 26, 1968, supra at n. 271.

(281) Ibid.

(282) Airtel, SAC, Memphis to Director, Aug. 26, 1968, FBI Headquarters Murkin file, serial 44-38861-5162.

(283) Ibid.

(284) Teletype, Memphis to Director, Aug. 6, 1968, FBI Memphis Murkin file, serial 44-1987 sub N-44.

(285) See Airtel, SAC, Memphis to Director, supra at ref. 282.

(286) Airtel, Director to SAC, Memphis, Oct. 31, 1968, FBI Headquarters Murkin file, serial 44-38861-5310.

(287) A search of Miami field office Murkin files, for example, shows no lead sent out from Washington or Memphis following Ray's mention of Miami in his letter to Hanes.

(288) Memorandum, Rosen to DeLoach, Mar. 11, 1969, FBI Headquarters Murkin file, serial 44-38861-5612.

(289) Ibid.

(290) Ibid.

(291) Ray was taking steps at this time to replace Foreman with court-appointed attorneys to handle an appeal from his guilty plea. However, none had yet been formally appointed.

(292) Airtel, SAC Houston to SAC, Memphis, Mar. 12, 1969, FBI Memphis Murkin file, serial 44-1987 sub M-447.

(293) Memorandum, Rosen to DeLoach, Mar. 12, 1969, FBI Headquarters Murkin file, serial 44-38861-5639.

(294) Memorandum, Rosen to DeLoach, Mar. 13, 1969, FBI Headquarters Murkin file, serial 44-38861-5615.

(295) See Teletype, Memphis to Director, supra at ref. 130.

(296) Staff interview with Robert Jensen, Aug. 8, 1978 (MLK Document 260328).

(297) Staff interview with Jerris Leonard June 30, 1978 House Select Committee on Assassinations, (MLK Document 230102). Leonard recalled staff attorneys arguing that an internal DOJ policy precluded taking an uncooperative individual before a grand jury subsequent to his guilty plea. The committee found no other evidence that such a policy existed.

(298) Staff interview with John Mitchell, July 5, 1978 House Select Committee on Assassination (MLK Document 230175).

(299) Staff interview with D. Robert Owen, Aug. 11, 1978 House Select Committee on Assassination (MLK Document 210383).

(300) Memorandum, Jerris Leonard to K. William O'Connor, Sept. 22, 1970, caption: "James Earl Ray."

(301) Staff interviews with Bernard Fensterwald, Mar. 21, 1978 House Select Committee on Assassination (MLK Document 190476). See, e.g., staff interview with Bernard Fensterwald, Aug. 7, 1978 House Select Committee on Assassination (MLK Document 240136).

(302) Staff interview with William O'Connor, Aug. 6, 1978, House Select Committee on Assassinations (MLK Document 270016).

(303) Report of the Department of Justice task force to review the FBI Martin Luther King, Jr., security and assassination investigations, Jan. 11, 1977, at p. 105.

(304) Memorandum, Hoover to Tolson, DeLoach, Rosen, Bishop, Sullivan, June 20, 1968; FBI Headquarters Murkin file, serial 44-38861-460.

(305) Staff interview with Ramsey Clark, supra at ref. 22, p. 3.

- (306) Memorandum, Fred M. Vinson, Jr., to William S. Lynch, Aug. 20, 1968; DOJ Assassination file, 144-72-662.
- (307) Teletype, Director to All-SAC's, Apr. 7, 1968; FBI Headquarters Murkin file, Serial 44-38861-153. (See, ref. 25.)
- (308) Teletype, Director to All SAC's, Apr. 26, 1968; FBI Headquarters Murkin file, serial 44-38861-2288.
- (309) Memorandum, McGowan to Rosen, Apr. 24, 1968; FBI Headquarters Murkin file, serial 44-38861-2649.
- (310) See Teletype, Director to All SAC's, supra, at ref. 308.
- (311) Memorandum McGowan to Rosen, June 18, 1968; FBI Headquarters Murkin file, serial 44-38861-4578.
- (312) See, e.g. Airtel, SAC, Memphis to SAC, New Orleans, Mar. 5, 1969; FBI Memphis, Murkin file, serial 44-1987 sub M-423.
- (313) See, e.g., Teletype, Charlotte to Director, Apr. 29, 1968; FBI Headquarters Murkin file, serial 44-38861-2747.
- (314) See, e.g. Airtel, Memphis to Albany, Apr. 6, 1968 FBI Memphis field office Murkin file, serial 44-1987 sub. B-16. See also teletype, Director to All SAC's, Apr. 22, 1968; FBI Headquarters Murkin file, serial 44-38861-1658.
- (315) Memorandum, Rosen to DeLoach, Aug. 26, 1968; FBI Headquarters Murkin file, serial 44-38861-5120.
- (316) Memorandum, Branigan to Sullivan, June 14, 1968; FBI Headquarters Murkin file, serial 44-38861-4682.
- (317) The FBI determined that, the available evidence pointed to one individual. However, he denied his involvement during an FBI interview, and added that there was no way for the FBI or the FCC to determine who sent the transmission, unless an admission were made. Despite his denial, no effort was made to take his testimony under oath before a grand jury see, e.g. FBI Headquarters Murkin serial 44-38861-5094.
- (318) See, e.g. memorandum Director to Attorney General, Apr. 20, 1968; FBI Headquarters Murkin file, serial 44-38861-5631. See also memorandum Director to Attorney General, Apr. 25, 1968; FBI Headquarters Murkin file, serial 44-38861-5631.
- (319) FBI interview with Donald F. Wood, Apr. 5, 1968; FBI Birmingham Murkin file, serial 44-1740, p. 23.
- (320) Memorandum Rosen to DeLoach, Apr. 17, 1968; FBI Headquarters Murkin file, serial 44-38861-1555.
- (321) Ray actually checked into the Gray Rocks resort on July 27, 1967.
- (322) The committee did determine that Ray received money in New Orleans and that he probably met with his brother Jerry during the visit.
- (323) FBI interview with Dr. Mark O. Freeman, Apr. 19, 1968; FBI Los Angeles Murkin file, 44-1574 (p. 132 of State Attorney A'Hearn's report.)
- (324) FBI interview with Sharon Rhoads, Apr. 16, 1968; FBI Los Angeles Murkin file, serial 44-1574 (p. 118 of State attorney A'Hearn's report.)
- (325) FBI interview with Richard Gonzales, Apr. 16, 1968; Los Angeles Murkin file, serial 44-1574.
- (326) FBI interview with Thomas Lau, Apr. 15, 1968, Los Angeles Murkin file, serial 44-1574 (p. 132 of State Attorney Sheet's Report.)
- (327) Memorandum Rosen to DeLoach, Apr. 23, 1968, p. 731. Headquarters Murkin file, serial 44-38861-2400.
- (328) Ibid.
- (329) Missouri State Penitentiary visitors log for James Earl Ray (MLK Document 240179).
- (330) Teletype, Newark to Director, Chicago and Memphis, June 9, 1968; FBI Headquarters Murkin file, serial 44-38861-4390.
- (331) FBI Headquarters Murkin file, serial 44-38861-4594.
- (332) W. B. Huie. "He Slew the Dreamer" New York: Decorate Press; 1968. pp. 50, 78.
- (333) Ibid.
- (334) See text, supra, at ref. 94 et seq.
- (334a) The committee was informed by the FBI that relatives of Ray were interviewed on approximately 102 occasions; Jerry Ray was interviewed 22 times and John Ray 18 times. The committee has no reason to dispute these statistics.
- (335) See text, supra, at ref. 72 et seq.
- (336) Airtel, Director to SAC, Memphis, Aug. 14, 1968; FBI Headquarters Murkin file, serial 44-38861-5073.

(337) FBI interview with Mrs. Marguerite Welch, Apr. 24, 1968; FBI Chicago Murkin file, serial 44-1114 (p. 48 of DuMaine's May 10, 1968, report.)

(338) Airtel, SAC, New Orleans to Director, FBI, Mar. 18, 1969; FBI Headquarters Murkin file serial 44-38861-5661.

(339) Ibid.

(340) Airtel, Director to SAC's, New Orleans and Memphis, Mar. 26, 1969; FBI Headquarters Murkin file, serial 44-38861-5661.

(341) See Teletype, Memphis to Director, supra at ref. 193.

(342) Memorandum, Jones to Bishop, Mar. 18, 1969, FBI Headquarters King security file, serial 100-106670-3586.

(343) See, executive session testimony of Ramsey Clark, supra at ref. 135, p. 63.

(344) See, staff interview with Wilbur Martindale, supra at ref. 6, p. 3.

(345) See staff interview with Fred Vinson, supra at ref. 132.

(346) See, staff interview with Steven Pollak, supra at ref. 23.

(347) See, executive session testimony of Ramsey Clark, supra at ref. 135, p. 66.

(348) See, e.g. memorandum Rosen to DeLoach, Oct. 24, 1968, FBI Headquarters Murkin file, serial 44-38861-5295. (Reflecting displeasure with Special Agent Bonebrake's alleged breach of court order against comment on case.)

(349) See, FBI Headquarters Murkin file, serials 44-38861-3184, 44-38861-3182 at ref. 209.

(350) UPI Wire Service Report, Apr. 18, 1968, FBI Headquarters Murkin file, serial 44-38861-1950.

(351) UPI Wire Service Report, Apr. 27, 1968, FBI Headquarters Murkin file, serial 44-38861-2101.

(352) UPI Wire Service Report, Apr. 29, 1968, FBI Headquarters Murkin file, serial 44-38861-2513.

(353) UPI Wire Service Report, May 4, 1968, FBI Headquarters Murkin file, serial 44-38861-3199.

(354) Memorandum Rosen to DeLoach, Jan. 29, 1969, FBI Headquarters Murkin file, serial 44-38861-5535.

(355) See, staff interview with Richard Long, supra, at ref. 42. In a committee interview with Richard Long, Murkin case agent at Headquarters, Long expressed his recollection that Hoover suggested the search through the fugitive prints which resulted in a positive identification of Ray. However, Hoover was not credited with this decision in either of the FBI memoranda written to describe the successful print identification of Ray. See e.g. FBI Headquarters Murkin file, serials 44-38861-2034, 44-5818.

(356) See staff interview with Alex Rosen, supra, at ref. 12.

(357) See memorandum, Director to Tolson, et al., supra at ref. 116.

(358) Ibid.

INVESTIGATION INTO THE ASSASSINATION OF
DR. MARTIN LUTHER KING, JR.
AN ANALYSIS OF THE GUILTY PLEA ENTERED BY
JAMES EARL RAY; CRIMINAL COURT OF SHELBY
COUNTY, TENN., ON MARCH 10, 1969

Supplementary Staff Report
of the
Select Committee on Assassinations
U.S. House of Representatives
Ninety-fifth Congress
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I. INTRODUCTION: THE ISSUES AND THE APPROACH

(1) As a result of James Earl Ray's almost immediate repudiation of his guilty plea, there has been considerable speculation that its entry was part of an elaborate plot to silence him and prevent the exposure of other conspirators. Those who subscribe to this theory hold that these "others" feared the disclosures that might come to light if Ray was afforded a full trial in open court.

(2) The committee endeavored to examine the guilty plea in depth. It attempted to determine if the trial court had before it sufficient evidence to warrant its conclusion that James Earl Ray was, in fact, responsible for the death of Dr. Martin Luther King, Jr. The record was reviewed to determine if the trial court should have had cause to believe that the plea was anything other than voluntarily and intelligently entered. The nature of the legal representation that Ray received prior to the entry of his guilty plea was examined and evaluated under the requisite standards for such representation, under the 1978 standard and the standard as it existed at the time of the plea in 1969. Additionally, the committee looked into all of the points that Ray has raised, or that have been raised on his behalf, in support of his contention that his guilty plea was the end result of a campaign of official harassment, carried out against both himself and his family, by local Memphis authorities and the Federal Bureau of Investigation.

II. CHRONOLOGICAL REVIEW

(3) On March 10, 1969 James Earl Ray appeared before the Honorable Judge W. Preston Battle of the criminal court of Shelby County, Tennessee and pleaded guilty to the murder of Dr. Martin Luther King, Jr. (1) The plea was the result of negotiations entered into by Ray's then chief attorney, Percy Foreman, and the Shelby County Attorney General Phil Canale. (2) Ray was also represented by the Shelby County Public Defenders' Office through Hugh Stanton, Sr., and Hugh Stanton, Jr., who Judge Battle had appointed to aid Foreman in the defense. (3)

(4) Technically, Ray pleaded guilty to the first degree murder indictment that had previously been returned against him. The maximum penalty for that crime, under Tennessee law in 1968, was death. (4) Nevertheless, under the terms of the prosecution's recommendation to the court, which had been the result of the State's negotiations with Ray through Attorney Foreman, Ray was spared the death penalty, and he was sentenced to a term of 99 years' confinement in the State penitentiary at Nashville. (5)

(5) During the course of the hearing before Judge Battle, Ray was extensively questioned by the court to determine the voluntariness of the tendered plea and if Ray understood the rights that his guilty plea waived. (6) In addition, as part of the plea, Ray was required to sign

a proposed stipulation of material facts. The stipulation contained the facts relating to Ray's travels and other actions that the State contended supported its case against him. (7) Thus, in entering a plea of guilty, Ray specifically (1) waived his rights, both at trial and on appeal and (2) admitted his role in Dr. King's slaying.

(6) Nevertheless, within 3 days of the guilty plea James Earl Ray, in a letter to Judge Battle dated March 13, 1968, repudiated the plea and its stipulation of facts and requested a new trial. (8) In the same letter, Ray indicated to the judge that Percy Foreman no longer represented him. This letter was followed by another, dated March 26, 1969, which was also directed to Judge Battle and which repeated most of the statements contained in the letter of March 13, (9) and clarified that his purpose was to obtain a new trial. (10) By this time, Ray was also in contact with attorneys Richard J. Ryan, J. B. Stoner, and Robert W. Hill, Jr., whose services he secured to challenge the guilty plea. Judge Battle died on March 31, 1969, without taking any action on any of the requests contained in Ray's letter.

(7) Following Judge Battle's death, Ray filed a formal petition for a new trial on April 7, 1968. (11) At the conclusion of the hearing on the formal petition, the court issued a memorandum finding of facts and conclusions of law, (12) which held that: (1) The guilty plea was properly entered; (2) the guilty plea precluded Ray from filing a motion for a new trial; (3) Ray knowingly, intelligently and voluntarily expressly waived any rights he had to a motion for a new trial or appeal. (13)

(8) After exhausting his appeals in the State courts of Tennessee, Ray sought review of the trial courts' decision in Federal court by filing a writ of habeas corpus. (14) The writ addressed itself to a variety of issues, but was fundamentally two-pronged. First, Ray alleged that his plea had not been voluntarily and intelligently made. Second, he contended that he had not received effective assistance from his counsel prior to the entry of the guilty plea. The U.S. District Court for the Western District of Tennessee, Western Division, initially denied the writ on March 30, 1973, without holding an evidentiary hearing. (15) This decision was appealed to the U.S. Sixth Circuit Court of Appeals, which reversed the District Court on January 29, 1974, holding that the lower court should have held an evidentiary hearing before it ruled on Ray's request for relief. (16) The State of Tennessee sought review of the Sixth Circuit's decision in the United States Supreme Court, which denied the request for a writ of certiorari on June 3, 1974. (17) The case, therefore, was returned to the District Court for further proceedings. Upon remand, an evidentiary hearing was held before the District Court, and on February 27, 1975, Federal District Court Judge Robert M. McRae ruled that Ray's constitutional rights had not been violated; consequently, his petition for a writ of habeas corpus was denied. (18) Review of the matter was subsequently taken up by the U.S. Court of Appeals for the Sixth Circuit. (19) On May 10, 1976, the Court of Appeals handed down a decision that affirmed the lower court's judgment. The court's opinion made the following points:

- (1) The evidence sustained a finding that Ray had voluntarily and knowingly pleaded guilty to murder in State court.

(2) The evidence supported findings that Ray's attorney (Percy Foreman) had not made many of the statements attributed to him by Ray in urging him to plead guilty and that Ray had not reasonably believed that he had no alternative to a guilty plea.

(3) Ray did not sustain the necessary burden to show that he had been prejudiced by contracts with a writer who agreed to sell Ray's story to finance his defense or by events which occurred because of the existence of such contracts.

(4) Ray failed to show that the investigation of his case by his attorneys had been inadequate or below the standards usually required of a criminal lawyer of ordinary skill.

(5) Ray failed to show that the advice, given to him by his attorney (Percy Foreman) to plead guilty was not within the range of professional competence demanded of attorneys in criminal cases.

(6) Ray failed to show that he had been denied effective assistance of counsel because of surveillance, interception of mail and delivery of attorney-client communication to the prosecution by law enforcement officials. This failure resulted from Ray's inability to show that the complained-of conduct had affected the preparation of his defense, prejudiced him or contributed to Ray's decision to enter a guilty plea.

Ray sought review on this decision to the U.S. Supreme Court. On December 13, 1976, the Supreme Court denied Ray's request for a writ of certiorari. (20)

III. THE LEGAL STANDARD

(9) The committee requested the American Law Division of the Congressional Research Service of the Library of Congress to determine the legal standard to be used in evaluating the voluntariness of the guilty plea. (21) This project was undertaken, not to second guess the district court, but to determine, independently, whether the factual circumstances of Ray's plea, when measured against the applicable legal standard, lent any substance to Ray's claims that the plea was entered involuntarily or unintelligently. In Federal court, guilty pleas are measured against rule 11 of the Federal Rules of Criminal Procedure, which, in pertinent part, provides:

(A) Insuring That the Plea is Voluntary.

The court shall not accept a plea of guilty or nolo contendere without first, by addressing the defendant personally in open court, determining that the plea is voluntary and not the result of force or threats or promises apart from a plea agreement. The court shall also inquire as to whether the defendant's willingness to plead guilty or nolo contendere results from prior discussions between the attorney for the government and the defendant or his attorney. (22)

The State of Tennessee is currently considering the adoption of a procedural rule that is substantially identical to the Federal Rule of Criminal Procedure 11. (23)

(10) Additionally, both the Federal and Tennessee courts have

handed down decisions relating to the voluntariness of a guilty plea entered by a defendant in a criminal case. The U.S. Supreme Court has held that the voluntariness of a guilty plea can be determined only by considering all of the relevant circumstances surrounding it, and it is reversible error for a Federal court to accept a tendered guilty plea unless the record shows that the defendant voluntarily and understandingly entered it. (24) In addition, the Supreme Court has determined that the plea must be free of coercion, (25) threats, or intimidation, (26) and tricks or deception. (27) The Court has also ruled that a guilty plea must be intelligently made; that the defendant must be competent to enter the plea; and that the defendant must understand the nature of the charges and consequences of the plea. (28) (11) At the time James Earl Ray entered his plea in 1968, as well as in 1978, the Tennessee Courts have relied heavily on decisions by the Federal courts. Tennessee's courts have held, for example, that the plea must be made voluntarily and with full understanding of its consequences. (29) Further, they have held that a plea of guilty, understandingly and voluntarily entered on the advice of counsel, constitutes an admission of all facts alleged and a waiver of all non-jurisdictional and procedural defects and constitutional infirmities, if any, in any prior stage of the proceedings. (30) Tennessee law provides that a guilty plea is not rendered involuntarily when no more is shown than that the accused is faced with an election between a possible death sentence on a plea of not guilty and a lesser sentence on a guilty plea. (31) Under Tennessee law, State action that would raise a 14th amendment due process grievance is not involved when the ineffectiveness of a retained attorney is questioned, because a retained attorney does not act as an officer of the State. Additionally, mere inappropriate advice to plead guilty is not of constitutional dimensions. (32)

IV. APPLICATION OF THE STANDARD

(12) The committee used these standards to assess Ray's claim that the guilty plea that he entered to Dr. King's murder was involuntary. Ray based his claims primarily upon the following points: (1) Irreconcilable conflicts of interest involving Ray's attorneys and author William Bradford Huie; (2) failure of defense counsel to adequately investigate the case; (3) round-the-clock surveillance of Ray in the Shelby County jail; (4) threats made to the Ray family designed to cause them to influence James Earl Ray to plead guilty; and (5) threats made by Foreman to Ray concerning the type of courtroom representation Ray could expect if he refused to plead guilty and forced Foreman to go to trial. (33)

(13) The committee examined each of the points Ray raised about the nature of his guilty plea. The results of that examination follow:

A. Conflicts of interest involving Ray's attorneys

(14) James Earl Ray, first in conjunction with Arthur Hanes, Sr., his original attorney, and then with Percy Foreman, Hanes' successor, entered into contracts with author William Bradford Huie for the literary rights to Ray's version of the events preceding, during, and succeeding the assassination of Dr. Martin Luther King, Jr. Subsequently, Ray maintained that he entered these contracts only at the

insistence of his attorneys. (34) The committee conducted interviews with all of the parties to the contracts. Additional information, helpful in determining from what perspective the contracts should be viewed, was found in the pleadings, depositions and other papers filed in Federal court in *Ray v. Foreman* and *Ray v. Rose*. (35) *Ray v. Foreman*, a civil suit brought by James Earl Ray against Foreman, Hanes, and Huie, raised the issue of whether the interests of Foreman, Hanes, and Huie so conflicted with Ray's interests as to seriously hamper or jeopardize Ray's preparation of an adequate defense of the murder charge brought against him in relation to Dr. King's death. *Ray v. Rose* was the habeas corpus action brought by Ray in district court after his efforts to secure his freedom through the Tennessee judicial system failed.

(15) The committee's examination revealed that, prior to his first trip to England to meet with Ray after being retained, Hanes was approached by Huie, who expressed an interest in writing Ray's story.

(36) As a consequence, on Hanes' second trip to England, he carried with him written agreement that Huie had provided for Ray's signature. One of these was a broad power of attorney, authorizing Hanes to act for Ray. (37) A fee and agency agreement purported to assign to Hanes 40 percent of any money which James Earl Ray might realize as a result of his prospective agreement with Huie. It also appointed Hanes as Ray's exclusive agent and attorney in handling his affairs, contracts, negotiations, as well as the sale of the rights for any type of publication. (38)

(16) Subsequently, Ray was brought a third document to sign. It was a three-party agreement that had previously been executed by both Hanes and Huie. By its terms, the three-party agreement provided that Ray give Huie exclusive literary rights to his story, specifically his version of the circumstances of Dr. King's assassination and Ray's alleged participation in it, and the story of his trial; the ultimate objective of the agreement was stated to be the establishment of the truth of what occurred. (39)

(17) In September 1968, the attorney fee agreement between Ray and Hanes was amended at Ray's request. The provision that Hanes was to receive 40 percent of the money Ray received from Huie was changed so that the total amount that Hanes would receive was limited to \$20,000 plus expenses. (40)

(18) After Percy Foreman was substituted for Hanes as counsel for Ray on November 12, 1968, Ray and Hanes, on one hand, and Huie, on the other, granted to each other on January 29, 1969, and February 3, 1969, the appropriate releases to extinguish the obligations under the original three-party contract. Hanes then transferred all of his rights to royalties under the agreements to Ray. (41) Then Ray transferred, through a new contract, all of his rights to proceeds from the sale of any of Huie's writings to Foreman. (42) Finally, Foreman reassigned to Ray, conditionally, all of the royalties due from Huie in excess of \$165,000, a sum which Foreman continued to be entitled to as an attorney's fee. (43) These documents and transactions, therefore, were the agreements that Ray maintained placed both Hanes and Foreman irreconcilably in conflict with his interest. (44)

(19) A review of the statements given during depositions in *Ray v. Rose* and *Ray v. Foreman* showed that Ray was a willing party to the literary contracts that he and his attorneys entered into with William Bradford Huie. Ray repeatedly denied that he was ever interested in the money that he would realize as a result of his assent to the contractual arrangements with Huie. (45) Hanes and Ray basically agree, moreover that the original and primary reason for entering into the contract was to assure enough money to finance Ray's defense. (46) Nevertheless, their opinions then diverge. In the deposition he gave in *Ray v. Foreman*, Ray maintained that Hanes was in the case solely for the money and that he passed information to Huie, even though he knew that Huie was, in turn, passing the information on to the FBI. (47) Hanes, while never denying his desire to be paid for the work he did, just as steadfastly maintained that, without the literary contract, Ray would have been unable to retain counsel, or fund the type of investigation that a case of this magnitude required. (48) Ray claimed that prior to being retained, Foreman was shown copies of the agreements that Ray had entered into with William Bradford Huie and Arthur J. Hanes, Sr. Ray further stated that Foreman told him that the literary agreements were not in his best interest and could be instrumental in putting him in the electric chair. (49) Ray also claimed in his deposition that Foreman promised that he would not enter into any contracts until after Ray had gone to trial, but that he subsequently broke his word by contracting with Huie. (50) In his deposition in *Ray v. Foreman*, Foreman said that he initially had no intention of engaging in any sort of literary arrangement, and it was only after Ray suggested the literary contract as a means of raising the money necessary for his defense, that Foreman sought to have his name substituted for that of Arthur Hanes on the Huie contract. (51) Foreman also asserted in his deposition, and in his public testimony before the committee, that the fee arrangement that he and Ray entered, in which Ray assigned all of the literary royalties to Foreman, was a "trust" arrangement employed by Ray to protect his potential earnings from the threat of attachment should Dr. King's widow bring a civil suit against him for Dr. King's wrongful death. (52) During the committee's public hearing Foreman was questioned by Congressman Harold Sawyer about this assignment:

* * * * *

Mr. SAWYER. The assignment is very specific. It is an outright assignment. It makes no reference to any trust agreement or understanding.

Mr. FOREMAN. Well, if it had done so it could have been set aside by the same suit that might have been filed against Ray in accordance with his responsibilities. At least I would so hold. It would be that way in my home State.

Mr. SAWYER. Weren't you then entering into a fraudulent concealment of assets knowingly?

Mr. FOREMAN. You can call it that if you want to. I accepted it and I accepted it to protect, at Ray's request. I was the only person that could accept it for a valuable consideration. I don't consider it was professionally improper.

Mr. SAWYER. Aside from a characterization or label, how could it be anything else but a fraudulent concealment?

Mr. FOREMAN. Well, if it came down to the lawsuit in testimony, I would have testified then, as I am now, that I was holding it in trust for Ray and that would not have been a fraudulent concealment.

Mr. SAWYER. But the purpose of the instrument was to create a fraudulent concealment. Whether it was later penetrated by a lawsuit or testimony, the plan itself was a clear fraudulent concealment. You as a lawyer certainly were aware of that.

Mr. FOREMAN. Let's admit it now and can we get on to another question.

Mr. SAWYER. I would like to get an answer to that one.

Mr. FOREMAN. You understood it. You had to answer it beforehand. You didn't want an answer. You wanted to make a speech. Now I am ready for another question.

Mr. SAWYER. You don't care to?

Mr. FOREMAN. I have answered your question. He asked me to do it, Ray. I did it and I am not sorry for it. I reconveyed it to him as soon as I finished the case and that was my idea.

(53)

* * * * *

At first Foreman acknowledged the impropriety of the assignment, but, within minutes recanted, saying he saw nothing professionally improper in accepting the assignment from Ray. (54)

(20) Review of the court documents also showed that any argument in support of the theory that the financial interest of Huie and Foreman in the literary contract was in conflict with Ray's interests is undercut by Ray's guilty plea. In *Ray v. Foreman*, the contractual obligations were subjected to judicial scrutiny. These obligations included not only the agreements between Hanes, Foreman, Huie, and Ray, but also the agreements between Huie and the publishing houses who paid him to write Ray's story. An examination of these contracts shows vividly that the value of Ray's story depreciated tremendously once the guilty plea had been entered, (55) lending support to Foreman's contention that his only concern in pleading Ray guilty was saving his life and that the money that might have resulted from the existence of the literary contracts did not color his professional judgment regarding the wisdom of a guilty plea. (56)

(21) Nothing in the committee's examination of the Hanes-Huie-Ray and Foreman-Huie-Ray literary agreements has led it to reject the findings made by Judge Robert M. McRae, Jr. in *Ray v. Rose*. (57) There, the court determined that the contract that Hanes negotiated was an apparent violation of one of the disciplinary rules of the American Bar Association's Code of Professional Responsibility (58) and Foreman's fee, had it been collectable, would have been unreasonable. Nevertheless, as Judge McRae found, there was no evidence to support James Earl Ray's allegation that the conflicts of interest existing between himself and his attorneys in any way caused him to plead guilty involuntarily. To the contrary, it appeared that, in both instances, Ray had an opportunity to, and in fact did, exercise an informed choice in

engaging in the literary contracts. Hanes appears to have fully disclosed to Ray "the contents of all contractual provisions into which he caused an agreement to be executed on his advice whereby his financial interest might be in conflict with Ray's best interest in his defenses in the criminal trial." (59) Further, according to Foreman, the contract to which he was party was pursued only after Ray's specific request. (60).

(22) Since Ray was fully informed of the provisions of Hanes' contract with Huie, and since Hanes was dismissed by Ray months before Ray entered the guilty plea, it is hard to assess exactly what detriment Ray suffered as a result of Hanes' "irreconcilable conflict of interest." That Huie was brought before a grand jury on February 7, 1969, (61) and compelled to give testimony concerning what he had learned as a result of his correspondence with Ray, would, at first blush, appear to lend credence to Ray's conflict-of-interest concerns. A closer examination, however, dispels that impression. Hanes indicated in his deposition in *Ray v. Foreman* that he did not discuss the defense with Huie, nor did he give Huie any information that he thought would aid the defense. (62) Huie claimed, for his part, that, at the time the grand jury subpoena was served, he had turned over all of his correspondence with Ray to Foreman. (63) These two facts served to insulate Ray from any harm resulting from the Hanes-Huie agreements. In addition Ray's distrust of Huie caused him to provide the author with factually erroneous data. (64) As far as Foreman's contract with Huie, it can be said that the same violation of the ABA disciplinary rule applies. Nevertheless, Foreman's decision to plead Ray guilty did not appear to turn on his expectation that it would increase the value of the interest that he held in the literary contract. Since it is undisputed that Foreman warned Ray about the dangers inherent in such agreements, (65) it seems entirely plausible that Ray sent Foreman to reinstitute the Huie contracts. Both men have continually maintained that their only purpose for entering the contracts was to provide money for the defense effort. (66) What may be implausible was Foreman's contention that Ray's assignment of all literary rights to him was in the nature of a trust agreement. (67) The document itself revealed no such intention and, in fact, was a complete relinquishment of all rights which Ray had to the proceeds of the literary contracts. (68)

(23) Finding nothing in the interviews, documents, or other investigation to support Ray's claim of prejudice, it would seem that while a definite conflict of interest did exist, it did not materially affect the quality of representation received by Ray.

B. The quality of Ray's legal representation

(24) Since the U.S. Supreme Court has not yet definitively defined effective assistance, of course, the lower Federal courts have been left to develop the standards by which to measure the performance of practicing attorneys in providing the assistance contemplated by the sixth amendment. As a result, some circuits use reasonable competency as the standard against which to gage effectiveness. Others require that a defendant have the assistance of a competent attorney "acting as a diligent and conscientious advocate." (69) Still others continue to use the traditional test requiring only a level of representa-

tion that prevents the proceedings from becoming a "farce and mockery of justice." (70)

(25) The sixth circuit, which encompasses Memphis, Tenn., has abandoned the "farce or mockery" standard in favor of "reasonably likely to render and rendering reasonably effective assistance." The court has rejected the "farce or mockery" test, except as it might be considered a conclusory description of the objective standard of reasonably effective assistance. (71)

(26) In *Beasley v. United States*, decided in 1974, 5 years after James Earl Ray's guilty plea, the sixth circuit held that it is ineffective assistance of counsel for a defense attorney to deprive a defendant of a substantial defense by his own ineffectiveness or incompetence and that defense counsel must perform at least as well as a lawyer with ordinary training and skill in the field of criminal law. In addition, the court held that the attorney must conscientiously protect his clients' interests without regard to conflicting considerations; must investigate all apparently substantial defenses available to the defendant and must assert them in a proper and timely manner; and must not advise his or her client erroneously on a clear point of law if this advice leads to the deprivation of the clients rights to a fair trial. The court noted that the use of defense strategy and tactics that lawyers of ordinary skill and training in criminal law would not consider competent would deny a defendant the effective assistance of counsel if some other action would have better protected the defendant and was reasonably foreseeable before trial. (72)

(27) The right to effective assistance of counsel required by the sixth amendment has long been recognized to apply to a criminal case in which the defendant pleads guilty as well as to a case in which a trial is conducted (73). Additionally, since the Supreme Court's decision in *Gideon v. Wainwright* (74), a defendant pleading guilty to a felony charge in State court has had a right to the assistance of counsel guaranteed and protected by the sixth amendment. (75)

(28) James Earl Ray became dissatisfied with the representation that Arthur Hanes, Sr., was affording him. This dissatisfaction sprang primarily from the relationship that Hanes had established with Huie. (76). As a result of this dissatisfaction, and through the efforts of James' brothers, Jerry and John, Percy Foreman was contacted. On November 10, 1968, Foreman replaced Hanes as Ray's attorney.

(77) Two days later, on November 12, 1968, Foreman appeared in court and succeeded in having the case continued until March 3, 1969, so that he would have sufficient time to prepare a defense. (78) Foreman had, therefore, approximately 4 months from the time he entered the case until the time the guilty plea was entered to investigate the factual allegations and the evidence against Ray.

(29) Ray has alleged that Foreman's investigation was so deficient as to deprive him of the effective assistance of counsel. (79) The committee has examined the merits of this allegation.

(30) As with the previous issue, the committee was aided in its inquiry by the deposition, pleadings, and other documents filed in both *Ray v. Rose* and *Ray v. Foreman*. In addition, wherever possible, the committee interviewed the people who were principally responsible for the defense investigation of Dr. King's death. The investigation was matched against the minimum legal standard required of counsel

conducting a criminal defense to determine if Foreman was ready, willing, and able to take the case to trial.

(31) Foreman has claimed that, from the time he entered the case until the time of Ray's guilty plea, he spent between 80 and 90 percent of his time working on Ray's case. (80) In the deposition that Foreman gave in *Ray v. Foreman*, Foreman estimated that he spent from 30 to 75 hours in interviews with Ray (81). He also related that he used approximately eight senior law students from Memphis State University as investigators. (82) Foreman was vague about what the students did for him, and could produce none of their work products. (83) Foreman was also vague about other aspects of his investigation of the facts. Apparently, he did speak to Huie regarding his investigation (84) and to Hanes concerning the investigation carried out by himself, his son, and the investigator they hired, Renfro Hayes (85). It also appears that Foreman did speak to some of the potential witnesses. (86)

(32) After reviewing the depositions of Foreman, Hanes, Hugh Stanton, Jr., and James Earl Ray, as well as committee interviews, it may be concluded that the independent investigation of Dr. King's death performed by Percy Foreman left much to be desired. Numerous witnesses were never contacted by Foreman or any of his representatives. Foreman has refused to give the numbers or identities of all the witnesses that he claimed to have interviewed. (87) Hugh Stanton, Jr., stated that the public defender's canvass of witnesses was incomplete at the time that the guilty plea was decided upon. (88) Additionally, Thomas Emerson Smith, one of Foreman's student investigators, has told the committee that neither he nor any of the other students who were chosen to work with Foreman ever conducted a single interview. In fact, according to Smith, the group was never asked by Foreman to carry out any type of investigation whatsoever. (89) It appears that Foreman spent a relatively small amount of time interviewing Ray; he also failed to avail himself fully of the knowledge of the case possessed by his predecessor, Arthur Hanes, Sr. The committee reviewed the hourly activity logs that were kept during James Earl Ray's stay in the Shelby County Jail. They reflected that Foreman spent somewhat less than 20 hours with Ray during the approximately 4 months that he represented him. (90) This figure is at variance with Foreman's own recollection that he spent between 35 and 70 hours interviewing Ray. (91) Ray's recollection of the time Foreman spent with him comports almost to the hour with the figure developed by the committee's review. (92) An explanation for the discrepancy between the committee's figure and Foreman's recollection might be found in the public hearing testimony of Dr. McCarthy DeMere. Dr. DeMere testified that at some point after Ray was brought to the Shelby County Jail security was relaxed somewhat. (93) As a result, Dr. DeMere stopped signing into the jail when he came to visit Ray. It is unclear from his testimony whether this sign-in procedure was separate and apart from the detailed log kept by Ray's guards, even though those logs did not bear any signature. If the two logs are, in fact, one-in-the-same then it is conceivable that some of Foreman's visits with Ray did not appear.

(33) In an interview with the committee, Hanes maintained that he made every effort to make his files available to Foreman, but Foreman

only used a small portion of them and he never used Hanes' personal knowledge of the case, although Hanes offered to assist. (94) (34) Even though Foreman may be faulted for not conducting a more thorough or independent inquiry, he did have at his disposal the fruits of the investigations conducted by William Bradford Huie, Arthur Hanes, Sr., and Renfro Hayes, as well as the investigation conducted by the Shelby County, Tenn., Public Defender's Office (95) before he advised Ray to plead guilty. While Foreman's independent investigation might be considered minimal, the scope of the combined investigations carried out on behalf of the defense was substantial. (96) The investigation conducted by the public defender's office was the most comprehensive. Two full-time and one part-time investigators for the defender's office interviewed numerous witnesses and followed up investigative leads. (97) In addition, these investigators double-checked the investigation that had been done previously for Arthur Hanes, Sr., by Renfro Hayes, much of which was found to be unreliable. (98) Photographs taken by Attorney Russell X. Thompson as well as the results of an investigation he had conducted were obtained. (99) The public defender's work product in Ray's defense filled between 10 and 12 files. (100) Weaknesses in the State's case were uncovered and considered. (101) Foreman and cocounsels Hugh Stanton, Sr., and Jr., discussed these weaknesses and decided that they were not glaring enough to discredit the totality of the case that had been assembled against Ray. (102) Despite Ray's protestations to the contrary, it may be concluded that his decision to plead guilty was based more upon Foreman's recitation of the State's case against him than any other consideration. (103) While questions may be raised about the quality of the defense, there is insufficient evidence to conclude that the level of representation which Ray received from the Hanes, the Stantons, and Foreman, fell below the applicable standard.

C. James Earl Ray's stated reasons for pleading guilty

(35) Ray has continuously maintained that the guilty plea he entered in the King case was involuntary. (104) The reasons given are:

- (1) That Percy Foreman forced Ray to plead guilty against his will. (105)
- (2) That the conditions of Ray's incarceration in the Shelby County Jail and his health were so poor that he was unable to resist the pressure placed on him by Foreman to enter the plea. (106)
- (3) That Foreman and the FBI harassed Ray's family in order to force the guilty plea. (107)
- (4) That Ray believed he would automatically be entitled to a new trial if he appealed the guilty plea. (108)

(36) The committee examined each of Ray's reasons to determine if there was any validity to them. Once again, the committee's assessment was aided by a review of the relevant court documents in the *Ray v. Rose* and *Ray v. Foreman* cases. (109) Additionally, whenever it was appropriate, individuals who figured centrally in Ray's claim were interviewed by the committee. Treated below are findings about each of Ray's stated reasons for pleading guilty.

(a) Percy Foreman forced Ray to plead guilty against his will.

(37) Ray's allegations here deal with factual inaccuracies, misrepresentations, threats and bad advice that he imputes to Foreman. The U.S. Court of Appeals for the Sixth Circuit reviewed the findings of the U.S. District Court for the Western District of Tennessee on this issue. (110) The court of appeals summarized the basis for the district court's decision:

The court found that most of Ray's allegations regarding Foreman's inducement of the guilty plea were not supported by the proof. Specifically, the court found that Foreman did not advise Ray, even if innocent, to plead guilty; that Foreman suggested to Ray that Ray would be better off financially with a guilty plea, but that this statement did not influence Ray in his decision; that Foreman did not advise Ray to plead guilty because he would be pardoned by John J. Hooker, Jr., who would be the next governor of Tennessee; and that Foreman did not attempt to persuade Ray to plead guilty by telling him that the prosecution was prepared to bribe a key witness against Ray; by saying that Foreman would exercise less than his best efforts if Ray insisted on a trial; or by telling Ray that Judge Battle would not allow him to change attorneys and that Foreman would not withdraw.

(38) The allegations that Ray made on this point arose out of conversations where the only persons present were James Earl Ray and Percy Foreman. Under the best of circumstances, Ray would be hard put to prove what he claimed occurred during those conversations, particularly since Foreman categorically denied all of Ray's claims against him. (111) Foreman's assertions were, at times, equally self-serving. During the committee's public hearings, for example, Foreman testified that he never recommended to Ray that he enter a guilty plea. (112) That statement is unacceptable when it is measured against the February 13, 1969, letter that Foreman sent to Ray and that is incapable of any interpretation other than a strong recommendation that Ray plead guilty. (113) Nevertheless the seriousness of Ray's charges, the ease with which they can be made, and Ray's vested interest in gaining the substantial benefit of a new trial all work to resolve the issues against Ray, unless he could corroborate or independently establish them.

(39) James Earl Ray was a career criminal in 1968, who had had extensive exposure to the criminal justice system both by way of trials and guilty pleas. Arthur Hanes, Sr., indicated that Ray was cooperative only up to a certain point. (114) In Foreman, however, Ray met an equally experienced individual. (115) Ray's answers to the questions posed by Judge Battle at the time of the guilty plea reveal a man who was convinced of his guilt, and not simply cowed. (116) That he challenged his plea so quickly (within 3 days after it was entered) is consistent with a pattern of behavior that he established years before. In 1959, Ray was arrested for the robbery of a supermarket. Shortly after his arrest he gave a complete statement to the police in which he admitted his complicity in the crime. By the time of the trial, Ray had reversed his position, not only maintaining his

innocence, but also contending that his earlier confession had been the result of police brutality. (117) On the basis of the evidence, it may be concluded, that Foreman's recommendation that his client plead guilty did not overwhelm Ray's will to resist.

(b) The conditions of Ray's incarceration in the Shelby County Jail and the state of his health were so poor that he was unable to resist the pressure placed on him by Foreman to enter the guilty plea.

(40) According to James Earl Ray, his will to resist Percy Foreman's demands that he plead guilty was seriously diminished by the "macabre" conditions that were instituted in the Shelby County Jail specifically for his incarceration. He further claimed that his health was adversely affected by those conditions. (118)

(41) Because of the notoriety of the case and the strong emotions that had been evoked by the murder of Dr. King, extraordinary measures were taken by Shelby County sheriff, William Morris, to safeguard Ray's life and prevent his escape.

(42) In testimony given during the course of the Federal court hearing on Ray's motion for a writ of habeas corpus, Billy J. Smith, the officer in charge of the special detail that handled Ray's security, described the conditions that Ray lived under during his stay in the Shelby County Jail. According to Smith, all of the windows in the cell block where Ray was housed by himself were covered with steel plating. The doors leading to the cell block were made of steel. Two officers were assigned to guard Ray at all times, necessitating the deployment of six officers to cover three 8-hour shifts. The interior of the cell was surveilled at all times by two closed circuit TV cameras. A log was kept, by Ray's guards, of his every move. Ray's food was selected by the supervisors of his security detail, at random, from the food that was prepared for the other prisoners and the employees of the jail. Once selected, it was placed in a locked stainless steel box to prevent anyone from tampering with it before it was given to Ray. A microphone was placed in the cell and the entire cell block, which consisted of several cells, was continually illuminated. (119)

(43) The legal memorandum was filed on Ray's behalf in *Ray v. Rose*, added this graphic comment: "For 8 months Ray saw no sunlight; in fact, he was not able to tell night from day." (120)

(44) The person most able to comment on the state of Ray's health during his stay in Shelby County Jail and the possible effect that the special precautions that were taken might have had upon his health, is Dr. McCarthy DeMere, who served as Ray's physician from the time he was returned to Memphis from England until he was taken to the Tennessee State Penitentiary at Nashville. Dr. DeMere was interviewed by the committee about the points which Ray raised.

(121) In addition, the committee reviewed Dr. DeMere's testimony in *Ray v. Rose* and in its public hearings as it related to these same charges. (122) Based upon the interview and the review it may be concluded that:

- (1) James Earl Ray was in good health when he arrived in Memphis from England. (123)
- (2) Dr. DeMere saw Ray at intervals throughout Ray's stay in the Shelby County Jail. (124)

- (3) Ray's condition remained excellent during the time he was in the Shelby County Jail. (125)
- (4) Dr. DeMere arranged Ray's diet with the jail's dietician and it was nutritious. (126)
- (5) Ray gained weight while he was in the Shelby County Jail. (127)
- (6) Ray complained to Dr. DeMere about the lights in his cell at first, but never complained about losing sleep. (128)
- (7) The only medical complaints that Ray made during his stay in Shelby County Jail concerned occasional headaches and nosebleeds. (129)
- (8) The headaches were treated with aspirin and Dr. DeMere determined that the nosebleeds might have been an after-effect of the plastic surgery which had been performed on Ray's nose in California, or perhaps just from picking his nose. (130)
- (9) The facilities that Ray occupied were comparable to a good motel suite and compared favorably to a first grade suite room in an ordinary hospital. (131)

Additionally, Dr. DeMere stated that he and Ray enjoyed a good personal relationship and were on a friendly basis throughout Ray's stay in the Shelby County Jail. (132) He added that he never saw Ray depressed, and Ray never exhibited any tension or nervousness during these visits. (133) Finally, Dr. DeMere said that in his opinion, Ray was in better health when he left the Shelby County Jail than when he arrived. (134) It may be concluded, therefore, that neither the conditions under which Ray was incarcerated in Shelby County nor the state of his health in any way influenced him to enter the guilty plea.

(c) Foreman and the FBI harassed Ray's family in order to force the guilty plea.

(45) Ray claimed in the pleadings filed in the habeas corpus proceedings that his family was harassed and pressured, by both the FBI and Percy Foreman, prior to the guilty plea. The ultimate aim of these actions, according to Ray, was to force him to plead guilty rather than going to trial. Concerning the FBI, Ray maintained that:

- (1) The FBI threatened to arrest and rejoin his father at Fort Madison, Iowa, where he had escaped 40 years earlier. (135)
- (2) The FBI burglarized the home of his sister, Carol Pepper. (136)
- (3) His brother, John Larry Ray, was sentenced to 18 years in prison for his role in a bank robbery—an excessive sentence in comparison to his codefendants. (137)

Concerning Foreman, Ray maintained that:

- (1) Foreman claimed that Ray's brother, Jerry, would be arrested and charged with conspiracy to murder Dr. King if Ray did not plead guilty. (138)
- (2) Foreman tried to convince Ray's family to sell him on the plea. (139)

(46) The committee attempted to explore Ray's allegations as they related to both Foreman and the FBI. Here too, however, the sole support for many of the allegations is Ray's word or that of various members of his family. Given their bias, the committee was reluctant to accept their contentions as true without corroboration or independent substantiation.

(47) The committee's investigation uncovered no corroboration for Ray's claims that the FBI had a role in burglarizing his sister's house, (140) or caused his brother to receive a longer jail sentence. As a matter of fact, John Ray was not arrested on the charge that brought the 18-year sentence until almost 1½ years after James Earl Ray entered his guilty plea, (141) so it must be concluded that John's sentence was too remote in time to effect James Earl's decision to enter the guilty plea.

(48) The charge that the FBI threatened Ray's father originated with James' brother, John Ray. It was impossible to determine, through independent evidence, whether or not such a threat was ever made. Further, James Earl Ray was unclear about the impact, if any, the knowledge of this threat had on his decision to plead.

(49) Ray's claim that Foreman attempted to coerce him into pleading guilty by raising the threat of his brother's incarceration for conspiracy in King's death was also examined. Ray said that Foreman tried to impress upon him that a guilty plea was necessary to prevent the FBI from involving Jerry in the case. (142) Nevertheless, when he was pressed on the subject by the committee in an interview at Brushy Mountain Penitentiary, Ray indicated that Foreman at no time claimed that the FBI had informed him of Jerry's imminent arrest, but he had alluded to the possibility that Jerry might be picked up.

(143)

(50) On February 19, 1969, Percy Foreman met with members of the Ray family at the home of Ray's sister, Carol Pepper, in Maplewood, Mo. According to a brief filed on Ray's behalf in *Ray v. Rose*, at this meeting

Foreman read aloud the reasons which James Earl Ray gave for refusing to plead guilty. He tried to ridicule and refute these reasons and to cajole and threaten the Ray family into helping him coerce Ray into accepting his deal. Although all refused, Foreman then told Ray that the members of his family wanted him to plead guilty. (144)

Once again, the committee was confronted with a situation where no proof, independent of the Ray family's statements, could be found to corroborate or substantiate James Earl Ray's allegation. Nevertheless, since Ray's family refused to urge him to plead guilty, and he had an opportunity to see and talk to both of his brothers prior to entering the plea, it is reasonable to assume that any misconception that Foreman might have given Ray as to his family's feelings would have been cleared up by the time Ray entered Judge Battle's courtroom on March 10, 1969. In fact, under close questioning by the committee in a Brushy Mountain Penitentiary interview, Ray admitted that to his mind, there had really only been two instances of any harassment of his family—the FBI threat against his father, and Foreman's remarks about Jerry Ray's possible incarceration. (145).

(51) Even giving Ray the benefit of the doubt regarding all of the threats that he mentioned, he has still failed to indicate how, or even if, these threats worked to coerce him into entering the plea.

(52) Additionally, the committee was unable to reconcile Ray's stated fear that his family would be harassed by the FBI if he did not enter the guilty plea, with the criticism which he directed at the Bureau's Director, J. Edgar Hoover, at the time the plea was entered. He would hardly have criticized the very agency he feared if he were under its domination.

(d) Ray believed he would automatically be entitled to a new trial if he appealed the guilty plea.

(53) Statements made by James Earl Ray both prior to, and subsequent to, the guilty plea raise questions as to his grasp of its finality.

(54) The prevailing judicial attitude toward guilty pleas is plainly laid out in the U.S. Supreme Court's recent ruling in *Blackledge v. Allison*, (146) where the Court stated:

Properly administered, guilty pleas can benefit all concerned. The defendant avoids extended pretrial incarceration and the anxieties and uncertainties of the trial; he gains a speedy disposition of his case, the chance to acknowledge his guilt, and a prompt start in realizing whatever potential there may be for rehabilitation. Judges and prosecutors conserve vital and scarce resources. The public is protected from the risks posed by those charged with criminal offenses who are at large on bail while awaiting completion of criminal proceedings. These advantages can be secured, however, only if dispositions by guilty plea are accorded a great measure of finality. To allow indiscriminate hearings in * * * post-conviction proceedings * * * would eliminate the chief virtues of the plea system—speed, economy, and finality.

(55) While an important value, finality is sometime difficult to secure. The criminal justice system itself encourages appeals as well as collateral attacks upon convictions, and particularly so in cases, such as James Earl Ray's, where the accused is incarcerated. Such an individual, generally speaking, has everything to gain and nothing to lose from filing an attack on his conviction, even if that conviction came about by a guilty plea. (147)

(56) It is not surprising, therefore, that appeals and other efforts to obtain review are extremely numerous, and that many are what has been commonly characterized as frivolous. These pleas for relief cannot, of course, be rejected out of hand. As the American Bar Association put it:

In order to establish that an appeal is frivolous, it is necessary to make an evaluation of its merit. If that evaluation is done with due process, the case would have been through the essential steps of an ordinary appeal. (148)

(57) James Earl Ray believed that such an evaluation would result in the case's reversal. Percy Foreman has said that " * * * Mr. Ray's opinion of an appeal was an unassailable reversal. He equated appeal with reversal * * * He thought he would get an automatic reversal and keep going up like a rubber ball." (149) Ray's responses to ques-

tions put to him about his motivation in entering the guilty plea are also enlightening. In his interview with the committee, Ray stated that his main purpose in entering the guilty plea was to get rid of Foreman. (150) He looked upon the plea as a mere technicality, designed to get him out of Memphis. (151) He believed that Foreman planned to throw the case, (152) but because of the court's stated attitude at the time he fired Hanes, Ray felt that he would not be allowed to fire Foreman. (153) Thus, according to Ray, the guilty plea served as a convenient, harmless alternative to the other options open to him; namely, going to trial with Foreman, who he no longer trusted, (154) going to trial with the public defender, who he felt had neither the skill nor the resources to handle a major case, (155) or going to trial unrepresented. (156).

(58) Ray's claimed failure to understand the nature of the guilty plea calls its validity into question. This question may be resolved, however, when the requirements for a valid guilty plea are examined. The committee conducted just such an examination. It found that the Constitution of the United States, and the Supreme Court's interpretation of it, requires that trial courts make a number of determinations before accepting a defendant's tendered guilty plea. Thus the trial court must determine, if the plea has been entered voluntarily, understandingly, and intelligently; (157) and its assessment in those regards must appear affirmatively in the court's record. (158) Under these guidelines, the minimum requirements for a valid guilty plea are that it be the voluntary expression of the defendant's own free choice (159) and that the accused himself must possess a sufficient awareness of the relevant circumstances and likely consequences of his plea. (160) Ray's past history, moreover, argues strongly in favor of the proposition that he knew that the guilty plea would effectively extinguish all of his legal remedies. For example, on December 17, 1959, Ray was found guilty, by a St. Louis, Mo., jury, of robbery. Ray subsequently appealed that decision to the Missouri Supreme Court, which rejected his appeal and affirmed the lower court's decision on February 12, 1962. (161) In light of this previous appellate experience, it is difficult to credit the theory that Ray, in fact, believed that he had only to appeal from the guilty plea to replace his lawyer and win a new trial.

V. CONCLUSION

(59) It may be concluded that Ray's plea surpassed the Constitution's minimum requirements. From the committee's scrutiny of the circumstances surrounding James Earl Ray's guilty plea it may be concluded that, although the plea contained troubling issues, Ray was not coerced into entering it; that the conflict of interest that Ray alleged on the part of attorneys Hanes and Foreman did not result in or influence Ray's decision to plead guilty; that Percy Foreman's personal investigation of the facts of the case should have been more thorough, but the work product of others who investigated the case provided him with enough information to provide Ray with effective assistance of counsel; and finally the reasons which James Earl Ray gave for pleading guilty were self-serving and in no instance provided the basis upon which he would be entitled to a new trial.

Submitted by:

RONALD ADRINE,
Senior Staff Counsel.

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- (3) Testimony of Hugh Stanton, Jr., Oct. 23, 1974, *Ray v. Rose*, House Select Committee on Assassinations, p. 223 (MLK Document No. 010005).
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- (8) Letter from James Earl Ray to Judge W. Preston Battle, Mar. 13, 1969, House Select Committee on Assassinations, (MLK Document No. 030102).
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- (18) Memorandum decision, *Ray v. Rose*, 392 F. Supp. 601 (N.D. Tenn. 1975) (MLK Document No. 040026).
- (19) *Ray v. Rose*, 535 F.2d 966 (1976).
- (20) *Ray v. Rose*, 429 U.S. 1026 (1976).
- (21) Congressional Research Service, "Court Decisions Governing Guilty Pleas Under U.S. Constitution and the Law of Tennessee," Jan. 26, 1978 (MLK Document No. 190420).
- (22) Federal Rule of Criminal Procedure 11(d).
- (23) Congressional Research Service, "Court Decisions Governing Guilty Pleas Under U.S. Constitution and the Law of Tennessee," Jan. 26, 1978 (MLK Document No. 190420).
- (24) *Brady v. United States*, 397 U.S. 742 749 (1970). *Boykin v. Alabama*, 395 U.S. 238 (1969).
- (25) *Fontain v. United States*, 411 U.S. 213 (1973).
- (26) *Marchibroda v. United States*, 386 U.S. 487 (1962).
- (27) *Marvel v. United States*, 380 U.S. 262 (1965).
- (28) See: *Brady v. United States*, *supra*, *Kerchevel v. United States*, 274 U.S. 220 (1927), *McCarthy v. United States*, 392 U.S. 459 (1969).
- (29) *Burnes v. Henderson*, 220 Tenn. 719, 423 S.W. 2d 497 (1968).
- (30) *Sheperd v. Henderson*, 449 S.W. 2d 726 (Tenn. 1969).
- (31) *State Ex. Rel. Lawrence v. Henderson*, 433 S.W. 2d 96 (Tenn. 1968).
- (32) *Gann v. State*, 452 S.W. 2d 685 (Tenn. 1970).
- (33) Petitioner's Memorandum of Points and Authorities; Memorandum of Facts, *Ray v. Rose*, House Select Committee on Assassinations, Dec. 4, 1972 (MLK Document No. 110309).

- (34) Deposition of James Earl Ray, Nov. 22, 1969, *Ray v. Foreman*, House Select Committee on Assassinations, pp. 9, 25 (MLK Document No. 030197).
- (35) Deposition of Arthur Hanes, Sr., Nov. 7, 1969, *Ray v. Foreman* (MLK Document No. 080055).
- (36) *Ibid.*
- (37) *Ibid.*
- (38) Hanes-Ray literary contract.
- (39) Huie-Ray-Hanes literary contract, July 8, 1968, House Select Committee on Assassinations, pp. 12-15 (MLK Document No. 110116).
- (40) Deposition of Arthur Hanes, Sr., Nov. 7, 1969, *Ray v. Foreman*, p. 5 (MLK Document No. 080055).
- (41) *Ibid.*, p. 10.
- (42) *Ibid.*
- (43) Letter from Percy Foreman to James Earl Ray, House Select Committee on Assassinations, Mar. 9, 1969 (MLK Document No. 110027).
- (44) A conflict of interest on the part of counsel may preclude effective assistance. However, even if such a conflict should be shown, it does not necessarily render the plea of guilty by the client unintelligent or unknowing. It is only when it can be shown that the conflict of interest affected the plea of guilty that it may constitute a reason for vacating the plea. See *Dulce v. Warden* 406 U.S. 250 (1972).
- (45) As an example, see Ray's Deposition, *Ray v. Foreman*, p. 24 (MLK Document No. 030197).
- (46) Staff interview of Arthur Hanes, Sr., May 9, 1978, House Select Committee on Assassinations, p. 13 (MLK Document No. 210373) (Hereinafter referred to as staff interview of Arthur Hanes, Sr., May 9, 1978).
- (47) Supplemental deposition of James Earl Ray, *Ray v. Foreman* Nov. 22, 1969, pp. 15, 18, 19 (MLK Document No. 030197).
- (48) Deposition of Arthur Hanes, Sr., Nov. 7, 1969, *Ray v. Foreman*, pp. 31-32 (MLK Document No. 080055).
- (49) Staff interview of James Earl Ray, Nov. 14, 1977, hearings before the House Select Committee on Assassinations, 95th Cong., 2d sess., Washington, D.C.; U.S. Government Printing Office, 1979, vol. XI, p. 144 (hereinafter referred to as staff interview of James Earl Ray, Nov. 14, 1977). Foreman denied that he reviewed the contracts before he entered the case. See deposition of Percy Foreman, *Ray v. Rose*, Apr. 3, 1974 (MLK Document No. 020031).
- (50) Deposition of James Earl Ray, Nov. 22, 1969, *Ray v. Foreman* (MLK Document No. 030197).
- (51) Deposition of Percy Foreman, Nov. 11, 1969, *Ray v. Foreman*, pp. 11-12 (MLK Document No. 010050).
- (52) *Ibid.*, pp. 12-13.
- (53) Testimony of Percy Foreman, Nov. 13, 1978, hearings before the Select Committee on Assassinations, 95th Cong., 2d sess. Washington, D.C.; U.S. Government Printing Office, 1979, vol. V, pp. 304-05 (hereinafter referred to as Foreman testimony, Nov. 13, 1978, HSCA-MLK hearings).
- (54) *Id.*, at 298, 304.
- (55) Memorandum decision, *Ray v. Rose*, Feb. 27, 1975, pp. 8-11 (MLK Document No. 260030).
- (56) Deposition of Percy Foreman, Nov. 11, 1969, *Ray v. Foreman*, p. 15 (MLK Document No. 010050).
- (57) Memorandum decision, *Ray v. Rose*, Feb. 27, 1975, p. 35 (MLK Document No. 260030).
- (58) *Ibid.*
- (59) *Id.*, p. 35.
- (60) Foreman testimony, Nov. 13, 1978, HSCA-MLK hearings, p. 298.
- (61) Deposition of William Bradford Huie, *Ray v. Rose*, Sept. 20, 1974, p. 70 (MLK Document No. 170154).
- (62) Deposition Arthur Hanes, Sr., Nov. 7, 1969, *Ray v. Foreman*, p. 30 (MLK Document 080055).
- (63) Deposition of William Bradford Huie, *Ray v. Rose*, Apr. 3, 1974, p. 70 (MLK Document 020031).
- (64) See, e.g., staff interview of James Earl Ray, Sept. 29, 1977, hearings before the House Select Committee on Assassinations, 95th Cong., 2d sess., Washington, D.C., U.S. Government Printing Office, 1979, volume I, pp. 392-94 (hereinafter referred to as staff interview of James Earl Ray, Sept. 29, 1977).

- (65) Deposition of James Earl Ray, Nov. 11, 1969, *Ray v. Foreman*, House Select Committee on Assassinations, pp. 18, 19 (MLK Document 030316).
- (66) See deposition of Percy Foreman, Nov. 11, 1969, *Ray v. Foreman*, House Select Committee on Assassinations, p. 11 (MLK Document 010050). See also staff interview of James Earl Ray, Sept. 29, 1977, p. 434.
- (67) Foreman testimony, Nov. 13, 1978, HSCA-MLK hearings.
- (68) Foreman-Ray literary contract, Feb. 3, 1969, House Select Committee on Assassinations, p. 18 (MLK Document 110116).
- (69) See *United States v. Moore*, 529 F. 2d 366, 357 (D.C. Cir. 1976).
- (70) See *Franklin v. Wyrick*, 529 F. 2d 78, 82 (8th Cir.), cert. denied, 93 S.G. 1747 (1976).
- (71) *Beasley v. United States*, 491 F. 2d 687 (6th Cir. 1974).
- (72) See also, *Maglaya v. Buchkoe*, 515 F. 2d 265 (6th Cir. 1975); *Tooley v. Rose*, 507 F. 2d 413, (6th Cir. 1975); *Berry v. Cowen*, 497 F. 2d 1274 (6th Cir. 1974).
- (73) See *Foster v. Illinois*, 332 U.S. 134, 139 (1974).
- (74) 372 U.S. 335 (1963).
- (75) See *Arsenault v. Massachusetts*, 393 U.S. 5 (1968); *White v. Maryland*, 373 U.S. 59 (1963).
- (76) Habeas corpus testimony of James Earl Ray, *Ray v. Rose*, Oct. 29, 1974, pp. 927, 930-931 (MLK Document No. 010042).
- (77) Foreman testimony, Nov. 13, 1978, HSCA-MLK hearings, pp. 75-76.
- (78) Court proceedings, Criminal Court of Shelby County, Tenn., Nov. 12, 1968, pp. 1-26 (MLK Document No. 010009).
- (79) Petitioner's memorandum of points and authorities, Dec. 4, 1972, pp. 26-31 (MLK Document No. 110309).
- (80) Staff interview of Percy Foreman, House Select Committee on Assassinations, Apr. 13, 1977 (MLK Document 080006).
- (81) See also, Foreman testimony, Nov. 13, 1978, HSCA-MLK hearings, p. 300.
- (82) Deposition of Percy Foreman, Apr. 3, 1974, *Ray v. Rose*, pp. 72-82 (MLK Document 020031).
- (83) *Ibid.* See also, Foreman testimony, Nov. 13, 1978, HSCA-MLK hearings, pp. 299-300.
- (84) Deposition of Percy Foreman, Apr. 3, 1974, *Ray v. Rose*, pp. 44-45 (MLK Document 020031).
- (85) Staff interview of Arthur Hanes, Sr., May 9, 1978, pp. 7-8.
- (86) Deposition of Percy Foreman, Nov. 11, 1969, *Ray v. Foreman*, p. 29 (MLK Document 010050).
- (87) See Foreman testimony, Nov. 13, 1978, HSCA-MLK hearings, pp. 76, 299-300. Also see deposition of Percy Foreman, Apr. 3, 1974, *Ray v. Rose*, pp. 76-88 (MLK Document 020031).
- (88) Testimony of Hugh Stanton, Jr., Oct. 23, 1974, *Ray v. Rose*, p. 283 (MLK Document 010005).
- (89) Outside Contract Report with Thomas E. Smith, Dec. 8, 1978, House Select Committee on Assassinations (MLK Document No. 280079).
- (90) Shelby County Jail logs, July 19, 1968, through Mar. 10, 1969 (MLK Documents Nos. 110160, 110161, 110296, 110325, and 110326).
- (91) Foreman testimony, Nov. 13, 1978, HSCA-MLK hearings, p. 300.
- (92) Deposition of James Earl Ray, Nov. 22, 1969, *Ray v. Foreman*, p. 54 (MLK Document 030168). The committee's review of the jail logs showed Foreman spending approximately 20 hours with Ray during the pendency of this case.
- (93) Testimony of Dr. McCarthy DeMere, Nov. 13, 1978, hearings before the House Select Committee on Assassinations, 95th Cong., 2d sess., Washington, D.C.: U.S. Government Printing Office, 1979, pp. 378-79.
- (94) Staff interview of Arthur Hanes, Sr. May 9, 1978, pp. 7-8.
- (95) Independent investigation not required, *Price v. Perini*, 520 F. 2d 897, (6th Cir. 1975), *Berry v. Cowen*, note 67, *supra*.
- (96) See Review of Investigations by Judge McCrae in *Ray v. Rose*, Feb. 27, 1976, p. 26 (MLK Document No. 260030); see also Foreman testimony, Nov. 13, 1978, HSCA-MLK hearings, pp. 299-300; also testimony of Hugh Stanton, Jr., Oct. 23, 1974, *Ray v. Rose*, pp. 259-289 (MLK Document No. 010005); and the deposition of William Bradford Huie, Sept. 20, 1974, *Ray v. Rose*, pp. 23, 70, 78 (MLK Document No. 170154).
- (97) Testimony of Hugh Stanton, Jr., Oct. 23, 1974, *Ray v. Rose*, House Select Committee on Assassinations, pp. 259-289 (MLK Document No. 010050).
- (98) Testimony of Hugh Stanton, Jr., Oct. 23, 1974, *Ray v. Rose*, p. 304 (MLK Document 010001).

- (99) *Ibid.*, pp. 242, 310-311.
- (100) *Ibid.*, p. 245.
- (101) Testimony of Hugh Stanton, Jr., Oct. 23, 1974, *Ray v. Rose*, House Select Committee on Assassinations, pp. 259-289 (MLK Document 010005).
- (102) *Ibid.*
- (103) According to Hugh Stanton, Jr., testimony at the Habeas Corpus proceedings, Foreman had a working knowledge of the case that "amazed" him. It was thorough enough for Foreman to dictate a 75-page working paper from which the public defender's investigators worked. The record of the Habeas Corpus proceeding would indicate that, although the combined investigation was by no means complete, enough had been learned so that Foreman was in a position to make a powerful case for a guilty plea by the time he approached Ray about the possibility. Testimony, *Ray v. Rose*, Oct. 23, 1974, pp. 259 (MLK Document 010005).
- (104) As an example, see Petitioner's Memorandum of Points and Authorities, Dec. 4, 1972 (MLK Document 110309).
- (105) Petitioner's memorandum of fact, pp. 35-43 (MLK Document 110309).
- (106) *Ibid.*, pp. 40-41.
- (107) Staff interview with James Earl Ray, Sept. 29, 1977, pp. 443-44.
- (108) *Ibid.*
- (109) *Ray v. Rose*, 395 F. Supp. 601 (1975); *Ray v. Foreman*, U.S. District Court for the Western District of Tennessee, Western Division, Civil Case 60-199.
- (110) *Ray v. Rose*, 535 F. 2d 966 (6th Cir. 1976).
- (111) Foreman has said of Ray, "if he is speaking, chances are he is lying * * *", Foreman testimony, Nov. 13, 1978, HSCA-MLK hearings, p. 76.
- (112) Foreman testimony, Nov. 13, 1978, HSCA-MLK hearings, p. 301.
- (113) Letter from Percy Foreman to James Earl Ray, Feb. 13, 1969 (MLK Document No. 260031).
- (114) Staff interview of Arthur Hanes, Sr., May 9, 1976, p. 4.
- (115) Deposition of William Bradford Huie, Sept. 20, 1974, *Ray v. Rose*, House Select Committee on Assassinations, pp. 82-83 (MLK Document No. 170154).
- (116) Deposition of Percy Foreman, Nov. 11, 1969, *Ray v. Foreman*, House Select Committee on Assassinations, p. 27 (MLK Document No. 010050).
- (117) *State of Missouri v. James Earl Ray*, Court of the City of St. Louis, for Criminal Cases, Circuit Court Cause 1427-H (MLK Document 280211).
- (118) Testimony of James Earl Ray, Oct. 29, 1974, *Ray v. Rose*, p. 890 (MLK Document 100042).
- (119) Testimony of Billy J. Smith, Oct. 22, 1974, *Ray v. Rose*, pp. 41-92 (MLK Document 010006); and pp. 103-104 (MLK Document 010007); note also the following passage from Gerold Frank's book "An American Death," pp. 235-236, where Gerold Frank described the conditions that Ray complains of: "Morris had set up an arrangement which made Ray the most carefully guarded and monitored man in history. He was never alone, and never in darkness; two guards were in the cell block with him at all times, and one pair of eyes had always to be on him, day and night. The cell block was brilliantly lit around the clock. Hanging from the ceiling were two microphones. Outside the block, day and night, a supervisor sat, able to watch and hear Ray and the two guards through the bars, while before him a TV screen also registered, by means of two cameras, one focused on the length of the block, the other scanning its width. Everything that took place in it. Even when Ray used the toilet, or shaved, he was in sight of supervisor and cameras; the shower curtain might hide his nakedness, but it was made of translucent plastic so that his silhouette was visible. Assuming that he might try the impossible—to strangle himself, or swallow poison, to injure himself—this would be seen."
- (120) Memorandum of Points and Authorities, Dec. 4, 1972, House Select Committee on Assassinations, p. 41 (MLK Document No. 110309).
- (121) Staff interview of Dr. McCarthy DeMere, July 19, 1978, House Select Committee on Assassinations (MLK Document No. 230381).
- (122) Testimony of Dr. McCarthy DeMere, Nov. 13, 1978, hearings before the Select Committee on Assassinations, 95th Cong., 2d sess., Washington, D.C.: U.S. Government Printing Office, 1979, vol. V, pp. 371 et seq.
- (123) *Id.*, at 374.
- (124) *Id.*, at 377.
- (125) *Ibid.*
- (126) *Id.*, at 378.

- (127) *Ibid.*
- (128) Testimony of Dr. McCarthy DeMere, Oct. 23, 1974, *Ray v. Rose*, p. 205 (MLK Document No. 010005).
- (129) *Ibid.*, pp. 205-206.
- (130) Testimony of Dr. McCarthy DeMere, Nov. 13, 1978, hearings before the House Select Committee on Assassinations, 95th Cong., 2d sess., Washington, D.C.; U.S. Government Printing Office, 1979, vol. V, p. 378.
- (131) Testimony of Dr. McCarthy DeMere, Oct. 23, 1974, *Ray v. Rose*, p. 251 (MLK Document No. 010005).
- (132) *Id.*, at pp. 207-208
- (133) *Ibid.*, page 210.
- (134) *Id.*
- (135) Staff interview of James Earl Ray, Sept. 29, 1977, p. 443.
- (136) *Id.*, at p. 442.
- (137) *Ibid.*
- (138) *Id.*, at pp. 441-42.
- (139) Petitioner's Memorandum of Points and Authorities, Memorandum of Facts, Dec. 4, 1972, pp. 42-43 (MLK Document No. 110309).
- (140) See executive session testimony of Carol Pepper, Apr. 18 and 19, 1978; hearings before the House Select Committee on Assassinations.
- (141) FBI identification record of John Larry Ray, No. 368 725A (MLK Document No. 240087).
- (142) Staff interview of James Earl Ray, Sept. 29, 1977, p. 444.
- (143) *Id.*, at p. 445.
- (144) Petitioner's Memorandum of Points and Authorities; Memorandum of Facts, Dec. 4, 1972, p. 42-43 (MLK Document No. 110309).
- (145) Staff interview of James Earl Ray, Sept. 29, 1977, p. 444.
- (146) 431 U.S. 63 (1977).
- (147) Congressional Research Service, "Finality of Convictions Based on Guilty Pleas," June 15, 1978 (MLK Document No. 200189).
- (148) ABA Standards Relating to the Administration of Criminal Justice, Compilation, 1974, p. 428.
- (149) Deposition of Percy Foreman, Nov. 11, 1969, *Ray v. Foreman*, pp. 21-22 (MLK Document No. 010050).
- (150) Staff interview with James Earl Ray, Sept. 29, 1977, p. 150.
- (151) *Ibid.* See also the habeas corpus testimony of James Earl Ray, Oct. 29, 1974, *Ray v. Rose*, p. 864 (MLK Document 010039).
- (152) Testimony of James Earl Ray, Oct. 29, 1974, *Ray v. Rose*, p. 864 (MLK Document No. 010039).
- (153) Staff interview of James Earl Ray, Nov. 14, 1977, pp. 188-89.
- (154) Testimony of James Earl Ray, Oct. 29, 1974, *Ray v. Rose*, p. 854 (MLK Document No. 010039).
- (155) *Ibid.*
- (156) *Ibid.*
- (157) *Brady v. United States*, 397 U.S. 742 (1970); *Boykin v. Alabama*, 395 U.S. 238 (1969).
- (158) *Boykin, supra.*
- (159) *Brady, supra.*
- (160) *Brady v. United States, supra., McMann v. Henderson*, 397 U.S. 759 (1970); *Henderson v. Morgan*, 426 U.S. 637 (1976); *Van Moltke v. Guillies*, 332 U.S. 266 (1964).
- (161) Missouri Court Records, *State v. Ray*, cause 1427-H (MLK Document 280211); see also testimony of James Earl Ray, Oct. 29, 1974, *Ray v. Rose*, pp. 916-918 (MLK Document No. 010042).

INVESTIGATION INTO THE ASSASSINATION OF
DR. MARTIN LUTHER KING, JR.
SUPPLEMENTAL STUDIES PERTAINING TO THE MOTIVE
OF JAMES EARL RAY

Supplementary Staff Report
of the
Select Committee on Assassinations
U.S. House of Representatives
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INTRODUCTION

(1) The committee's effort to understand Ray's motive was one of the most significant aspects of its investigation. Because Ray has consistently denied his participation in Dr. King's murder, the committee did not have access to the most probative evidence—the assassin's own explanation for the crime. The committee, therefore, necessarily relied on the testimony of others and an analysis of Ray's conduct.

(2) The committee's findings on the question of motive were based, in part, on an exhaustive field investigation of incidents in Ray's past alleged to support a number of motive possibilities, including racial, psychological, and financial. The committee's investigation of a number of these incidents is included below.

RAY'S ALLEGED ASSOCIATION WITH A SYMPATHIZER OF THE AMERICAN NAZI PARTY IN 1944

(3) According to both George McMillan, author of "The Making of an Assassin," and William Bradford Huie, author of "He Slew the Dreamer," James Earl Ray developed a close relationship with an older man, originally from Germany, who was Ray's supervisor at the International Shoe Co. Tannery, East Hartford, Ill., in 1944. (1) According to McMillan, this individual, identified in FBI files as Henry Stumm (2) of Alton, Ill., was an outspoken admirer of Adolf Hitler who "carried a picture of the German Fuehrer with him." (3) Stumm and Ray allegedly frequented an Alton, Ill., cafe after work where they would discuss Nazi politics for hours.

(4) Stumm apparently refused to speak with McMillan about his alleged relationship with Ray, but the author was able to interview Eric Duncan, then shop steward at the tannery. Duncan reportedly claimed that Ray and his German friend were seen together frequently. The owner of the Alton, Ill., cafe also spoke with McMillan and remembered "the two coming in after work * * * taking the two back stools * * * and then talking lengthily." (4)

(5) Henry Stumm was interviewed by the FBI on January 10, 1969, and stated he had worked at the leather tannery in Hartford, Ill., for almost 30 years but did not recall ever having met James Earl Ray. Stumm denied all allegations that had been made by members of the news media during the months following the assassination, including their suggestions that he was pro-Nazi, that he had given Ray a copy of Hitler's "Mein Kampf" and that he had met frequently with Ray in the Alton, Ill., cafe. Stumm supplied the FBI with the names of two Alton, Ill., residents who would verify that he had driven to and from work with them every day during that time. Stumm entered the United States from Germany in 1928 and became a citizen in 1936; he stated emphatically that he had always maintained a pro-American attitude. (5)

(6) Henry Stumm died before committee investigators approached him for an interview. The committee did, however, interview William E. Maher, Ray's uncle from Alton, Ill., who saw Ray often during this period of time. Maher had previously spoken to the FBI on April 22, 1968, and reportedly said James Earl Ray had associated with an individual who had pro-Nazi leanings and "he became anti-Negro and anti-Jewish as a result." (6) When questioned by the committee staff regarding this statement, Maher said that although he was aware Ray associated with Stumm at the tannery, he had no knowledge that Ray saw him at other times. Maher insisted their relationship was no more significant than that of fellow tannery employees; Ray mentioned him to Maher only once outside of their work. Ray and Maher were walking together and after they saw Stumm on the street, Ray turned to his uncle saying, "Henry thinks that Hitler is all right." Maher replied, "If that's what Henry thinks, he's in trouble around here." They both laughed and Maher regarded the incident as a joke. Maher repeatedly denied ever hearing Ray make any pro-Nazi or anti-Black remarks. (7)

(7) From the information available to the committee, it is evident that James Earl Ray and Henry Stumm did have contact with one another within the tannery, perhaps on a regular basis. Because the committee was unable to interview Mr. Stumm, it was difficult to determine whether his association with Ray might have stirred an interest in the philosophies of Adolf Hitler. It was apparent, however, that the passage of more than two decades would erase the effects of a relationship which was—by any account—short termed. In the absence of evidence of more recent contact by Ray with members or sympathizers of the Nazi Party, there is an insufficient basis for concluding that the ideologies of Adolf Hitler or the American Nazi Party had a discernible effect on his participation in the assassination.

RAY'S REFUSAL TO MOVE TO LEAVENWORTH HONOR FARM IN THE MID-1950'S

(8) It has been alleged by several authors, particularly George Mc-Millan in "Making of an Assassin" and Gerold Frank in "An American Death," that James Earl Ray's refusal to move to an integrated honor farm while incarcerated at Leavenworth Penitentiary, Kans., in the mid-1950's was a clear indication of pronounced racial animosities. (8)

(9) On March 7, 1955, Ray and Walter Terry Rife stole 66 blank money orders from the Kellerville, Ill., post office and went on a 2-week spending spree. They were arrested on March 23, 1955, and charged with the Federal offense of forging an endorsement on a U.S. Postal Money Order. Ray was sentenced to 45 months at the Federal penitentiary at Leavenworth, Kans., on July 1, 1955. (9)

(10) On April 5, 1958, Ray was given conditional release from Leavenworth. His release progress report, dated April 4, 1958, reflected the following:

At the time of initial classification, Ray was placed under medium custody and assigned to the fire department. He remained on such assignment until July 15, 1955, when he was reassigned to the paint shop. On July 12, 1957, Ray was

approved for our honor farm but was never actually transferred to such assignment due to the fact that he did not feel he could live in an honor farm dormitory because they are integrated. Due to this fact, he was never placed under such status. He was assigned to our bakery, where he remained until released on conditional release (CR). (10)

(11) James Earl Ray was questioned on his general racial attitudes in a September 1977 Playboy interview, and gave the following reason for his refusal to move to the Leavenworth honor farm.

RAY. I did refuse to be transferred to the farm and the supposedly integrated dormitories. But the overriding reason was a prison policy of handing out extra time for marihuana possession—possession being anything found in your immediate area in the dormitory.

PLAYBOY. You mean you felt the blacks smoked dope and that you would be punished for it?

RAY. Maybe. (11)

(12) The committee was unable to determine whether Ray's response to Playboy was the truth or simply an attempt to draw attention away from the documented evidence concerning this issue. Even accepting—on face value—Ray's stated reasons for resisting the transfer, they nevertheless reflected a tendency to engage in racially oriented generalizations on human behavior. The incident did not, however, indicate fanatical racism on the part of the assassin—especially in light of Ray's willingness to enter into close working relations with Blacks during his employment at Indian Trails in 1967. The incident was viewed, therefore, as simply one more example of general lack of empathy for Blacks.

RAY'S ALLEGED INTEREST IN A BOUNTY ON THE LIFE OF DR. KING WHILE
AT MISSOURI STATE PENITENTIARY

(13) During its investigation, the committee developed convincing evidence of a St. Louis-based conspiracy involving John Sutherland—a patent attorney—and John Kauffmann—an associate of Sutherland's involved in a variety of legal and illegal activities. According to G. Russell Byers, the committee's primary source of information for the allegation, Kauffmann brought him to Sutherland in late 1966 or early 1967; Sutherland in turn offered Byers \$50,000 to murder or arrange the murder of Dr. King.

(14) During the committee's investigation of Byers and his story, the committee determined that word of the Sutherland-Kauffmann offer might have reached Ray through a variety of channels, two of which involved associates of Ray at Missouri State Prison. The committee was unable to demonstrate a direct link between Ray and the St. Louis conspiracy through inmates or officials of the Missouri State Prison. Nevertheless, it did identify four inmates who claimed personal knowledge of Ray's interest in collecting on a bounty on the life of Dr. King.

(15) Thomas Britton, former MSP inmate, was interviewed by the FBI in May 1968. (12) Britton stated that he and Ray met in MSP

while Ray worked as a walkboy in Britton's cell block. On one occasion, Ray reportedly told Britton that "he intended to make a bunch of money * * * there are more ways of making money than robbing banks." When Britton questioned him on this, Ray told him about an organization outside the prison called the "Businessman's Association" which had offered \$100,000 for people like Dr. King to be killed. Ray added, "King is 5 years past due." Britton asked Ray what this group was and Ray replied, "I don't know but I will find out." (13)

(16) Britton could provide no further information on the alleged "Businessman's Organization." He did indicate, however, that an organization called "Cooley's Organization" * was being operated by a group of prisoners—perhaps "old cons who were trustees in A hall"—during his term of incarceration. Britton described it as a protection organization that provided assistance to its members against other prisoners as well as to those in trouble with prison authorities. The organization also trafficked in contraband, and reportedly could arrange an inmate murder. Britton estimated the organization's membership at five to six inmates. A \$10 membership fee was required. (14)

(17) Britton explained that he had been approached by another inmate and asked if he would join "Cooley's"; a short time after expressing an interest, Britton was approached by Ray, who gave him a "membership Cooley's Club" card. He used his card on several occasions during arguments with inmates over wagers. Although he and Ray never discussed the organization, Britton assumed that Ray was a member because he appeared to be well trusted by the group. Britton did not, however, indicate that a connection existed between this alleged inmate association and the "Businessman's Organization" mentioned. (15)

(18) In light of Sutherland's mention of a "secret southern organization," and Sutherland's known contact with a businessmen's organization, the committee found Britton's information extremely interesting. Unfortunately, while the staff was able to locate relatives of Britton, it was unable to locate Britton himself. Thus, his information could not be pursued.

(19) Another former MSP inmate, James W. Brown, was interviewed by the FBI in April 1968. (16) Brown stated that he associated with James Earl Ray in MSP from 1963 until Brown's release in 1965. In the fall of 1963, Brown and several other inmates were present when Ray said that he was going to get Dr. King when he got out. A "Cooley" organization would pay him \$10,000 for the murder. Brown also told the FBI Ray cursed Dr. King when he read about civil rights demonstrations in the newspapers. Ray was reportedly glad when President Kennedy was killed and called him a "nigger loving s.o.b." (17)

(20) The committee located and interviewed James Brown regarding the above allegation. (18) Brown stated that he met James Earl Ray in mid-1959 when he and Ray were working at a mail-order house in Kansas City, Mo., together. Brown stated he had his next contact with Ray at Missouri State Penitentiary when he and Ray began

*The FBI devoted a significant amount of time and resources to an investigation of this organization. While they were satisfied that it existed, they were unable to identify its members.

their respective prison terms in 1960. Sometime in 1964, Ray allegedly told Brown "if he could get out, he had an offer to knock King off." Brown stated this was the only time Ray spoke of killing King; they were in the prison yard with several other inmates. Brown denied any knowledge of a "Cooley" organization, or of an offer of \$10,000 from any group to kill Dr. King. (19)

(21) The third former Missouri State Penitentiary inmate who allegedly heard James Earl Ray discussing a bounty on Dr. King's head was Raymond Louis Curtis. In April 1968, Curtis was interviewed by the FBI after he attempted to publish a story detailing his association with James Earl Ray at Missouri State Penitentiary. (20) Curtis claimed to have been incarcerated with James Earl Ray since 1955 in several prisons, their last contact was between 1962-66 at Jefferson City, Mo. Curtis claimed that he and Ray shared a cell at Missouri State Penitentiary, along with a third individual whom he refused to identify. According to Curtis, Dr. King's movements became a topic of discussion among the three cellmates in 1963-64. Curtis stated the following rumor was circulating in MSP at that time: The "KK (Kill King, Kill Kennedy) of the South" had raised \$1 million as a bounty on Dr. King's head. A similar bounty had allegedly existed on President Kennedy's head and James Earl Ray mentioned a dozen times he would like to have collected that money. Ray said a number of times in the presence of Curtis, "If I get out in time and if King is still alive, I would like to get the bounty on King." Ray never mentioned who he would contact on the outside but Curtis explained that criminals knew how to make those contacts. Curtis detailed the plot which he and Ray had worked on for almost 3 years. Ray, according to Curtis, began to follow Dr. King's movements with maps after he heard of the \$1 million bounty on his head. When asked by the FBI if he would testify to the KK story, Curtis refused, stating he feared for his life. (21)

(22) James Earl Ray commented on Raymond Curtis' allegations in a letter to James Lesar in January 1976 which was reprinted in a national magazine:

Met Raymond Curtis the first time in the Kansas City, Mo., jail in 1955, knew him only because blocks were small. After he was sent to Leavenworth I learned (from Curtis' accomplice) that Curtis was an FBI informer and I turned on him.

Next saw Curtis in 1962-64 at Jefferson City when he approached me in the yard with some escape yarn. I told him to get away. I never saw him again but heard that he checked in a protection building. Next time I was in London jail and Curtis wrote pretending to know me. I wrote back a sarcastic letter (Hanes may have letter) only letter I got from anyone but family and counsel. Last heard Curtis murdered two people in Georgia and is on death row. FBI got Curtis paroled twice. (22)

(23) The committee located and interviewed Raymond Curtis. (23) who admitted meeting Ray in 1955 and being incarcerated with him on three occasions, the last time in MSP. Curtis claimed to know Ray very well at MSP. During the fall of 1963, Curtis and Ray were watching a television in the prison yard when news of President

Kennedy's assassination came on. Ray allegedly said, "Someone made a big score off of that hit; every time a big hit is made, I'm not out to make it. One day I'm going to make one big score like that." Although Curtis claimed Ray disliked Blacks, he could not point to any specific act or statement by Ray that led him to this conclusion and he could not recall Ray ever making any remarks to him about Dr. King. (24)

(24) In addition to Curtis' criminal record, several other factors have caused the committee to discount his information. First, Curtis has attempted to sell his story on more than one occasion. Second, he refused to name the MSP inmate who might corroborate his information to the FBI. Third, he refused to commit himself to sworn testimony. Fourth, his statements to the committee differed significantly from those given to the FBI.

(25) Donald Lee Mitchell was interviewed by the FBI in September 1968 at his own request. (25) At that time, Mitchell furnished a handwritten statement which detailed his relationship with James Earl Ray. Mitchell claimed that while he and Ray worked together in food service before Mitchell's release in June 1966, Ray told him in confidence about his plans to escape in the spring of 1966. Ray asked Mitchell to help him. The following excerpt from Mitchell's statement reflects what Ray told him about a bounty to kill Dr. King.

Some people (friends in St. Louis) fixed it with someone in Philadelphia, for him to kill Dr. King * * *

Ray told me not to worry about a thing. Also how did a grand sum of \$50,000 sound to me? I said great, but what if we get caught? He explained we wouldn't and if we did we would get out of it with a fixer lawyer, besides who in the South like "niggers"? (26)

(26) Ray reportedly advised Mitchell that both of them would get \$50,000 for killing King and later on they would get additional money for killing "one of those stinking Kennedy's." According to Mitchell, Ray never told him the identities of those offering this bounty. (27)

(27) During the interview, Mitchell described in detail Ray's plan for the assassination and Mitchell's role in it:

He (Mitchell) was to be near the building from which Ray would shoot King and after the shots were fired and attention was focused on the building he, Mitchell, was to run and create attention to get the police to chase him * * * this would give Ray ample time to walk away from the building. Mitchell was then to tell the police that he heard shots and since he was an exconvict he got scared and did not want to get in any trouble so he ran * * * Ray was then going to go "up north" and after awhile purposely get himself picked up on his jail break from the Missouri State Penitentiary, because he said that he would have enough money at that time to hire a lawyer to get him parole. (28)

(28) Mitchell's FBI interview reflected fairly accurate knowledge of James Earl Ray's second escape attempt from MSP as well as his habits and associate, and, therefore, indicated Mitchell did have some contact with Ray. In addition, Ray's alleged mention of "some

people (friends in St. Louis)" and the sum of \$50,000 coincided with Byers' information on the Sutherland/Kauffmann offer. Unfortunately, the committee was unable to locate and interview Donald Lee Mitchell. The committee, therefore, was unable to explore fully, information that he might possess on a conspiracy in the assassination*.

(29) Information provided by convicts must, of course, receive close scrutiny. The information provided by all four MSP inmates in their initial FBI interviews was interesting, and potentially significant. It cannot, however, be given significant weight without independent corroboration. This is particularly true in the case of individuals such as Mr. Curtis, who made efforts to barter his information.

RAY'S ALLEGED INVOLVEMENT IN RACIAL INCIDENTS WHILE AT MISSOURI STATE PENITENTIARY

(30) During its investigation, the committee noted allegations from a variety of sources that Ray had been involved in racial incidents while in custody at Missouri State Penitentiary between 1960 and 1967. The committee investigated these reported incidents. In addition, the committee interviewed approximately 30 MSP inmate associates on the subject of Ray's racial attitudes.

(31) In June 1964, Missouri State Penitentiary was a racially segregated institution, with severe overcrowding in A hall, the all-Black cellblock. Warden E. V. Nash attempted to relieve this situation by moving 11 Blacks into the all-white cellblocks F and G halls.(29) Shortly thereafter, while returning from the prison yard, four of these Black inmates were attacked by a group of prisoners wearing pillowcases over their heads.(30) One Black prisoner died and three others received severe knife wounds.(31) This incident was followed by several beatings and stabbings, mostly racially motivated, in the summer and fall of 1964.(32)

(32) In his book, "The Making of an Assassin," author George McMillan wrote that Jerry Ray told him that James had bragged that he was "one of those who wore a pillowcase that afternoon."(33) During his investigation of the incident, however, McMillan found no evidence to substantiate Jerry's information.(34) McMillan also noted that a thorough investigation of the incident by prison authorities in 1964 resulted in the identification and punishment of the responsible inmates. The officials concluded that James Earl Ray was not among this group.(35)

(33) The committee was unable to obtain a copy of the report of this incident from either Missouri State Penitentiary officials or the Missouri Division of Corrections. Both offices had destroyed the files during the intervening 14 years.(36) The committee did, however, interview Warden Donald W. Wyrick, former Warden Harold R. Swenson, and former Deputy Warden Bernard J. Poiry, three prison officials currently residing in Jefferson City who were well acquainted with the incident and the followup investigation.(37) To the best of their current recollections, six white inmates were placed in solitary confinement pending the outcome of the investigation. No formal charges were lodged, however, and the inmates were subsequently re-

*Because the FBI did not uncover the Sutherland/Kauffmann plot in 1968, they did not question Mitchell in this area.

leased.(38) James Earl Ray was not among those under investigation.(39)

(34) The FBI interviewed a total of 100 inmate associates, as well as several other close associates, of James Earl Ray's during their investigation in 1968.(40) The committee determined from its review of these 100 interviews, only 22 commented on Ray's racial views and only 2 mentioned the 1964 racial stabbing incident.(41) One of these inmates, Ernest Bagby, recalled the incident clearly, and stated positively Ray was not involved.(42) The other inmate, Louis Dowda, told the FBI that Ray either knew those involved well or was involved himself.(43)

(35) During the course of its investigation, the committee interviewed 30 former inmate associates of Ray's as well as 5 present and former prison officials at Missouri State Penitentiary.(44) Of these 35, 26 mentioned Ray's racial views, but only 2 inmates claimed to have knowledge of the 1964 racial stabbing incident. Joe Hegwood told the committee staff that he knew all those involved in the incident and Ray was not among them. In fact, the incident occurred in a cellblock on the opposite side of the yard, according to Hegwood.(45) The other inmate who claimed personal knowledge of this incident, Jack Romprey, also advised the committee that he (Romprey) was close to those who participated in the 1964 stabbing and Ray was not among them.(46) The majority of inmates indicated James Earl Ray showed no propensity for violence.(47)

(36) A second incident raised by McMillan dealt with James Earl Ray's alleged reference to Martin Luther King in a derogatory manner in the presence of other inmates at Missouri State Penitentiary.(48) According to McMillan, fellow inmate Raymond Curtis told him that in 1963-64 when he and Ray were watching Martin Luther King on the television together, "(Ray) reacted as if King's remarks were directed at him personally. He began to call him Martin 'Lucifer' King and Martin Luther 'Coon'."(49)

Curtis told the FBI in May 1968, that Ray and he shared a cell along with a third man at Missouri State Penitentiary.(50) Curtis alleged further that Ray discussed at length with Curtis and the third unidentified inmate, the details of his plan to kill Dr. King.(51) Ray's alleged use of derogatory terms toward Dr. King was corroborated by another MSP inmate, Cecil Clayton Lillibridge, during a 1968 FBI interview. Lillibridge was reported to have said that Ray disliked Blacks and although he had no particular feeling toward King, he had once referred to him as Martin Luther "Coon."(52)

(37) In an attempt to corroborate the above allegations, committee staff located and interviewed Curtis and Lillibridge.(53) Curtis, currently incarcerated in Georgia, told the committee during the course of his interview, that Ray did not like Blacks but could not recall any specific racial incident in which Ray was involved. Curtis told the committee that Ray never made any remarks to him about Dr. King.(54) In addition, the committee's review of cell assignments for Ray and Curtis failed to reveal any time at which the two shared a cell.(55)

(38) Lillibridge told the committee that he and Ray occupied the same cell for a short time in 1966 or 1967. He stated that during this time, James Earl Ray was assigned to a heavy construction detail as a punishment for refusing to work, and he was required to work along-

side Black prisoners for many weeks. Lillibridge recalled that the Black inmates would joke with him by calling him "gray man" instead of Ray, and James Earl Ray would in turn refer to Martin Luther King as Martin Luther "Coon." Lillibridge was positive that Ray viewed this exchange as a joke and did not believe it reflected animosity between Ray and these Black inmates. (56) A review of Lillibridge's and Ray's cell assignments reflected a period of approximately 2 weeks in December 1966, and January 1967, when they occupied the same cell in C hall. (57) Ray's work records reflected that he was assigned to inside construction during this same time. (58)

(39) The committee received additional evidence on Ray's relations with Blacks while at MSP from Dr. McCarthy DeMere, Ray's physician at Shelby County Jail in 1968 and 1969. Dr. DeMere testified in the habeas corpus proceedings in 1974, that he had questioned Ray concerning his racial opinions to determine whether Black deputies should be used to guard Ray. (59) Dr. DeMere stated that Ray told him he liked blacks and "that he had been in prison with them before and he had no prejudice whatsoever."

(40) Dr. DeMere was questioned on this subject by the committee during both an interview and public testimony; he recalled that Ray was extremely aggravated by the pretrial publicity with regard to his purported racial animosity. Ray told Dr. DeMere that some of his friends in Missouri State Penitentiary were Black and that he resented the media's gross distortion of his racial attitude. (60)

(41) In addition to its investigation of specific racial incidents at MSP, the committee reviewed approximately 100 FBI inmate interviews (61) for evidence on Ray's racial views during that time period. The committee identified those individuals who worked closely with Ray in the bakery, celled near or with him, showed knowledge of his habits or family, or were identified as associates of Ray. The committee also identified those inmates who claimed Ray was racially prejudiced. Ultimately, the committee was able to locate and interview over 30 of Ray's closer inmate associates. Twenty of these inmates indicated knowledge of Ray's racial attitudes; 3 claimed Ray was racist, while 17 told the committee he showed no apparent dislike for Blacks. (62) Finally, one of those inmates who said Ray did indeed show anti-Black feelings added that there was a good deal of racial friction throughout Missouri State Penitentiary during this time and that Ray's attitude was not an uncommon one among white inmates. (63)

(42) As was noted in the committee's final report, the investigation at Missouri State Penitentiary produced conflicting evidence on Ray's racial attitudes, and did not provide a basis on which one might conclude that Ray killed Dr. King solely for racial motives.

JAMES EARL RAY'S INQUIRIES CONCERNING IMMIGRATION TO SOUTHERN AFRICAN NATIONS AND THE POSSIBILITY OF JOINING MERCENARY FORCES OPERATING IN AFRICA

(43) Several transactions undertaken by James Earl Ray following his escape from Missouri State Penitentiary evidenced an interest in racist African regimes. Shortly before his escape from the Missouri State Penitentiary on April 23, 1967, James told his brother, John Larry Ray, that he would like to flee the country and, in this connection,

he mentioned that he thought former German army officer, Ian Smith, was doing a good job as Prime Minister of Rhodesia. (64) Once outside the prison walls, Ray did seek information concerning emigration to Rhodesia and South Africa, and, following the assassination of Dr. King, he attempted to arrange transportation to Africa. He was bound for Brussels, Belgium, apparently in an effort to make contact with the remnants of a white mercenary force, at the time of his apprehension at London's Heathrow Airport on June 8, 1968.

(44) In its attempt to determine whether the assassination of Dr. Martin Luther King, Jr., was motivated by racial hatred, the committee reviewed these transactions. The committee believed that Ray's fascination with segregated nations might indicate a general sympathy for these policies. The first indication of Ray's interest in African countries following his escape from Missouri State Penitentiary, arose during his trip to Mexico in late 1967. Ray stayed in Mexico during late October and early November 1967, and during that time sought information about emigration to Rhodesia, which he considered a safe, English-speaking country.

(45) During an interview with the committee, Ray was asked about his activities while he lived in Puerto Vallarta. He explained:

I tried to get out of the—I attempted to get out of the United States down there, through, I think this was where the Rhodesia questions come up. It was an ad in the U.S. News & World Report wanting immigrants to Rhodesia. They give an address that you write to, some—and I wrote to them and I told them that I was, been, I was a U.S. citizen but I was—I lost it because I was, had been in a foreign army or something. I put some story on it and I'd like to immigrate to some English-speaking country * * *. (65)

Ray waited 2 or 3 weeks for an answer to his inquiry. When he received none, he decided to leave Mexico and travel to Los Angeles, Calif. His interest in Rhodesia, however, continued.

(46) On December 28, 1967, Ray wrote a letter to the American-Southern African Council in Washington, D.C., concerning emigration to Rhodesia. John Acord, chairman of the council, provided this letter to agents of the FBI on May 9, 1968. (66) The letter read as follows: (67)

DEAR SIR: I recently read an article in the Los Angeles Times on your council [sic]. The John Birch Society* provided me with your address. My reason for writing is that I am considering immigrating to Rhodesia, however, their [sic] are a couple legal questions involved:

One: The U.S. Government will not issue a passport for travel to Rhodesia.

Two: Would their [sic] be any way to enter Rhodesia legally [from the Rhodesian Government point of view]?

*Because of the reference to the John Birch Society in the Galt letter to Acord, the FBI also checked the files of the Los Angeles Birch Society office but their files reflected no record under the name Galt or any other Ray alias. (FBI Airtel from Los Angeles to Director, May 10, 1968, Los Angeles Murkin file 44-1574, serial 1236.)

I would appreciate any information you could give me on the above subject or any other information on Rhodesia.

Sincerely,

ERIC STARVO GALT,**
Los Angeles, Calif.

Acord explained to FBI agents that he was in Rhodesia when the council received the Galt letter, but his secretary sent Galt a form reply and some literature on Rhodesia. The purpose of the American-Southern African Council, according to Acord, was to promote amicable U.S. relations with South Africa, Rhodesia, Angola, and Gambia. (68) (47) Ray's letter indicated that he was apparently misinformed about the requirements for travel to Rhodesia, suggesting that his investigation of the immigration possibility had been limited. In 1967 a U.S. passport was valid in all countries except the People's Republic of China, North Korea, and North Vietnam, and travel by citizens of the United States to Rhodesia was unrestricted. (69)

(48) Ray, again under his Galt alias, next wrote the Orange County California Chapter of the Friends of Rhodesia, an organization that attempted to advance friendly United States-Rhodesian relations. Ronald Hewitson, president of the Orange County Friends of Rhodesia, gave the FBI a February 4, 1968, letter from Eric S. Galt. (70) Galt had written to thank Hewitson for his response to a previous letter, although Hewitson was unable to find any earlier correspondence from Galt. The Galt letter noted that most of his questions regarding immigration to Rhodesia had been answered, though he would appreciate any additional information. He also wrote that he did not intend to depart for Rhodesia until November 1968. (71) The committee noted that Ray's apparent plan to remain in the United States until November 1968, would suggest that if he had decided to kill Dr. King at the time of this letter, his plan did not yet include a definite timetable. This letter did not, of course, preclude the possibility that his letters concerning Rhodesia indicated an attempt to establish an escape plan.

(49) The frequency of incidents reflecting Ray's interest in African countries increased significantly following the assassination of Dr. King. Ray wrote author William Bradford Huie that after he reached Canada, he traveled from Toronto to Montreal to arrange passage on a ship to Africa from that port in case he was unable to secure a Canadian passport. (72) In his account for Huie, Ray described his efforts:

* * * In Montreal I got a room on Notre Dame West all the way across town from Notre Dame East where I lived in August 1967. If I didn't get the passport, I was going to rent passage on a ship that sailed around the coast of South Africa and try to slip in at one of the stops. I found a Scandinavian line that had ships going to Mozambique. The price for a ticket was \$600. But they wanted a passport number, so I gave up on that. (73)

***"Galt" was the alias used by Ray at this time.

Ray was unable to find suitable transportation during the 9 days he maintained he spent in Montreal, so he returned to Toronto. In his account for Huie, Ray continued:

When I got back to Toronto from Montreal, I had about \$800. I wanted to go to an English-speaking country in Africa so I could get employment, but the price of a round trip ticket was \$820. You can't get into one of those countries without a round trip ticket * * *. (74)

Frustrated in these efforts, Ray left Canada for Europe.

(50) In an interview with the committee, Ray said he traveled to Europe in an effort to reach Africa; he added that he hoped particularly to get to an English-speaking country such as South Africa or Rhodesia. (75) He landed in London on May 7, 1968, and during that day, exchanged the return portion of his ticket back to Toronto for passage from London to Lisbon. Ray told Huie that he made immediate inquiries concerning travel to Angola.

When I arrived in London I called the Portuguese Embassy about a visa to Angola. I was told it would take 1 day to process. I then took a plane to Lisbon. (76)

A review of investigative files indicated that Ray departed for Lisbon that evening. (77)

(51) Ray spent 10 days in Portugal. He hoped to arrange passage on a ship from Lisbon to Africa and he thought that he might be able to make contact with a white mercenary military group in the Portuguese capital, because of the colonial presence of Portugal in Angola. In fact, Ray told Huie that most of his time in Portugal was spent looking for a ship to Angola. (78) On his eighth day in Lisbon, according to this account, Ray found a ship for Angola, but he was unable to leave on that vessel because it was scheduled to depart in 2 days and the necessary visa required 7 days to process.

(52) The Portuguese police investigation of Ray's activities in Lisbon revealed contacts with other African nations. Some time between May 8 and May 11, 1968, Ray visited the Rhodesian Diplomatic Mission in Lisbon. (79) He presented a Canadian passport to prove his identity and explained to a Mission employee he wanted to write his brother, a white mercenary in Angola. He requested an address in Salisbury, Rhodesia, that he could use to forward correspondence to his brother, but was informed no such service was available. Ray then asked a few general questions about immigration to Rhodesia and left the office.

(53) Ray also sought information at the South African Embassy in Lisbon some time between May 8 and his May 17 return to London.

(80) An embassy employee told Portuguese police that "Sneyd," in an American accent, said he was interested in finding his brother, and that he wanted to travel to South Africa in order to make inquiries. Sneyd explained that his brother had been in the Congo, though his present location was unknown.

(54) Sneyd was told by an employee at the South African Embassy that in order for an American to enter South Africa, a visa was required. Sneyd responded that he was a Canadian citizen and in turn was informed that a visa was not mandatory, but he would need to

offer proof of financial responsibility as well as provide his exact destination in South Africa and reason for the journey. The employee also mentioned to Sneyd that the Johannesburg mercenary army office was closed and that the embassy did not know of any other organization that could help Sneyd locate his brother. (81)

(55) One author reported that Ray also contacted the Biafran Office in Lisbon concerning the possibility of fighting as a mercenary in Biafra. (82) The Portuguese police found, however, that the purpose of that office was to purchase arms in Europe and handle their transit through Lisbon to Biafra, and it did not ordinarily receive inquiries from prospective white mercenaries. The office records failed to reflect any Sneyd visit. (83)

(56) Finally, evidence indicated that Ray visited the South African Airways office in Lisbon sometime during his stay in Portugal. At the time of his apprehension at Heathrow Airport in London on June 8, 1968, he had a South African Airways timetable in his possession on which the Lisbon telephone number of the South African Embassy was written in ink. A pencil mark appeared next to a flight to Salisbury, Rhodesia. (84)

(57) Following these efforts to reach an African nation from Portugal, Ray returned to London on May 17. On May 30, 1968, he exchanged 15 South African Rand for £7.13.10 or about \$17.50 American, at a London branch of Lloyd's Bank Limited. (85) It seems likely that he bought the South African currency in Lisbon. His possession of the foreign currency would indicate that he was, at one time, relatively certain that he would be traveling to South Africa. This exchange of the currency in London evidences a diminished likelihood of that journey, as well as Ray's general shortage of funds.

(58) Ian Colvin, reporter for the London *Daily Telegraph*, told Scotland Yard detectives that he was called by a person who identified himself as Ramon George Sneyd, on Tuesday, June 4, 1968. (86) This information is consistent with New Earl's Court Hotel proprietress Janet Nassau's report, that Sneyd made calls to the *Daily Telegraph* on that Tuesday, the day before he left her hotel. (87) Colvin said that Sneyd, who was later identified as James Earl Ray, had called to request the telephone number of Major Alistair Wicks. Colvin was not certain where Sneyd got his name, but on May 20, 1968, the *Daily Telegraph* published an article by Colvin which noted that Wicks, described as a former mercenary leader in the Congo, returned to England on May 18, 1968, following 90 days detention in Lomé, Togo. (88)

(59) Sneyd explained to Colvin that he was a Canadian and he wanted to locate his brother, a mercenary who fought in Angola, and was reported missing. Rather than release the telephone number of Wicks and expose him to possible harassment, Colvin instead offered to pass Sneyd's message to Wicks and have him return the call. Sneyd agreed and gave Colvin his telephone number at the New Earl's Court Hotel. Colvin did pass on Sneyd's number, but Wicks did not pursue the contact because he did not recognize Sneyd's name. (89)

(60) Two days later, on June 6, 1968, Sneyd made a series of desperate calls to Colvin. (90)

(61) According to the account Colvin gave Scotland Yard investigators, Sneyd substantially altered his June 4, 1968, story. Sneyd told Colvin that he had moved to another hotel and, after he was pressed

by Colvin, admitted that his brother was not missing in Angola, though he had not heard from him in a long time. Sneyd said he wanted to become a mercenary and needed information. Colvin told Sneyd that he might find the remnants of a mercenary force that had left Africa in Belgium, and suggested that Sneyd contact M. Jean Gerard-Liebois, research editor on Congo affairs of the Centre de Recherchers et Informations Sociales et Politiques (CRISP), who might be able to tell Sneyd where to inquire. Colvin offered to send Sneyd a postcard with the Gerard-Liebois address, in Brussels, and Sneyd then told Colvin that he was staying at the Pax Hotel on Warwick Way. After this conversation, however, Colvin decided not to send Sneyd any names, and wrote a postcard merely suggesting that Sneyd consult the Belgian Embassy or Consular Section of the British Foreign Office about his brother. Colvin heard no more from Sneyd or James Earl Ray.

(62) In an apparent attempt to follow up on the information he received from Ian Colvin, James Earl Ray was about to leave London for Brussels, Belgium, when he was apprehended at Heathrow Airport on June 8, 1968. At the time of his arrest, Ray was carrying a .38 caliber revolver, loaded with five rounds of ammunition. When asked why he had the gun, Ray responded to officers that he planned to travel from Brussels to Rhodesia and he said "things are not too good there just now." (91) Ray also had among his belongings a London Daily Mail advertisement for cheap flights to South Africa and a South African Airways timetable that he probably picked up in Lisbon. (92)

(63) The committee undertook its review of Ray's efforts to immigrate to African countries to determine whether this behavior reflected an innate racism that might also explain the assassination of Dr. King. No such evidence was found. Ray's interest in Rhodesia was first expressed prior to his escape from Missouri State Penitentiary, during a conversation with his brother, John Larry Ray. The committee's investigation at Missouri State Penitentiary, however, indicated that considerable discussion about "safe" countries occurred within the inmate population, and that Rhodesia was often mentioned in this regard. (93) There is sound reason to believe, therefore, that Ray's inquiries concerning Rhodesia in Mexico in late 1967, and in California in early 1968, stemmed from a desire to reach a safe haven, and not because of an interest in the country's politics. This interpretation is supported by Ray's post-assassination conduct. His frantic efforts to reach a variety of African countries probably reflected a simple desire to elude his pursuers. Similarly, it seems reasonable to assume that his mention of interest in joining mercenary forces constituted an attempt to lend credibility to his inquiries, rather than a desire to continue a personal war against Blacks.

THE "BIG NIGGER" TELEPHONE CALL

(64) In his book, "The Making of an Assassin," George McMillan wrote that James Earl Ray called his brother Jerry from Memphis on the morning of April 4, 1968. Jerry, who worked in Chicago as a night watchman at a suburban country club, allegedly told McMillan that this last phone call from James Earl Ray came in the morning during Jerry's off-time and was less than 3 minutes in length. (94)

I don't know where he was in Memphis when he called
* * * I don't think it was on the road * * * just his voice
and my voice.

Usually when he called, he talked, I talked. But not this
time! If I tried to tell him anything, he wouldn't let me. He
wasn't wanting any jokes or small talk that day. He was ex-
cited and all worked up. What he said was: "Jerry, tomorrow
it will all be over. I might not see you and Jack for a while.
But don't worry about me. I'll be all right! Big Nigger has
had it!" (95)

(65) Jerry Ray has repeatedly denied that this phone call ever took
place. (96) He filed a suit against McMillan in September 1977, alleg-
ing the author printed numerous untruths in his book about the Ray
family, including this alleged April 4, 1968 phone call. (97)

(66) The committee began its investigation of this allegation with
the realization that its ability to either corroborate or disprove it would
have great significance on the issue of Jerry Ray's foreknowledge of the
assassination, as well as on the separate issue of Ray's motive in the
assassination of Dr. King. George McMillan supplied the committee
with copies of his handwritten notes taken immediately following his
interviews with Jerry Ray. (98) Mr. McMillan also gave the commit-
tee a sworn affidavit indicating that these notes accurately reflected
his discussions with Jerry Ray. (99) These notes reflected that during
two separate interviews in 1972, Jerry discussed this phone call made
to him by James in Memphis. McMillan did not tape record any inter-
views with Jerry and told the committee on March 15, 1978, (100) and
again on June 19, 1978, (101) that Jerry was the sole source of this
information.

(67) McMillan was, therefore, unable to supply the committee with
corroboration for the statement.

(68) In an April 1977, *New Times* magazine article, Jeff Cohen and
David Lifton claimed author William Bradford Huie had confirmed
McMillan's account of the April 3, 1968,* phone call to them. (102)
The committee obtained copies of Lifton's notes of his interview with
Huie which did in fact confirm the call. (103) Huie was subsequently
interviewed by the committee on this issue, and advised that Jerry
told him of such a phone call while visiting Huie in Huntsville, Ala.,
in November 1968. (104) Huie recalled that he and Jerry were drink-
ing that evening, but he did not think Jerry was drunk or unaware
of what he was saying. Jerry allegedly told Huie that James Earl
Ray called him the night before the killing and told him that "Big
Nigger has had it." Huie insisted, however, that he did not believe
Jerry's story then, and did not believe it in 1978. Huie stated that in his
opinion, Jerry would say anything for a few dollars and that he
(Jerry) knew nothing about the case.

(69) Finally, the committee asked McMillan whether he and Huie
had ever discussed this information. McMillan denied any such con-

*Discrepancies exist between McMillan's notes, the Lifton article, and
William B. Huie's recollection regarding the date this alleged phone call was
made to Jerry. McMillan varies the date from April 3, 1968, in his notes and
interviews to April 4, 1968, in his book. Lifton and Huie claim it was made on
April 3, 1968.

versation. (105) Thus, it would appear that the authors received their information independently.

(70) The committee was confronted with two separate issues: First, whether Jerry Ray told Huie and McMillan of the call; and, second, whether the telephone call actually occurred. Mr. McMillan included his interview with Jerry in a book, provided the committee with notes corroborating the interview, and swore to the accuracy of these notes in an affidavit. In addition, his version was corroborated by the independent recollection of Huie. While the authors differed on the date of the alleged phone call, their recall on the content was substantially similar. There was a legitimate basis, therefore, for concluding that Jerry's statements occurred.

(71) There was no basis, however, for concluding that Jerry's statements reflected the truth. His credibility was highly suspect. In addition, he was known to have fabricated bank records which he later sold to McMillan. (106) It seems reasonable to assume that his comments to Huie and to McMillan were false and motivated by a simple desire for financial gain.

Submitted by:

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Researcher.

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INVESTIGATION INTO THE ASSASSINATION OF DR. MARTIN LUTHER
KING, JR.

AN ANALYSIS OF JAMES EARL RAY'S TRIP TO NEW ORLEANS
DECEMBER 15-DECEMBER 21, 1967

Supplementary Staff Report
of the
Select Committee on Assassinations
U.S. House of Representatives
Ninety-fifth Congress
Second Session

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INTRODUCTION

(1) The FBI's investigation, in many ways both thorough and successful, nevertheless failed to resolve several significant questions concerning Ray's preassassination activities. One such question was the reason for Ray's trip from Los Angeles to New Orleans in December 1967. The task of the committee in the New Orleans investigation was to determine, first, the nature of James Earl Ray's activities while in New Orleans and, second, whether these activities might bear on the assassination or indicate a conspiracy between Ray and another individual or individuals.

(2) Several separate sources of information on Ray's trip were available to the committee. These included FBI investigative files; witnesses in both California and New Orleans; Ray's own statements to the committee and other interviewers regarding his trip; and a variety of conspiracy allegations that have surfaced since the assassination offering explanations for Ray's New Orleans activities.¹

(3) Much of the FBI's investigation in 1968 involved interviews of friends and relatives of Charles Stein,² individuals who had come into contact with Ray during his 2-day stay in New Orleans. Where possible, the committee located these individuals,⁽¹⁾ and conducted its own interviews. In some cases, the committee also interviewed FBI agents responsible for the original investigation⁽²⁾. As could be expected, the passage of time significantly diminished the amount of detail that could be furnished by those interviewed. In a few cases, potential witnesses had died.⁽³⁾

(4) Apart from the FBI's investigation, the committee also had access to Ray's own explanation for his trip. While many of Ray's statements proved unreliable, the committee, nevertheless, attempted to investigate any detail furnished by Ray that might shed light on the purpose of the trip. The information provided by Ray and witness statements then provided the background for the committee's New Orleans investigation.

RAY'S ACCOUNT OF THE NEW ORLEANS TRIP³

(5) On December 15, 1967, James Earl Ray and Charles Stein departed Los Angeles for New Orleans. Ray's own account of his activities, from December 15, 1967, until his return to Los Angeles remained relatively consistent throughout his various interviews with the committee. Sometime subsequent to his arrival in Los Angeles in mid-November, Ray said that he called his contact [an associate of Raoul]

¹ See sec. IIC of Report for a detailed discussion of several New Orleans based conspiracy allegations.

² Charles Stein was Ray's traveling companion to and from New Orleans.

³ A more extensive discussion of Ray's accounts on the New Orleans trip can be found in a separate staff report entitled "Compilation of the Statements of James Earl Ray." See, vol. III, HSCA-MLK hearings at pp. 201-206.

in New Orleans.(4) He made the call, he said, because he was short on funds. During the course of this phone call, Ray was instructed to travel to New Orleans during the month of December to meet with Raoul, although no precise date for this proposed journey was specified. Ray maintained that his decision to drive to New Orleans predated his discussion on December 14 with Marie Martin at the Sultan Room Bar. It was during this discussion that Ray mentioned to Martin that he would be traveling to New Orleans.(5) Martin, according to Ray, expressed interest in Ray's intention to make this trip and suggested that her cousin, Charles Stein, accompany Ray and share with the driving.

(6) Ray has never provided extensive detail on the drive to New Orleans, or about Charles Stein, his driving partner. He has stated that he has no recollection of his discussions with Stein and conceded that he could have told him anything. Stein and Ray drove straight through to New Orleans, without stopping at night; the driving was split. While en route, Ray made a phone call to his brother, Jerry, the purpose of which, Ray claimed, was merely to check in with him and say hello.

(7) After arriving in New Orleans, Ray said he checked into the Provincial Motel on the recommendation of Charles Stein. Since he and Raoul had no prearranged meeting place, Ray called the New Orleans telephone number and was instructed by an individual to meet Raoul at Le Bunny Lounge on Canal Street.(6) After this phone call—sometime during the afternoon of December 17—Ray met with Raoul. During this conference, which lasted for only 15 to 20 minutes, Ray maintained that the prospect of a gunrunning operation was first discussed. Ray received \$500 from Raoul with the promise of more money in the future. After Ray and Raoul concluded their business, Ray informed Stein that he was ready to return to Los Angeles, but since Stein was visiting relatives and wished to remain in New Orleans, they stayed 2 additional days.

(8) Ray's explanation for his trip to New Orleans has not varied throughout his interviews with the committee. He was in need of money and a passport from Raoul, and because a drive by car would not be overly expensive, he decided to make the trip. The committee ultimately rejected Ray's Raoul story; nevertheless it found his trip significant for other reasons. Ray's need to transact whatever business he had in New Orleans must have been pressing. A long-distance car trip exposed Ray, a fugitive from the law, to the risk of being stopped by police in a random vehicle check. His willingness to assume this risk indicated the significance which he attached to the trip.

(9) Charles Stein, Ray's companion during the drive to and from New Orleans, therefore became a major focal point of the committee's efforts.

CHARLES JOSEPH STEIN

(10) In December 1967, Stein was a 38-year-old, unemployed, ex-car salesman enjoying a bohemian lifestyle centered around a personal cosmic philosophy of life. He resided with a sister, Rita Stein, and two of her four children at 5666 Franklin Avenue in Los Angeles. At least superficially, a more improbable associate of Ray would be difficult to imagine. Nevertheless, several aspects of Stein's back-

ground raised logical areas of inquiry. First, several witnesses in both the FBI and the committee investigations had provided evidence indicating Ray's interest in both the use and sales of narcotics (amphetamines at Missouri State Prison and marihuana during the year of freedom after Ray's escape.) Without evaluating the credibility and weight attached to this evidence, the fact that Charles Stein's background (7) reflected occasional involvement in narcotics suggested this activity as one possible explanation for the association between Ray and Stein and for their abrupt trip to New Orleans. (8)

(11) Other areas that the committee focused on during its investigations of Stein, and his association with James Earl Ray, included the possibility, raised by the testimony of several California witnesses, that Stein and Ray had known each other long before their readily admitted meeting on December 14 (the day before the New Orleans trip); Stein's registration at American Independent Party Headquarters in Los Angeles on the morning of the New Orleans trip; and Stein's knowledge of Ray's activities in New Orleans.

(12) Stein was interviewed initially by the committee in January 1978. Following this extensive 3-day interview, a field investigation was undertaken in both Los Angeles and New Orleans to establish the reliability of statements received from Stein during the interview, and to examine Stein's background, associates, and activities in both cities. Following these investigative efforts, Stein was brought to Washington for questioning under oath by the committee. This substantial investigative commitment was considered necessary because of Stein's status as one of the few existing primary Ray associates, and because of his involvement in the New Orleans trip. The results of the investigation are summarized below. (9)

(13) Charles Joseph Stein was born on May 11, 1929, in New Orleans La.; with the exception of one stay in New York in 1952 and travel with the merchant marine during the late 1940's and early 1950's, he resided in New Orleans until 1964, when he moved to his 1978 domicile—Los Angeles, Calif. Stein left school after the sixth grade, and held minor jobs shining shoes and washing dishes until he began work as a deckhand on a tugboat at the age of 13. Three years later he took out union membership in the merchant marine, and recalled visits to South America and Greece during his periods at sea. After several years with the merchant marine (at least 3 of which were at sea), Stein found employment as a longshoreman on the docks of New Orleans. This was followed by a brief term as a welder's and pipefitter's helper.

(14) In 1952, Stein went to New York in search of a position with a company exporting auto parts to Brazil; the job failed to materialize when the company's license to ship materials abroad was revoked, and Stein returned to New Orleans and joined the Army. After 5 months at Fort Bliss, Tex., Stein suffered an injury to his lower back during a carpentry detail. Soon after the accident he left the military.

(15) After leaving the Army, Stein returned to New Orleans and during the next 10 years took positions as barker, waiter, and bartender with clubs in the French Quarter. Stein managed a club named Marie's Lounge in the midfifties, and worked at the Silver Frolic in the early sixties.

(16) As of 1978, Stein had been married four times. He had a son, Charles Stein, Jr., by his first wife, Marie Catalana, whom he married in approximately 1949 or 1950. Marie Catalana was followed by Gloria Hall (no children) and, between 1960 and 1964, by Mickey Medina (no children). During the 3 to 4 years prior to his departure from New Orleans in 1964, Stein and Mickey Medina ran a prostitution business offering the services of Mickey and several other women. (10) Stein lived off the proceeds of the business.

(17) In addition to prostitution activities in New Orleans, Stein's criminal activities in that city included, by his own admission, running dice tables at Marie's Lounge in 1955, and the use of a variety of narcotics. The probability that Stein was involved, at least on a small scale, in the sale of narcotics in New Orleans also seems high. (11)

(18) After leaving New Orleans in 1964, Stein moved to Los Angeles, home of his sister Rita and her husband Lino Rosas. He worked as a car salesman for Felix Chevrolet on Figueroa Street, Brand Motors on Crenshaw Boulevard, and Burbank Ford on Olive Street, leaving the last job sometime in 1967. Stein's job with Burbank Ford was his last official job. Since then he has been supported by unemployment and social security disability payments.

(19) During his interview with the committee staff, Stein professed his belief in a cosmic philosophy of life. In addition to a strong belief in God, Stein's philosophic principles incorporated a belief in an after-life, in extraterrestrial life, and in an ability to communicate with other forms of life. (12) Stein began developing his cosmic philosophy in 1964 with his departure from New Orleans and relocation in California. Thus, he abided by these principles during his relationship with James Earl Ray. While his beliefs were clearly unorthodox, Charles Stein seemed to be a highly intelligent and essentially rational individual.

THE RELATIONSHIP BETWEEN CHARLES STEIN AND JAMES EARL RAY

(20) Prior to moving to 5660 Franklin Street (his residency on December 15, the day Stein and Ray departed for New Orleans), Stein lived at 3340 Floyd Terrace, the home of Rita and Lino Rosas, Charles' sister and brother-in-law. During the FBI investigation, three individuals living in the vicinity of 3340 Floyd Terrace stated that they had observed a white Mustang outside of Stein's address, during the period of Thanksgiving 1967. One neighbor, a Mr. Raymond Murphy, identified the driver of the car as James Earl Ray. (13) If this in fact occurred, then Stein and Ray met before either are willing to acknowledge.

(21) During his interview, Stein acknowledged that he lived at 3340 Floyd Terrace in 1966 and 1967, but was certain that he and Rita left that address and moved to 5666 Franklin Avenue as long as 2 months before he met Ray. Stein emphatically denied any contact with Ray at the prior address; he stated that Lino Rosas, an ex-New Orleans resident of Mexican heritage, used 3340 Floyd Terrace as a location to fix up old cars for resale and worked with an unidentified Mexican mechanic in this business. Lino Rosas also dealt in marihuana at 3340 Floyd Terrace, and Stein, while denying any direct involvement in the operation, admitted that on one occasion he buried a bottle of marihuana in the backyard to improve its quality. Stein denied knowledge

of Lino's marihuana source, but stated that it was a good one, because Lino was able to sell the merchandise at reasonable prices. (14)

(22) 3340 Floyd Terrace was used as a crash pad for many of Stein's friends. Nevertheless, Stein stated that the premises were not used for hustling, that is, prostitution, and claimed that he would have known if such a business had been in process. Stein stated that Ray would not have fit in at 3340 Floyd Terrace, a residence often frequented by hippies on searching, mind-expansion trips. Stein stated that Ray, a close-minded individual was not into this at the time. Stein also asserted that Ray, if questioned, could provide no information on the type of people who frequented 3340 Floyd Terrace. Finally, Stein denied that Ray parked his Mustang there, and recalled no other Mustangs with Alabama plates in the vicinity of the residence. (15)

(23) During his executive session testimony, Stein again clearly and emphatically denied Ray's presence at 3340 Floyd Terrace, and noted that his sister, Rita Rosas, possessed a white Mustang while living at that address. He stated that anyone suggesting Ray's presence at 3340 Floyd Terrace had lied to the committee. (16)

(24) Mr. Stein's denial of contact with Ray at 3340 Floyd Terrace was corroborated by the testimony of his sister, Rita Rosas, (17) as well as by additional field investigation performed by the committee. Based on available evidence, it can be concluded that Ray and Stein did not, in fact, meet prior to December 14, 1967, when they were introduced at the Sultan Room, a lounge at the St. Francis Hotel in San Francisco.

(25) In December of 1967, Charles Stein was living with his sister Rita and two of her children at 5666 Franklin Street. The weight of available evidence indicated that he met Ray on December 14, 1967, at the request of Rita, who had encountered Ray earlier that evening at the Sultan Room lounge. Rita had been looking for a means of transporting her two other children from New Orleans to California, and Ray had indicated his own plans to go to New Orleans. Charles Stein was persuaded by his sister to drive with Ray to New Orleans to pick up the children. It was Stein's impression that Ray felt initially he would be making the trip with Rita, and was both surprised and suspicious when Stein was substituted.

(26) The committee developed no significant evidence to contradict this version of Stein's first meeting with Ray. Because Stein was unemployed at the time, he was free to leave Los Angeles on a moment's notice. He had extensive family in New Orleans and the trip provided an opportunity to see them again. (18) Finally, in light of Ray's fugitive status, it is not unreasonable for him to have wanted another passenger in the car during a long drive on the open road; the chances of a random stop by the police existed, and Stein's presence provided a legitimate reason for making the trip to New Orleans—that is, to pick up Stein's niece and nephew. Ray was, however, apparently concerned about the possibility that he was being set up for a robbery by Rita Stein and her brother. He suggested to Rita and Marie Martin that he might bring a gun with him on the trip. (19) Stein never saw a weapon on Ray during the trip.

(27) In summary, the credible evidence would seem to indicate that Stein and Ray came together fortuitously the day before the trip to New Orleans, that both had separate and independent reasons for

making the trip, and therefore that no evil purpose existed, at least initially, for their joint venture.

(28) The day of their departure for New Orleans, Ray took Stein, his sister, Rita, and their cousin Marie Martin to Wallace campaign headquarters on Lankershim Boulevard. Contrary to Ray's assertions, the three Stein relatives were unanimous in their statements that Ray initiated the trip to campaign headquarters. (20) Charles recalled that Ray offered to pay for the expenses on the trip if all three would agree to sign up with the Wallace campaign, and added that he agreed readily. In light of Stein's clearly apolitical nature, and the total absence of any other evidence linking Stein and the AIP, his denial of involvement in the original decision to visit AIP headquarters was entirely credible.

(29) After completing their visit to AIP headquarters, Ray drove Rita and Marie back to 5666 Franklin Avenue and dropped them off. Ray and Stein then drove to Ray's residence on Serrano Street and stopped very briefly to pick up mail. Stein did not enter the apartment then or at any other time.

(30) Stein recalled that Ray was definitely going to New Orleans for reasons of his own and that he was not making the trip merely to accommodate Rita. Ray mentioned that he was going to see more than one person—either engineers or contractors. While Ray gave no specific address for the meeting (other than a reference to Chartres Street, which Stein cannot recall precisely), Ray's description of the area brought to Stein's mind a specific location containing warehouses and railroad tracks. (21) Stein felt that Ray's reference to the meeting place in New Orleans reflected a certain familiarity with the city.

(31) Stein thought that Ray may have told him that he called New Orleans, in advance, to let them know when he would arrive. (22) This call was made after Ray pulled off the road outside of Houston, Tex. Stein recalled a liquor store and a candy store in the vicinity. Stein was never close enough to Ray to observe the number he dialed, or the amount of money he may have used, or to hear the conversation. He stated that he observed Ray make phone calls on only one or two occasions and that the calls never lasted more than 5 or 10 minutes. In his testimony during committee hearings, Ray admitted making one call to his brother, Jerry, while en route to New Orleans. (23)

(32) Stein also stated, several times during his initial interview, that he recalled Ray mentioning the name Raoul. Stein was confronted, during this initial interview, with an FBI interview which reflected his statement that the person he [Ray] was going to see—[had] an Italian-sounding name—a well-known name in New Orleans.

(24) Stein agreed that Raoul was not Italian sounding, and stated that perhaps he was dodging the FBI's questions.

(33) Because of the clear significance of this portion of Stein's interview, Stein was asked again about this matter during his testimony under oath before the committee in April 1978. At that time he was also confronted with a February 13, 1969, FBI interview in which he had been asked specifically whether Ray had mentioned a Raoul at any time during their relationship. Stein's response, as summarized in the FBI interview: "Stein said he had never heard Ray mention anyone by the name of Raoul during his contacts with Ray." (25)

Stein's testimony on the subject, given under oath, became far less certain:

STAFF COUNSEL. This is the first time you testified about this matter under oath. I am asking you, is it your testimony now despite what you told the Bureau, despite your explicit denial to the Bureau—is it your testimony today that Ray, in fact, mentioned the name Raoul?

Mr. STEIN. I think that he did. If I can remember, I think he did. I don't know.

STAFF COUNSEL. So your memory now is not as precise as it once was on that issue?

Mr. STEIN. It was not even precise back then.

(34) In several interviews with the FBI during the months immediately after the assassination, many covering the New Orleans trip in great detail, Stein never indicated that Ray had mentioned Raoul. There is a similar absence of this detail in his interviews with the press, and in all of reporter Louis Lomax' articles on the New Orleans trip [written with the assistance of Stein shortly after the assassination]. In February 1969, as is indicated above, he specifically denied to the Bureau that Ray had mentioned the name Raoul. Finally, after initially informing the committee investigators of the incident in January, his recollection became notably uncertain when pressed on the matter under oath.

(35) Against this background, and considering the fact that Stein was in contact with individuals attempting to put together a film documentary on the King assassination in January 1978, and who later attempted to sell information to the committee for a substantial sum of money.* Stein's alleged recollection or Ray's mention of Raoul on the New Orleans trip was prompted, it may be concluded, not by a specific factual occurrence, but rather by the passing chance of financial gain. It would be difficult to credit Stein's testimony on this matter.

(36) Ray stayed in New Orleans for 2 days. After his early afternoon arrival with Stein, they made two quick stops at the homes of two of Stein's relatives, to drop off some belongings that Marie Martin had sent east, and then to reach the residence where Stein himself would be staying. Ray then asked for suggestions on a place to stay in the same general area of the city. He gave no indication of the amount of money he was willing to spend. The Provincial Motel was suggested, to the best of Stein's current recollection, by one of his relatives. After agreeing on the Provincial, Stein and Ray proceeded to the motel. Stein waited outside in the alley while Ray registered. Ray then brought Stein back to his relatives, and departed with the Mustang. (26)

(37) In light of the consistency between the stories of Ray and Stein, and the absence of countervailing evidence, the Provincial Motel was probably not selected by Ray prior to his arrival. Thus, any business that Ray may have planned prior to his arrival in New

*This information was later turned over to the committee pursuant to a congressional subpoena. It consisted of taped interviews with Stein and Marie Martin and was generally a repetition of information already provided to the FBI or the committee.

Orleans did not involve the motel. This does not preclude the possibility that Ray met with associates at the motel at some later time.

(38) Sometime later the first day, Stein took a walk with his son, Charles Stein, Jr. They covered approximately 2 miles and passed by the "merchandise mart" and the Trade Mart building. Later that afternoon, Ray told Stein that he (Ray) had been drinking beer, and had seen Stein walking on Canal Street.

(39) Ray's failure to call Stein over to join him at the bar on Canal Street suggested to Stein the possibility that Ray was with someone at the time. Ray told Huie that he met "Raoul," in "Le Bunny Lounge," on the day of his arrival in New Orleans; "Le Bunny Lounge" is, in fact, on Canal Street, and thus could have been the bar where Ray was drinking his beer.* Because Stein did not see Ray he could not tell the committee whether Ray was alone or with another. Stein had no knowledge of "Le Bunny Lounge," and could recall no mention of this establishment by Ray. (27)

(40) The next day (December 18) sometime during the morning, Ray came to Stein's sister's (Marie Lee's) home. Ray told Stein that he had finished his business and was ready to return to Los Angeles. The fact that Ray was prepared to return to California so quickly would indicate, of course, a prompt completion of his business in New Orleans. Moreover, it would seem to rule out the possibility that Ray came to New Orleans to enjoy the French Quarter or a change of scenery. Rather, he appears to have had some specific and relatively simple task to accomplish.

(41) In fact, Stein and Ray did not depart until the next day; Stein's recollection is quite clear that this was his idea, not Ray's. Stein was apparently able to convince Ray that the weather precluded an immediate departure; after a phone call to unidentified authorities for weather information, Ray agreed to postpone their departure by 1 day. (28)

(42) Stein emphatically denied two other possible reasons for Ray's New Orleans trip, both of which had been received by the committee from Charles DeCarvalho—a close New Orleans friend of Stein's. (29) First, DeCarvalho told the committee that Stein had told him (DeCarvalho) in 1967 that Galt came to New Orleans to campaign for Wallace's Presidential bid in Mississippi and Alabama, to distribute campaign materials, and to solicit campaign funds. Second, DeCarvalho said Stein had indicated a plan to introduce Ray to some of his friends, including Papa Joe Conforto. Stein denied making either statement to DeCarvalho. Stein admitted that he knew Joe Conforto, but stated that he would never have introduced Ray to him; moreover, he did not recall seeing Joe Conforto himself while in New Orleans. (30)

(43) Finally, Stein specifically denied, under oath, involvement with Ray in "illegal or criminal activity" generally, or in the manufacture, purchase or sale of narcotic or non-narcotic drugs. Similarly,

*While the committee rejected Ray's "Raoul" story, it noted the high likelihood that the story was intended to conceal contact with one or both of his brothers. Ray's reference to a meeting with "Raoul" at "Le Bunny Lounge" may well be another instance in which he is disguising such contact.

he denied involvement with Ray in any type of legitimate joint venture during the trip.

(44) In light of several factors, including (a) the major differences between the characters and personalities of Stein and Ray; (b) the strong evidence that Ray and Stein met the day before the New Orleans trip; (c) Stein's emphatic and specific denials, under oath, of criminal activity with Ray; (d) an extensive field investigation in both New Orleans and Los Angeles which included extensive questioning, often under oath, of associates and relatives of Charles Stein; (31) it appears that Stein's involvement with James Earl Ray both on the New Orleans trip, and otherwise, was innocent and unrelated in any way to the assassination of Martin Luther King.

(45) Stein's testimony did provide several indications of conspiracy, or at least association, between Ray and another in New Orleans:

- (a) Ray had a "purpose" for the trip in Stein's mind;
- (b) Ray described a meeting place in New Orleans where he would contact his associate(s);
- (c) Stein recalled one or two telephone calls en route to New Orleans, and thinks now Ray may have been calling New Orleans to let his associate(s) know when he would arrive;*
- (d) the circumstances surrounding Ray's sighting of Stein on Canal Street on the first day (December 17) indicated he was with someone at the time; and
- (e) Ray completed his business in New Orleans rapidly, and was ready to return to Los Angeles the morning of December 18.

(46) It may be concluded, therefore, that Ray met with someone in New Orleans on prearranged business. Stein, however, provided no information to indicate that the business was necessarily connected to the assassination.**

INVESTIGATION AT THE PROVINCIAL MOTEL

(47) During its investigation in New Orleans, the FBI determined that Ray registered at the Provincial Motel, 1024 Chartres Street, for the nights of Sunday and Monday, December 17-18, 1967. Due to the clear indications of a meeting in New Orleans, the committee investigated the possibility that the Provincial was the meeting place.

(48) On May 7, 1968, the FBI's New Orleans Field Office circulated to 18 other field offices a list of all guests who were registered at the Provincial Motel(32) between December 17-19, 1968, the dates of Ray's registration. The list contained 25 names. Each field office was directed to locate and interview the individuals for any knowledge they might have pertaining to Ray. Of these 25 individuals, only 10 were located and interviewed by the FBI by the end of May 1968; no one interviewed had any information to assist the FBI's investigation.

*Stein could provide no specific details or recollections to corroborate his intriguing speculation on the purpose of the call.

**The committee developed significant evidence indicating a meeting between Ray and one or both brothers in New Orleans. This is detailed in section IIB of the final Martin Luther King report.

(49) In the November 26, 1968 issue of *Look* magazine, an article by William Bradford Huie detailed Ray's travels prior to the assassination. In this article, Huie described Ray's stay at the Provincial Motel. In response to this information, the Bureau requested the New Orleans field office to reinvestigate the motel's registrants. (33) Pursuant to this directive, photostatic copies of the motel records were incorporated into a report dated November 27, 1968. (34)

(50) In reviewing these investigative files, the committee determined that there were actually 63 guests registered at the Provincial at the same time as Ray, as opposed to the 25 registrants originally investigated by the Bureau in April and May. In late November 1968, the FBI dispatched to the pertinent field offices the additional 38 names of guests. No positive information was received from these leads.

(51) Records of the Provincial Motel indicated that Ray, using the alias "Galt," occupied room 126 for the nights of December 17-18.

(35) Galt's registration card also indicated that only one person occupied room 126 during the pertinent period and that Galt checked out prior to 1 p.m. on Monday, December 19, 1967. (36) The FBI interviewed Bryan DuPepe, the owner of the Provincial Motel, in April 1968. (37) DuPepe advised the Bureau that he had no record of unusual activity in room 126 on the dates of Ray's occupancy. The FBI determined that Ray made no long distance phone calls from room 126; the Bureau was unable to make the determination regarding local calls since the log for calls made prior to April 4, 1968 had been destroyed. (38) The committee interviewed DuPepe on February 14, 1978. He advised the staff members that room 126 was, at the time of Ray's occupancy, the least desirable in the motel, since it was split-level, with the bath and bedroom on different floors. He recalled that the room probably was rented at a rate of \$14 a day and that if more than one person were to occupy room 126 they would find the accommodations very uncomfortable. (39)

(52) The most intriguing information concerning Ray's stay at the Provincial Motel was developed in the testimony of Anthony Charles DeCarvalho. (40) His information presented the committee with evidence of a meeting at the Provincial Motel. Because of the importance of such a revelation and the fact that DeCarvalho's statements alluding to a meeting were at variance with all other accounts (including his own interviews with the FBI in 1968) DeCarvalho's testimony was taken under oath in a field deposition.

(53) DeCarvalho, a close acquaintance of Charles Stein, was employed as a cab driver in New Orleans in December 1967. In his statement to the committee, he stated that he arrived at the home of Stein's mother, Clovina Olonzo, shortly after Stein and Ray's arrival there on Sunday, December 17. After being introduced to Ray as "Eric Galt," DeCarvalho recalled that Ray asked DeCarvalho to drive him to the French Quarter, stating, "There is somewhere I got to go."

(41) DeCarvalho recalled that Ray specifically requested that he drive him to the Provincial Motel. According to his testimony, DeCarvalho quoted Ray as saying, "I want you to drive me there and wait for me. I will be about 5 or 10 minutes." (42)

(54) After arriving at the Provincial, Ray got out of the car and DeCarvalho turned the car around in the motel's courtyard. While DeCarvalho was making this maneuver he noticed Ray walking along

the balcony of the second story of the motel. (43) "He was looking around for a number, you know, like—like trying to locate a number."

(44) DeCarvalho did not see Ray knock on any doors or enter any room.

(45) He recalled that Ray had taken an attaché case with him when he left the car, which he brought back with him when he returned. Although he could not be certain, DeCarvalho was under the impression that Ray went to the Provincial Motel to meet someone.

Mr. DECARVELHO. I believe he told me he was meeting somebody.

STAFF COUNSEL. Are you speculating?

Mr. DECARVELHO. No, no, I have a pretty good idea that—that what he told me, that he wanted—he was going to be but a few minutes. (46).

(55) Ray returned to the car approximately 7 minutes later. DeCarvalho asked, "Did you meet your friend?" to which Ray replied, "Yeah, yeah, everything is all right." (47) After leaving the Provincial, Ray and DeCarvalho drove around New Orleans for approximately 20 minutes. DeCarvalho then dropped Ray off at the home of Clovina Olonzo, Charles Stein's mother.

(56) DeCarvalho's testimony was unique in its suggestion of a meeting between Ray and an associate at the Provincial. Further, he was a sincere witness with no ascertainable motive to fabricate his statement. Nevertheless, the committee's investigation revealed no evidence to corroborate his testimony.

(57) According to Stein, he drove Ray to the Provincial for Ray's initial registration. A trip with Stein to the Provincial did not necessarily preclude another trip by Ray and DeCarvalho, but it did make this second trip appear less plausible. According to Stein, the two men drove back to the Olonzo home after Ray registered, and Ray departed only to return shortly thereafter. (48) It is possible that in that interim period, Ray arranged to meet an associate at the Provincial Motel, returned to the Olonzo residence and persuaded DeCarvalho to drive him back to the motel. What is left unexplained in this scenario is why Ray needed DeCarvalho to drive him to the motel. He and Stein had been there shortly before. The Provincial Motel and the Olonzo home are in the same neighborhood, and it is unlikely that Ray would have needed DeCarvalho's assistance in finding the motel. It was also improbable that Ray would deliberately involve DeCarvalho as a possible witness to a clandestine meeting at the Provincial.

(58) It was also significant that Stein was unaware of Ray's and DeCarvalho's trip to the motel. In his interview, Stein stated that he knew of no time during Ray's first day in New Orleans that Ray and DeCarvalho drove around together. (49) Stein and DeCarvalho saw each other during the next 2 days and, according to DeCarvalho, discussed Ray and his purpose for traveling to New Orleans; it is unusual that DeCarvalho did not tell Stein of his visit with Ray to the Provincial.

(59) The most significant problem with DeCarvalho's statement, however, was its inconsistency with prior statements to the FBI. FBI interviews of DeCarvalho contained no references to the Provincial Motel visit, a fact which would have been significant in their attempt to determine the purpose of Ray's trip. The committee considered two possible explanations for this discrepancy. Either DeCarvalho did not

relate this information to the FBI or the FBI agents conducting the interviews failed to include these highly significant details in their reports.

(60) In a staff interview, Special Agent William F. Kusch, who had interviewed DeCarvalho in 1968, advised the committee that anything mentioned by DeCarvalho concerning people or places visited by Ray would have been thoroughly investigated by the Bureau. (50) Kusch noted that the FBI was attempting to locate Ray at the time of the DeCarvalho interviews. The possibility of a meeting by Ray with another at the Provincial would have been of significant interest, and would have been documented. A thorough review of the New Orleans investigative files reflected no mention of DeCarvalho's information or of a subsequent investigation of that information.

(61) In view of this and other problems with DeCarvalho's story, it may be concluded that his information was unreliable.

(62) The unreliability of DeCarvalho's testimony did not, however, undermine the conclusion that Ray traveled to New Orleans to meet someone, and that such a meeting transpired. It is also possible, of course, that this meeting was at the Provincial Motel. The committee was simply unable to locate concrete evidence of this possibility.

(63) It must be frankly acknowledged that the mystery that has always surrounded the New Orleans trip has not been cleared up. Several aspects of the trip are clear, however:

1. Ray's decision to make this trip and his activities in New Orleans were unrelated to his association with Charles Stein.
2. The decision to travel to New Orleans on Friday, December 15, 1967, was abrupt and without significant planning or foresight.
3. Whatever Ray's business was in New Orleans, it
 - (a) was significant enough to travel nearly 4,000 miles to transact, and
 - (b) involved a transaction which could not be as readily accomplished with a phone call or letter.
4. James received money on the trip. A financial analysis of Ray's spending habits during his fugitive period document a pattern of significant expenditures after his return from New Orleans. These included an immediate payment of approximately \$350.00 for dance lessons.
5. Ray met with someone in New Orleans. This conclusion was based on Ray's receipt of money, as well as Stein's testimony to the committee.*
6. Ray's business in New Orleans was accomplished quickly.
7. There was no evidence of a direct link between Ray's activities in New Orleans and the assassination of Dr. King. Nevertheless, it was noted that Ray's next significant criminal activity was the assassination.

*It is highly probable that Ray met with one or both brothers. Ray mentioned to two independent sources in Los Angeles that his trip involved his brother. Both James Earl and Jerry Ray admit that James telephoned Jerry while en route to New Orleans. Both these references to his brother and New Orleans and this phone call suggest that the two met in New Orleans. (See MLK Report, Section IIB, for additional discussion of the possible involvement of Ray's brother in the New Orleans trip.)

(64) Two significant questions remained open after the committee's investigation: First, the committee was unable to determine why New Orleans was chosen as the site of Ray's business. If, in fact, Ray met his brother(s), it is difficult to explain why this meeting took place in New Orleans. Jerry was at the time employed at the Sportsman Club in Chicago and James was in Los Angeles. A more convenient meeting place could have been chosen. It seems reasonable to assume, therefore, that New Orleans itself was connected with the purpose of the trip. Second, the committee was unable to determine the exact nature of Ray's activities in the city.

Submitted by:

LISA M. BERLOW,
Researcher.

REFERENCES

(1) Lloyd Calloway, the husband of Lorraine Calloway, was never located or interviewed by the committee. The Calloways were the aunt and uncle of Charles Stein. The committee was satisfied, however, that all New Orleans witnesses who would have been in a position to furnish information of any value were located.

(2) See, for example: Staff summary of interview of S.A. Pat Collins, December 1977, House Select Committee on Assassinations (MLK Document No. 150176); staff summary of interview of S.A. Stephen Callendar, Jan. 13, 1978, House Select Committee on Assassinations (MLK Document No. 170064); staff summary of interview of S.A. William Kusch, Mar. 10, 1978, House Select Committee on Assassinations (MLK Document No. 190196); staff summary of interview of S.A. Paul Hensel, Apr. 4, 1978, House Select Committee on Assassinations (MLK Document No. 200025); staff summary interview of S.A. Thomas Colarelli, Nov. 22, 1978, House Select Committee on Assassinations (MLK Document No. 300041).

(3) The committee determined that three of Charles Stein's relatives were deceased at the time of its investigation. These relatives were: Willie and Clovina Olonzo and Dale Rodriguez.

(4) In "The 20,000 Words," Ray states that someone answered the phone in New Orleans and asked him to come to New Orleans around Christmas. He has never elaborated further about who this individual was. (See "The 20,000 Words," vol. XII, HSCA-MLK Hearings.)

(5) There are contradictory accounts as to who initiated the discussion of Ray's drive to New Orleans. Huie, in *He Slew the Dreamer*, wrote that Ray mentioned the proposed trip, and that Marie Martin then told him of Rita Stein's problem. See William Bradford Huie, *He Slew the Dreamer* (New York: Delacorte Press, Inc., 3d ed., 1970), p. 77. Gerold Frank wrote that Marie Martin first broached the subject, and then Ray volunteered to drive Stein. See Gerold Frank, *An American Death* (Garden City, New York: Doubleday and Co., Inc., 1st ed., 1972), p. 163.

(6) Ray did not have any independent recollection of the name of this bar. After describing the lounge to Huie, the author located the establishment. Ray never disputed Huie's identification of the Le Bunny Lounge as the site of this New Orleans meeting with "Raoul". In earlier accounts, Ray has made inconsistent statements concerning the arrangements for this meeting. Ray's story to Huie is that "Raoul" wrote him while he was in Los Angeles and told him that they would meet in a certain New Orleans bar for a conference. See William Bradford Huie, "I Got Involved Gradually, And I Didn't Know Anybody Was To Be Murdered," *Look Magazine*, Nov. 26, 1978, p. 92. Ray also wrote Huie that after his arrival in New Orleans, he checked into a motel and called "Raoul." It is during this phone call that Ray claimed he was advised of the location of the meeting, the information apparently supplied by a third party. See "The 20,000 Words," XII HSCA-MLK Hearings.

(7) FBI identification record of Charles Joseph Stein, FBI Report No. 8815343 (MLK Document No. 190610). Stein's record reflects a 1961 arrest for possession of narcotics in New Orleans, but no conviction on that charge; a 1969 arrest for cultivating marihuana in California, but no conviction; and a 1974 conviction for the sale of heroin.

(8) Although Ray indicated, both to author Huie and to the committee, that he had foreknowledge of the necessity to travel to New Orleans sometime in December of 1967, his actual departure from Los Angeles can be viewed as abrupt and without significant planning or preparation. (Regarding the indications of foreknowledge, see, e.g., "The 20,000 Words," XII HSCA-MLK Hearings Staff Interview of James Earl Ray, Apr. 14, 1977, hearings before the House Select Committee on Assassinations, 95th Congress, 2d session, Washington, D.C.: U.S. Government Printing Office, 1979, Vol. IX, pp. 195, 204-207.) Stein and Ray met for the first time on Thursday, December 14, 1967. Either Rita Stein or Marie Martin introduced the two men, and arrangements were made

for them to travel to New Orleans for the purpose of transporting Rita's two daughters back to Los Angeles. These arrangements were impromptu and did not predate the Thursday evening discussion. There is no indication that Ray specifically intended to travel to New Orleans on Friday, December 15, 1967. According to an FBI interview with Dr. Mark O. Freeman, Ray had originally scheduled an appointment for Monday, December 18, 1967, which he canceled at the last minute before leaving town on the 15th.

(9) The primary source for the background information contained in this section is the staff interview of Charles Joseph Stein, Jan. 23-26, 1978, House Select Committee on Assassinations (MLK Document No. 190402) (hereinafter referred to as Stein Interview).

(10) Stein interview (MLK Document No. 190402), p. 1; see also staff interview of Mickey Medina, February 17, 1978, House Select Committee on Assassinations.

(11) While Stein continuously denied personal involvement in the sale of narcotics (see Stein interview, MLK Document No. 190402, p. 2), several former members of the New Orleans Police Department have opined that Stein engaged in the sale of narcotic drugs while in that city. See e.g., staff interview of Bill Warner, February 2, 1978, House Select Committee on Assassinations (MLK Document No. 180074); outside contact report (with John Phillips), Feb. 2, 1978, House Select Committee on Assassinations (MLK Document No. 180049). As previously noted, Stein was convicted for selling heroin in California in 1974 (*supra*, fn. 7).

(12) Stein Interview (MLK Document No. 190402), p. 15.

(13) FBI interview of Raymond M. Murphy, May 1, 1978, Los Angeles Murkin file No. 44-1574-D-159. In a committee interview on Feb. 12, 1978, Mr. Murphy remained certain that he had seen Ray, although he did not specify the time. See staff summary of interview of Raymond M. Murphy, Feb. 2, 1978, House Select Committee on Assassinations (MLK Document No. 190396).

(14) Stein interview (MLK Document No. 190402), pp. 4, 5.

(15) *Ibid.*

(16) Immunized executive session testimony of Charles Stein, Apr. 4, 1978, hearings before the House Select Committee on Assassinations, pp. 39-42 (MLK Document No. 210589) (hereinafter referred to as Stein testimony, Apr. 4, 1978).

(17) Executive session testimony of Rita Rosas, Apr. 6, 1978, hearings before the House Select Committee on Assassinations, pp. 15-16.

(18) Stein Interview (MLK Document No. 190402), pp. 5-6.

(19) Stein Testimony, Apr. 4, 1978, p. 32.

(20) See, e.g., Stein testimony, Apr. 4, 1978, pp. 83, 84.

(21) Stein circled this area on a map of New Orleans provided by the committee staff. A later field investigation of the area by committee investigators, however, produced nothing of significance (MLK Document No. 200479).

(22) When asked why this information did not appear in any of several interviews he had given to the FBI, Stein replied that perhaps the agents hadn't asked him. See Stein interview (MLK Document No. 190402), p. 8.

(23) Testimony of James Earl Ray, Aug. 16, 1978, hearings before the House Select Committee on Assassinations, 95th Cong., 2d sess., Washington, D.C.: U.S. Government Printing Office, 1979, vol. I, p. 99.

(24) FBI Interview of Charles Stein, May 2, 1968, Los Angeles, Murkin file No. 44-1574.

(25) FBI interview of Charles Stein, Feb. 13, 1969, Los Angeles, Murkin file No. 44-1574-D-512.

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(28) *Ibid.*

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(31) See staff summary of interview of Raymond M. Murphy, Jan. 17, 1978, House Select Committee on Assassinations (MLK Document No. 180079); staff summary of interview of Felix Valdez, Feb. 14, 1978, House Select Committee on Assassinations (MLK Document No. 180389); staff summary of interview of Clara Stann, Feb. 15, 1978, House Select Committee on Assassinations (MLK Document No. 180387); outside contact report (with George Pittman), Jan. 25,

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(34) FBI report, Nov. 27, 1968, pp. 4305-4458 (MLK Document No. 040081).

(35) FBI report re: Records of the Provincial Motel, Apr. 15, 1968, p. 724 (MLK Document No. 040054).

(36) Ibid.

(37) Ibid.

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(39) Staff summary of interview of Bryan DuPepe, Feb. 14, 1978, House Select Committee on Assassinations, p. 1 (MLK Document No. 180383). In his interview with the FBI in April 1968, DuPepe advised that room 126 rented for \$12 per day. See FBI report, Apr. 15, 1968, p. 724 (MLK Document No. 040054).

(40) Designated Counsel Statement of Anthony Charles DeCarvalho, Feb. 23, 1978, House Select Committee on Assassinations, pp. 14-27 (MLK Document No. 190261).

(41) Id., at p. 14.

(42) Ibid.

(43) Id. at p. 21.

(44) Ibid.

(45) Id., at p. 22.

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(47) Id., at p. 27.

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INVESTIGATION INTO THE ASSASSINATION OF
DR. MARTIN LUTHER KING, JR.
CHARLES Q. STEPHENS: CONTROVERSIAL EYEWITNESS
TO THE ASSASSINATION

Supplementary Staff Report
of the
Select Committee on Assassinations
U.S. House of Representatives
Ninety-fifth Congress
Second Session

March 1979

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(1) Within moments (1) of the shot that felled Dr. King, two witnesses in the northern wing of Bessie Brewer's roominghouse observed a man run down the hallway from the area of a common bathroom at the end of the hall. This bathroom faced to the east of the roominghouse* and overlooked the Lorraine Motel. (2) William Anschutz, the tenant from room 4-B, saw the man briefly but could provide only a general description. On the other hand, Charles Q. Stephens, a tenant from 6-B, provided a detailed description, and felt that the man he saw fleeing down the hallway was the same person he had seen checking into room 5-B earlier in the afternoon. (3) Subsequently, Stephens identified a profile photograph of James Earl Ray as looking very much like the man he had observed checking into room 5-B. (4) James Earl Ray has admitted that he checked into room 5-B on the afternoon of April 4, 1968. (5)

(2) During the investigation following the assassination, authorities were unable to uncover an eyewitness to the assassination who could make a positive identification of the assassin. Thus, Charles Stephens quickly became a significant witness.

(3) Questions, however, were raised as to the reliability of Stephen's tentative identification. The committee, therefore, conducted a full investigation into his reliability as a witness.

(4) The committee first determined that Stephen's significance as a witness may have been somewhat exaggerated during the months following the assassination. Stephens was provided with a police guard for a period of several months following the assassination and at one time was jailed as a material witness. (6) Lt. R. A. Cochran, second in command of the homicide squad in 1968, explained, however, that the protection was made necessary because of exaggerated newspaper reports concerning Stephens' ability to make such an identification. (7) Cochran added that Stephens could never really identify the assailant.

(5) Phil Canale, the Shelby County Attorney General in 1968 who prepared the Government's case against James Earl Ray, testified that Stephens had seen Ray checking into the roominghouse prior to the assassination, and in the hallway after the assassination. Canale added that he was considered an important, but not an essential, prosecution witness. (8)

(6) A substantial issue was raised concerning Stephens' sobriety on the day of Dr. King's assassination. One witness, a taxi driver named James McGraw, told the committee that only minutes before the assassination, he observed Stephens lying on his bed in room 6-B in a drunken stupor. (9) McGraw's assertions to the committee received

*A diagram of the second floor of Bessie Brewer's roominghouse was introduced into the record during the committee's public hearings. See, MLK exhibit F-20, vol. 1, HSCA-MLK hearings, p. 79.

support from Capt. Tommy D. Smith of the Memphis Police Department. Smith, a lieutenant for the homicide squad on April 4, 1968, reported to the crime scene following the assassination of Dr. King. He observed both Charles Stephens and his common-law wife, Grace Walden,* after the assassination and told the committee that both appeared to be intoxicated.(10) Smith did not question either Stephens or Walden at the time.

(7) On the other hand, the first police officer to observe and question Stephens only minutes after the assassination, Lt. James Papia of the MPD intelligence section,(11) told the committee that although Stephens had obviously been drinking, he was neither incoherent nor staggering.(12) Lt. Glenn King, who was also at the scene within minutes after the assassination, interviewed Stephens and found him coherent.(13) He told the committee, however, that Stephens was well known on South Main Street for his excessive drinking habits.(14)

(8) These judgments of Lieutenants Papia and King were supported by the statement of Lloyd Jowers, the owner of Jim's Grill, a bar located under the northern wing of the roominghouse. According to Jowers, Charles Stephens was in his establishment on April 4, drinking—like always.(15) Nevertheless, Jowers stated that Stephens was in control of himself and knew what he was saying or doing.(16) Jowers added—in a statement that casts some question on the assertion of James McGraw—that although Stephens drank beer all the time by the quart, he never saw him passed out.(17)

(9) The committee also questioned J. Harold Flannery, the attorney for the U.S. Department of Justice who prepared the Ray extradition affidavit that was executed by Stephens.(18) Flannery stated that he had carefully questioned Stephens and examined the circumstances under which Stephens had identified Ray's profile photograph. He was convinced as to the genuineness of that identification.(19) The committee was also told by Stephens' attorney, Harvey Gipson, that he believed Stephens' April 4, 1968 statements truthfully represented what Stephens had, in fact, seen on that date.(20)

(10) The committee considered the possibility that Stephens' testimony might have been influenced by the reward offered for information leading to the arrest and conviction of the assassin. Stephens lost his judicial bid for the \$100,000 reward, which had been announced on April 5, 1968. In the court's ruling, however, the reliability of Stephens' identification did not become an issue.(21) Rather, the court's ruling was based on its finding that Stephens had no knowledge of the reward offer at the time he provided his initial statements on April 4. The court further found that Stephens' information did not, in fact, lead to either the arrest or the conviction of James Earl Ray.(22)

(11) Finally, the committee reviewed a variety of statements by Stephens, and noted their general consistency over the past 10 years.(23) In addition, a similarity was noted between the description provided by Stephens after the assassination and that of James Earl Ray.(24)

*A complete discussion of Grace Walden's significance as a witness is included in the committee's final report, sec. IIA.

(12) To sum up, while it may be concluded that Charles Stephens did, in fact, see James Earl Ray in the hallway immediately following the assassination, his testimony to that effect was vulnerable on several counts had Ray gone to trial. First, the evidence is overwhelming that Charles Stephens was drinking on April 4, 1968. Only the extent of that drinking is at issue. Second, the hallway at Bessie Brewer's was dimly lighted, and Stephens was separated from the fleeing assassin by between 40 and 50 feet. Finally, Stephens himself has declined to provide an unqualified identification of the assassin. In his June 1968 identification of Ray's profile photograph for the FBI, he stated only that the profile photo of Ray looked very much like the man he saw in the roominghouse. (25)

(13) Stephens' value to the prosecution's case would, therefore, have been limited. His testimony that he heard steps between room 5-B and the roominghouse bathroom on several occasions prior to the shot would have provided circumstantial evidence against Ray, since Ray has admitted renting and occupying room 5-B on the afternoon of April 4.* Beyond this, Stephens' testimony would have contributed little.

Submitted by:

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*The assumption is made here that Ray would have taken the stand and repeated his basic Raoul story. During interviews with the staff, Ray told the committee that this was his trial strategy.

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(2) *Ibid.*, pp. 38-44, 48-51, 57-58, 67-70, and 76-80; see also staff summary of interview of William Anschutz, House Select Committee on Assassinations (MLK Document No. 110009); see also Memphis Police Department supplemental homicide report (MLK Document No. 140141).

(3) Stephens' statement, pp. 38-44, 48-51, 57-58, 67-70, and 76-80; see also Memphis Police Department supplemental homicide report (MLK Document No. 140141).

(4) Stephens' statement, pp. 80-81; see also outside contact report with J. Harold Flannery, Nov. 3, 1978, House Select Committee on Assassinations (MLK Document No. 280062).

(5) Testimony of James Earl Ray, Aug. 16, 1978, hearings before the House Select Committee on Assassinations, 95th Cong., 2d sess. (Washington, D.C.: U.S. Government Printing Office, 1979), vol. I, pp. 101-102.

(6) Order of Judge Battle, Shelby County Criminal Court, July 22, 1968 (MLK Document No. 110115).

(7) Staff summary of interview of R. A. Cochran, Sept. 30, 1977, House Select Committee on Assassinations, p. 3 (MLK Document No. 170020).

(8) Testimony of Phil Canale, Nov. 13, 1978, hearings before the House Select Committee on Assassinations, 95th Cong., 2d sess. (Washington, D.C.: U.S. Government Printing Office, 1979), vol. V, p. 334.

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(11) Outside contact report (with James Papia), Aug. 19, 1978, House Select Committee on Assassinations (MLK Document No. 250056).

(12) *Ibid.*

(13) Memphis Police Department homicide report, p. 1586 (MLK Document No. 030203).

(14) Outside contact report (with Glenn King), Dec. 19, 1978, House Select Committee on Assassinations (MLK Document No. 280117).

(15) Outside contact report (with Lloyd Jowers), Aug. 19, 1978, House Select Committee on Assassinations (MLK Document No. 250057).

(16) *Ibid.*

(17) *Ibid.*

(18) See affidavit of Charles Q. Stephens, June 19, 1968 (MLK Document No. 080011).

(19) Outside contact report (with J. Harold Flannery), Nov. 3, 1978 (MLK Document No. 280062).

(20) Outside contact report (with Harvey Gipson), June 19, 1978, House Select Committee on Assassinations (MLK Document No. 220166).

(21) See *Charles Quitman Stephens v. State of Tennessee*, city of Memphis, Memphis Press-Scimitar, et al., No. 72333-3 R.D., Shelby County, Tenn., Chancery Court, Apr. 19, 1976 (MLK Document No. 260238).

(22) *Ibid.*

(23) Stephens' statement; Memphis Police Department homicide report, 1968, pp. 1594-1595 (MLK Document No. 030203); Memphis Police Department homicide report (MLK Document No. 140141); affidavit of Charles Q. Stephens, June 19, 1968 (MLK Document No. 080011); staff memo re: statements made by Charles Q. Stephens to NBC reporters, Sept. 19, 1977 journal (MLK Document No. 130107); testimony of Charles Quitman Stephens in *Charles Q. Stephens v. State of Tennessee*, city of Memphis, Memphis Press Scimitar, et al., No. 72333-3 R.D. Shelby County, Tenn., Chancery Court, Apr. 19, 1976 (MLK Document No. 260238); statement of Charles Q. Stephens to J. C. Kellam, Aug. 19, 1968 (MLK Document No. 260147).

(24) Memphis Police Department homicide report, Apr. 4, 1968, supplement No. 4 (MLK Document No. 030203).

(25) Affidavit of Charles Q. Stephens, June 19, 1968 (MLK Document No. 080011); FBI interview of Charles Stephens, June 19, 1968 (MLK Document No. 040061).



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THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.:
A COMPREHENSIVE ALPHABETICAL BIBLIOGRAPHY

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FOREWORD

This comprehensive bibliography consists of every relevant book citation that could be found in the Library's card catalog and Books in Print. Periodical literature was identified (and selectively included) from the Readers Guide to Periodical Literature; Public Affairs Information Service (P.A.I.S.); International Social Science and Humanities Index; America: History and Life; Social Science Citation Index; Magazine Index; Psychology Abstracts; Sociological Abstracts; Comprehensive Dissertation Abstracts; and CRS's Selective Dissemination of Information computerized bibliographic data-base (1969 to present). Some of the noted periodical sources are computerized, on-line data bases external to the Library of Congress. Jeffrey C. Griffith in CRS's Information Systems Section was instrumental in the retrieval of citations from those data bases.

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THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.:
A COMPREHENSIVE CHRONOLOGICAL BIBLIOGRAPHY

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December 7, 1978

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