

A. JAMES EARL RAY FIRED ONE SHOT AT DR. MARTIN LUTHER KING, JR., THE SHOT KILLED DR. KING

Shortly after 6 p.m. on April 4, 1968, Dr. Martin Luther King Jr., was shot and mortally wounded as he stood on the second-floor balcony outside his room at the Lorraine Motel in Memphis, Tenn. He was pronounced dead at 7:05 p.m. at St. Joseph Hospital.

James Earl Ray, a 40-year-old convicted armed robber who had escaped from the Missouri State Penitentiary in Jefferson City, Mo., on April 23, 1967, pleaded guilty on March 10, 1969, in Shelby County (Tenn.) Criminal Court to the first degree murder of Dr. King. He was sentenced to 99 years at the State penitentiary.

(a) *Biography of James Earl Ray*

James Earl Ray was born on March 10, 1928, in Alton, Ill. The Ray family moved a few miles from Alton to Bowling Green, Mo., in 1930, and 5 years later they moved to near Ewing, Mo., where Ray received his elementary school education.

At age 16, Ray moved back to Alton, where he lived with his grandmother. He worked in the dye room of the International Shoe Tannery in nearby East Hartford, Ill. He was laid off in December 1945 and, 6 weeks later, enlisted in the Army. He was stationed in West Germany where he was charged with drunkenness and breaking arrest. Ray was discharged for ineptness and lack of adaptability for service in December 1948.

After his discharge, Ray returned to stay with his grandmother in Alton, Ill., and embarked on a life of odd jobs and jail sentences. He worked for the Dryden Rubber Co. in Chicago until he was laid off in September 1949, and then left for Los Angeles, Calif. On October 11, he was arrested for robbing a cafe and was sentenced to 90 days' imprisonment.

Upon his release from jail in Los Angeles in the spring of 1950, he traveled back to Illinois, where he worked until May 1952. During this time he attempted to earn his high school diploma at night. He robbed a cab driver of \$11.90 on May 6, 1952. He was found guilty of robbery and incarcerated at the State penitentiary at Joliet and later at the State prison farm in Pontiac until his release on March 12, 1954.

Ray then moved to Quincy, Ill. On March 7, 1955, Ray and an accomplice, Walter Rife, broke into the Kellersville, Ill., post office and stole 66 postal money orders as well as a validating stamp. The two men fled to Miami, Fla., but were arrested in Missouri on their return. Ray pleaded guilty to the robbery and, on July 1, 1955, was sentenced to 45 months at the Federal penitentiary in Leavenworth, Kans.

Ray was paroled from Leavenworth in early 1959. He robbed two grocery stores in St. Louis, Mo., and one in Alton during the summer

and fall of 1959. He was eventually captured and tried for the St. Louis robbery in December 1959. On March 17, 1960, he began serving a 20-year sentence at the Missouri State Penitentiary. Ray tried to escape in November 1961 and again in March 1966. Following the second attempt, he was examined at the State hospital in Fulton, Mo., and determined capable of standing trial for escape.

On April 23, 1967, Ray did escape from the Missouri State Penitentiary. Over the following 11½-month period, he traveled extensively in North America, residing in such cities as Chicago, Montreal, Birmingham, Los Angeles, and Atlanta. On the afternoon of April 4, 1968, posing as John Willard, Ray rented a room at a Memphis roominghouse near the Lorraine Motel. That day, Dr. Martin Luther King, Jr., was assassinated as he stood on the second-floor balcony of the Lorraine Motel.

On May 7, 1968, the Shelby County Criminal Court named James Earl Ray in an indictment for the first-degree murder of Dr. King. An international manhunt culminated with Ray's capture at Heathrow Airport in London, England, on June 8, 1968. Following extradition proceedings in England, Ray was returned to the United States on July 19, 1968. Ray pleaded guilty to the murder of Dr. King on March 10, 1969. Judge W. Preston Battle sentenced him to 99 years in the penitentiary.

*(b) The Committee's Investigation*

With Ray's background and the record of his arrest, trial, conviction, and sentence as background, the committee undertook an exhaustive investigation of all available evidence bearing on Ray's involvement in the assassination of Dr. King. It conducted eight extensive interviews with Ray at Brushy Mountain State Penitentiary in Petros, Tenn., where he is serving the 99-year sentence for the murder of Dr. King.<sup>1</sup> The committee also listened to 3 days of testimony by Ray in public session on August 16, 17, and 18, 1978, and it closely examined all known writings, tape recordings, transcripts and interviews made by or about Ray since his April 23, 1967, escape from the Missouri State Penitentiary. Further, the committee interviewed dozens of associates of Ray and hundreds of other witnesses, many of whom testified under oath in executive session or during 20 days of public hearings. Thousands of Government documents were scrutinized, particularly files of the Memphis Police Department and the FBI.<sup>2</sup> Records from other agencies, such as the Department of State and the Central Intelligence Agency, were also reviewed. Scientific evidence was thoroughly analyzed by experts in such areas as firearms, forensic pathology and engineering.

<sup>1</sup> Ray's interviews with the committee were published as appendices to the committee hearings. See Appendix to the Hearings before the Select Committee on Assassinations, U.S. House of Representatives, 95th Congress, 2d Session (Washington, D.C.: U.S. Government Printing Office, 1979), vol. IX-XI (hereinafter—Appendix to the HSCA-MLK Hearings. —).

<sup>2</sup> Because of widespread public allegations of FBI complicity in the assassination, the committee recognized that FBI files were potentially tainted. Ultimately, however, the committee's investigation uncovered no evidence to support the allegations (see section II D). The committee did note major deficiencies in the scope and method of the FBI's postassassination investigation (see section II E). Nevertheless, the committee was satisfied that it could consult FBI files as one of a number of sources of information in the case.

Based on its investigation, the committee determined that James Earl Ray fired the shot that killed Dr. Martin Luther King, Jr.

1. DR. KING WAS KILLED BY ONE SHOT FIRED FROM IN FRONT OF HIM

In March 1968, Dr. Martin Luther King, Jr., traveled to Memphis, Tenn., to lead a march in support of striking sanitation workers. The march was disrupted by violence and ended in a riot. Dr. King returned to Memphis on April 3, 1968, in an attempt to demonstrate that a peaceful march could succeed in achieving desired social and economic goals.(1)

Dr. King and his party were staying at the Lorraine Motel, a Black owned establishment near the waterfront area of Memphis. Dr. King was sharing room 306 with his associate, Dr. Ralph Abernathy, and it was on a balcony in front of that room, at 6:01 p.m. on April 4, 1968, that Dr. King was struck by a bullet and mortally wounded.(2)

Shortly after Dr. King was pronounced dead, his body was taken from St. Joseph Hospital to John Gaston Hospital, where an autopsy was performed by Dr. Jerry T. Francisco, the Shelby County medical examiner. 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."<sup>3</sup>

Following the submission of Dr. Francisco's report, questions were raised by critics of the investigation about the thoroughness of the report and the procedures that were followed. These included questions about whether Dr. Francisco properly traced the path of the bullet through Dr. King's body and performed all the normal procedures of a complete autopsy.

To resolve issues raised by the autopsy, the committee retained a panel of three noted forensic pathologists to review the medical evidence pertaining to the assassination. The panel examined all available relevant evidence, including clothing worn by Dr. King at the time of his death, bullet fragments recovered from his body, photographs, and slides taken during the course of the autopsy and microscopic slides and tissue blocks from the autopsy and neuropathology study. The panel also reviewed the report of the committee's firearms panel, as well as X-rays, medical reports, notes, and documents submitted by physicians who treated Dr. King.(3) The forensic pathology panel traveled to Memphis to view the crime scene and meet with Dr. Francisco and the physicians who treated Dr. King at St. Joseph Hospital.(4)

The panel determined that Dr. Francisco had not dissected the path of the bullet during the autopsy. Dr. Michael Baden, chief medical examiner for New York City and spokesman for (5) the autopsy panel, testified that this decision resulted entirely from Dr. Francisco's "concerns about not causing any unnecessary deformity to the body" and "his sensitivity to the treatment of the dead." Dr. Baden also noted, however, that "tracing the bullet track proper at the time of

<sup>3</sup> A detailed discussion of Dr. Francisco's findings and the separate conclusions of the committee's forensic pathology panel are contained in XIII appendix to the HSCA-MLK hearings.

the autopsy would have given additional information for questions that might arise later.”(6)

The panel concluded, nevertheless, that the autopsy findings were generally accurate. Dr. Baden testified that Dr. King died as a result of a single gunshot wound caused by a bullet that entered the right side of the face approximately an inch to the right and a half inch below the mouth.(7) The bullet fractured Dr. King’s jaw, exited the lower part of the face and reentered the body in the neck area.(8) It then severed numerous vital arteries and fractured the spine in several places, causing severe damage to the spinal column and coming to rest on the left side of the back. The bullet traveled in a downward, and rearward from a medial direction.(9)

The panel found that the wounds to Dr. King were caused by the bullet recovered from his body—a Remington-Peters, soft-point, metal-jacketed bullet fired from a distance by a high-velocity rifle.(10) Based on the examination of the evidence by the forensic pathology panel, the committee concluded that Dr. King died as a result of one shot fired from in front of him.

2. THE SHOT THAT KILLED DR. KING WAS FIRED FROM THE BATHROOM WINDOW AT THE REAR OF A ROOMINGHOUSE AT 422½ SOUTH MAIN STREET, MEMPHIS, TENN.

An important issue has always been the location of the assassin at the time the shot was fired. Unfortunately, precise directional and trajectory data could not be obtained in this investigation through forensic pathology for two reasons. One, a dissection of the bullet’s path was not performed during the autopsy and could not be done at the time of the committee investigation. Two, it was not possible to determine Dr. King’s exact position at the time of the shooting.(11)

From extrinsic evidence, the autopsy panel accepted that at the moment the bullet entered his body, Dr. King was at the balcony railing talking to someone on the pavement one story below.(12) Accordingly, the panel found that the bullet pathway was consistent with the shot coming from his right and above.(13) The autopsy panel concluded that the single bullet that struck Dr. King must have come from across Mulberry Street,<sup>4</sup> because Dr. King’s body was facing in that direction and because a bullet coming from that direction would have traveled on a downward slope. The panel concluded, further, that the bullet was probably fired from the area of the roominghouse at 422½ South Main Street, but the panel could not determine, from the medical evidence alone, whether the shot was fired from the bathroom window on the second floor or from the shrubbery below the window.(14)<sup>5</sup>

Because of the importance of determining as accurately as possible the location of the assassin, the committee retained Koogle and Pouls Engineering, Inc. of Albuquerque, N. Mex., to conduct engineering

<sup>4</sup> See MLK Exhibit F-19 (crime scene diagram). Hearings before the Select Committee on Assassinations. U.S. House of Representatives, 95th Congress, 2d Session (Washington, D.C.: U.S. Government Printing Office, 1979), vol. I, p. 77 (hereinafter HSCA-MLK Hearings).

<sup>5</sup> The panel was asked to concentrate on these two specific areas because the committee received eyewitness testimony supporting each as the firing location of the assassin.

surveys at the scene of the assassination. The engineering consultant met the committee and committee medical panel members in Memphis in June 1978, and the firm proceeded to conduct an engineering survey, using sophisticated scientific equipment.(15)

Eyewitness testimony indicated that at the moment of the bullet's impact, Dr. King was standing on the motel balcony in front of room 306, conversing with associates in the courtyard below.(16) The engineering survey was based on scientific measurements of the rear of the roominghouse from that position and of the probable posture of Dr. King's body at the instant of impact—that is, with his head forward, looking down into the parking area and with a slight forward bend at the waist.(17) While the consultant was unable to state with certainty the vertical angle of the trajectory,(18) the geometric data was consistent with both the bathroom window at the rear of the roominghouse(19) and shrubbery within the garden area at the rear of 418-422½ South Main Street(20) as possible locations for the assassin.

Because the medical and engineering evidence was not conclusive as to the precise origin of the shot,(21) the committee used the testimony of witnesses at the scene to determine the most likely origin. Charles Quitman Stephens, a roominghouse tenant who occupied room 6-B, maintained in a sworn affidavit given on June 13, 1968, that on two or three occasions during the afternoon of April 4, 1968, he "heard footsteps leaving room 5-B and going past [his] room and into the common bathroom at the end of the hall."<sup>6</sup> A second tenant, William Charles Anschutz, told FBI interviewers that during the afternoon of April 4, 1968, he made two attempts to use the bathroom and found it occupied on each occasion. He recalled that Stephens told him, through the door of room 6-B, that the bathroom was being used by the new tenant in 5-B.(22) This information became significant in light of the uncontroverted evidence that Ray did, in fact, rent room 5-B on the afternoon of April 4.

Neither Anschutz nor Stephens could recall for the committee details of these bathroom visits by the occupant of room 5-B, but Stephens noted in a sworn statement that at the time of the assassination, he was seated at the kitchen table in room 6-B, when he heard a loud explosion that he recognized as a shot. After looking out the window toward the Lorraine Motel, he heard footsteps running in the hallway. He went to the door, opened it, looked out and observed a man with something under his arm turning the corner at the end of the hallway. Stephens was sure the individual had come from the bathroom adjoining his apartment because of the loudness of the shot.(23)

Stephens' sobriety on the afternoon of April 4 was called into question by a number of sources, and the committee did not rely on his testimony for an eyewitness identification of the assassin. It believed that he was sober enough, however, to determine that a loud explosion had occurred nearby and that he saw a man fleeing down the hallway.(24) Similarly, Anschutz heard a shot, opened his door and saw a man fleeing down the hallway from the direction of the bathroom.(25)

<sup>6</sup> Grace Walden, who occupied room 6-B as Stephens' common-law wife, gave a variety of conflicting statements with respect to her observations immediately after the assassination. Since Ms. Walden's testimony became the subject of dispute and caused controversy, it is discussed in a separate section of this report. See section II A b infra.

Witnesses in the vicinity of the Lorraine, including several officials of the Southern Christian Leadership Conference (SCLC) who were awaiting Dr. King for dinner, pointed in the direction of the rear of the roominghouse when asked by a Memphis police officer about the direction of the shot.<sup>7</sup>

Marrell McCullough, an undercover Memphis police officer, was one of the first people to reach Dr. King's body. He testified in a committee public hearing that, based on his police training and experience, he determined from the position of the fallen body that the shot had come from the area of the roominghouse. (26) Others in the courtyard, including Ben Branch and Jesse Jackson, also believed that the shot had come from the direction of the roominghouse. (27)

Solomon Jones, who was serving as Dr. King's driver and who was in the courtyard of the Lorraine at the time of the shot, told the committee in a sworn statement that he saw a movement of something white and "as tall as a human being" in the brush beneath the roominghouse after Dr. King was shot. (28) There had been speculation that Jones observed, in fact, the hasty retreat of an assassin. Jones told the committee, however, that he saw the object for only a brief time. He did not see a head or arms; he could not tell whether the object was Black or white, male or female; and he assumed the object was a human being simply because he could think of no other explanation. (29)

In addition, Jones stated that at the moment of the assassination, both Bernard Lee and Andrew Young "reached and got me on each shoulder and pulled me to the ground." He stated further that by the time he got up off the ground, policemen had "almost" arrived at the Lorraine Motel from a nearby firehouse. (30)

The committee believed that the movement Jones perceived actually occurred several moments after the shot. If it was, in fact, a person, it may have been a law enforcement officer responding to the shot.

Other evidence, while not weighted heavily, was nonetheless consistent with the bathroom of the roominghouse as the likely firing location of the assassin. A slight indentation in a windowsill in the bathroom was originally thought by Memphis police to have been caused by a rifle barrel. FBI analysis could not confirm that the murder weapon was the cause of the indentation, nor could the committee. The committee's firearms panel conducted a microscopic review and chemical analysis of the windowsill, but it too could not confirm or eliminate the murder weapon or, in fact, any rifle or other object as the cause of the indentation. (31)

Similarly, scuff marks found in the bathtub could indicate that the assassin stood in the tub while taking aim through the bathroom window. The committee determined, in fact, that a clear shot at room 306 of the Lorraine could only have been made from the bathroom if the assassin was standing in the bathtub. The committee, however, was unable to eliminate the alternative possibility that these marks, apparently made by someone wearing shoes, were left by police officers attempting to check possible shooting angles immediately after the assassination.

<sup>7</sup> See MLK Exhibit F-454, VI HSCA-MLK Hearings, 420 (a photograph of several SCLC members pointing toward the roominghouse from the balcony of the Lorraine immediately following Dr. King's assassination).

Although the scientific evidence did not independently establish the location of the assassin, when it was combined with witness testimony, it pointed strongly to the rear of the roominghouse. In light of the mutually corroborative testimony of Stephens and Anschutz, and the absence of significant evidence of an alternative firing location, the committee found that the shot that killed Dr. King was fired from the bathroom window at the rear of the roominghouse at 422½ South Main Street.

3. JAMES EARL RAY PURCHASED THE RIFLE THAT WAS USED TO SHOOT DR. KING AND TRANSPORTED IT FROM BIRMINGHAM, ALA. TO MEMPHIS, TENN., WHERE HE RENTED A ROOM AT 422½ SOUTH MAIN STREET, AND MOMENTS AFTER THE ASSASSINATION, HE DROPPED IT NEAR 424 SOUTH MAIN STREET

Dr. King was killed by a Remington-Peters, soft-point, metal-jacketed bullet fired from a high velocity .30-06 rifle. The committee determined that a rifle purchased by James Earl Ray on March 30, 1968, in Birmingham, Ala., and which was found in front of Canipe's Amusement Co., 424 South Main Street, moments after the assassination, was the type of rifle that could have fired the bullet that killed Dr. King.

From a combination of field investigation, scientific data, and admissions by Ray, the committee was convinced that Ray purchased the rifle, transported it to the scene of the crime and abandoned it near the scene immediately after the shooting. First, the evidence is conclusive that Ray purchased a .30-06 caliber Remington Game-master slide action rifle, serial No. 461476, model 760, with a Redfield variable telescopic sight, serial No. A17350, and Weaver sight mount. This rifle, sight, and mount were recovered by police officers immediately after the assassination and were later designated exhibit "Q2" by the FBI. Ray repeatedly admitted, as he did under oath at a committee public hearing, that on March 29, 1968, he purchased a .243 caliber rifle and a telescopic sight at the Aeromarine Supply Co. in Birmingham. Further, Ray admitted that the next day he exchanged the .243 caliber rifle for a more powerful .30-06 Remington Game-master.(32) That rifle was identified as the rifle found in front of Canipe's Amusement Co. on April 4, 1968.

Ray's admission about the purchase and exchange was corroborated by the statements of U. L. Baker and Donald Wood, the Aeromarine employees who dealt with Ray on March 29 and 30. Wood, in fact, identified Ray as the man known to him as Harvey Lowmeyer who, on March 30, received the .30-06 rifle in exchange for the original .243 purchase.(33) In addition, the Aeromarine sales receipt reflects the initial purchase and subsequent exchange by Lowmeyer, the alias Ray admitted using at the time of the rifle purchase.(34)

The committee found significant Ray's use of an alias other than Eric S. Galt during a transaction that could be directly tied to the assassination. Ray had established identification as Eric S. Galt and used that name almost exclusively for 9 months preceding the assassination. When he rented an apartment or a room, bought a car, secured a driver's license, took dance lessons, rented a safe deposit box, visited a doctor, attended bartending school, and subscribed to a locksmith

course, all everyday activities, he did so as Eric Starvo Galt.<sup>(35)</sup> On the other hand, in transactions directly linked to the assassination, and therefore the most incriminating, Ray deviated from his established identity. He used the name Harvey Lowmeyer only for the purchase of the rifle; <sup>(36)</sup> similarly, he used the name John Willard only to rent the room at Bessie Brewer's roominghouse at 422½ South Main Street, Memphis.<sup>8</sup>

Although Ray claimed to have taken a slow drive through Alabama and Mississippi from March 31 to April 4, authenticated documents and sworn testimony convinced the committee that Ray, in fact, returned to Atlanta and left there for Memphis no earlier than April 1 and possibly as late as April 3. Regardless, Ray admitted transporting the rifle from Birmingham to Memphis,<sup>(37)</sup> claiming that he gave it to Raoul at the New Rebel Motel on the evening of April 3, never to see it again.

Thus the committee established that Ray bought a .30-06 Remington Gamemaster in Birmingham and took it to Memphis. This same rifle—with Ray's fingerprints on it—was found on the sidewalk in front of 424 South Main Street moments after the assassination.

Ray also admitted renting room 5-B at Bessie Brewer's roominghouse, using the name John Willard.<sup>(38)</sup> In interviews with the committee, as well as in the original investigation, Mrs. Brewer recalled renting room 5-B to John Willard. She also noted that the tenant rejected the first room shown to him, one equipped with light house-keeping facilities, saying he only wanted a sleeping room. Willard then accepted 5-B, Mrs. Brewer recalled, which was in the rear of the building near the bathroom and which offered a view of the front of the Lorraine Motel.<sup>(39)</sup> <sup>9</sup> A man matching the general description of Ray was also seen at the time he rented the room by Charles Stephens and by Bertie Reeves, another resident of the roominghouse.<sup>(40)</sup>

As noted previously, both Stephens and Anschutz saw a man carrying a bundle that could have contained a rifle, fleeing down the hallway shortly after the shooting. Bernell Finley, who was shopping in Canipe's Amusement Co. at the time of the assassination, recalled hearing a sound like the backfiring of an automobile. A short time later he saw a man walking by the front of the store, heard a noise and saw a bundle in the entranceway of the store. He then caught a glimpse of the profile of a man walking away in haste.<sup>(41)</sup> During his FBI interview, Finley described the man as a white male of average build wearing a dark suit. Shortly after he saw the man, Finley heard the screech of tires and saw a white Mustang pull away from the curb.<sup>(42)</sup>

<sup>8</sup> Ray testified that he made these name changes because he knew his involvement in gun-running with a person he knew only as Raoul was illegal. (A complete analysis of Ray's Raoul story appears at Section II A 6 *infra*.) This explanation is undermined, however, by Ray's use of the Galt alias at the New Rebel Motel in Memphis on April 3, 1968, where he planned to meet Raoul and exchange the rifle, as well as by his admitted involvement in past criminal endeavors, such as smuggling at the Canadian border, without similarly elaborate precautionary measures. The committee believed Ray reverted to the Galt alias at the New Rebel because his stay there was not powerfully incriminating and to disassociate himself further from the activities he had engaged in as Lowmeyer and Willard in preparation for the assassination.

<sup>9</sup> While room 5-B offered a view of the Lorraine Motel, it did not provide a steady, comfortable firing position, since a shooter would have to lean out the window to aim at the motel. The window of the bathroom at the end of the hall, fronting on the rear of the Lorraine, did not present this problem. See MLK exhibits F-19 (crime scene), I HSCA-MLK hearings, 77; F-20 (Bessie Brewer's roominghouse; second floor), I HSCA-MLK hearings, 79.



Guy Canipe, owner of the amusement company, told the committee he had no recollection of hearing the shot. He did remember hearing a thud at the front door and catching a glimpse of a dark-skinned white man passing the store. (43) In an earlier FBI interview, Canipe described the man as white, between 5 feet 10 inches and 6 feet tall, with a chunky build, wearing a dark suit and generally clean and neat in appearance. He also told the FBI that within moments of hearing the bundle drop, he saw a small white car pull away from the curb on Main Street. (44) Canipe did not recall this car (45) when he was interviewed by the committee. Julius Graham, another customer in Canipe's store, could not provide the committee with a description of the individual who dropped the bundle, but he did recall that a white Mustang passed the store heading north shortly after the bundle was dropped. (46)

The bundle dropped in front of Canipe's was recovered immediately afterward by Memphis police officers. It contained among other items two cans of Schlitz beer, the April 18 edition of the Memphis Commercial Appeal, a plastic bottle of aftershave lotion, a .30-06 rifle with a serial number matching that of the rifle purchased by Ray in Birmingham, ammunition, and a pair of binoculars. (47) The bundle also contained a portable radio with an identification number scratched off it. When the FBI was able to decipher the number, it was revealed to be Ray's Missouri State Penitentiary inmate number. (48)

The committee, in an effort to evaluate the available fingerprint evidence in the case, retained a fingerprint expert, Vincent Scalice of Forensic Control Systems. Scalice examined latent fingerprints lifted from the rifle, the binoculars, a Schlitz beer can and the front page of the Memphis Commercial Appeal. All were found to be the prints of James Earl Ray. Because of other commitments, Scalice could not complete the fingerprint identification, so the committee retained Darrell D. Linville and Ray Holbrook, fingerprint specialists for the Washington, D.C. Metropolitan Police Department. They subsequently identified Ray's prints on the telescopic sight on the rifle and on the bottle of aftershave lotion. No prints, either identifiable or unidentifiable, other than those identified as Ray's, were found on the rifle. (49)

Having determined that Ray purchased the rifle, that his prints were on the rifle, that no other prints were on the rifle, and that a man matching Ray's description dropped the rifle shortly after the shot, the committee turned to the firearms evidence in an effort to establish, if possible, that the Q2 rifle was the murder weapon.

The committee retained a panel of five of the foremost firearms examiners in the United States to review the ballistics evidence.<sup>10</sup> A total of 257 man-hours were consumed by the firearms examination, which consisted of 81 comparisons of Q64, the bullet taken from Dr. King's body, with test-fired bullets, as well as exhaustive microscopic, visual, and chemical analyses. Despite this effort, the panel was

<sup>10</sup> Aside from the obvious importance of an accurate analysis of the firearms evidence, the committee noted that the firearms examination in the original FBI investigation was inconclusive. The FBI found it was " \* \* \* not possible to determine whether or not Q64 [the bullet removed from Dr. King's body] was actually fired from the Q2 rifle."

forced to conclude that "the bullet, exhibit Q64, cannot be identified or eliminated as having been fired from the rifle, Q2."<sup>11</sup> (50)

The panel, however, did make the following positive determinations:

1. The Q64 bullet was a .30-06 caliber bullet of Remington-Peters manufacture.
2. The bullet was imprinted with six lands and six grooves and a right twist by the rifle from which it had been fired.
3. The Q2 rifle had general class characteristics of six lands and six grooves with a right twist.
4. The cartridge case (Q3) found in the Q2 rifle had been fired in the Q2 rifle.
5. The damage to Dr. King's clothing, when tested microscopically and chemically, revealed the presence of lead from a disintegrating bullet and also revealed the absence of nitrites (the presence of nitrites would have indicated a close-range discharge).
6. The damage to the clothing was consistent with the caliber and condition of the Q64 bullet. (51)

While the firearms panel could not say conclusively that the rifle found in front of Canipe's, one with Ray's fingerprints on the stock and scope, fired the fatal shot, it did conclude that it was possible for the shot to have been fired from that rifle. When the panel's conclusions were combined with Ray's admissions, fingerprint evidence, and the testimony of other witnesses, there was ample evidence for the committee to conclude that Ray had purchased the .30-06 rifle, transported it to Memphis, shot Dr. King and dropped the murder weapon in front of Canipe's Amusement Co. while fleeing from the scene of the crime.

#### 4. IT IS HIGHLY PROBABLE THAT JAMES EARL RAY STALKED DR. KING FOR A PERIOD IMMEDIATELY PRECEDING THE ASSASSINATION

The committee considered allegations that Ray stalked Dr. King for a period of time preceding the assassination, and it developed evidence indicating a high probability that Ray did, in fact, pursue Dr. King from Los Angeles to Atlanta and ultimately to the Lorraine Motel in Memphis.

In all likelihood, the stalking began about March 17, 1968, the day that Ray left Los Angeles and drove eastward. Ray's decision to leave California was not impulsive. In discussions with his acquaintances from a bartending school earlier in March 1968, he had mentioned his plans to travel east on two separate occasions. (52) Moreover, Ray submitted a postal change of address card<sup>12</sup> with a forwarding address of Atlanta, Ga., Dr. King's home city, before leaving Los Angeles.

Ray, however, never conceded his intent to travel to Atlanta from Los Angeles. In an interview with Dan Rather of CBS in 1977, Ray flatly stated that he never knew he was going to Atlanta until he arrived in Birmingham, "\* \* \* and there was no forwarding address [when I left Los Angeles] and, of course, that would be very damaging

<sup>11</sup> It is a common misunderstanding that bullets can always be matched to guns. In fact, it is not always possible to match bullets to guns, and no significance should be attached to the failure. Indeed, the panel determined that the individual bullets that it fired from the Q2 rifle could not always be matched scientifically with the weapon, since the rifle apparently engraves inconsistent characteristics on successive rounds. See MLK firearms panel report, XIII HSCA-MLK hearings.

<sup>12</sup> See MLK exhibit F-52 (postal change of address card), II HSCA-MLK hearings, 50-51.

against me." (53) Similarly, in his public hearing testimony, Ray emphatically denied filing a change of address in Los Angeles, although he did acknowledge the possibility that he mentioned Atlanta during a telephone conversation with an associate of Raoul. (54) When the committee confronted Ray with the change of address card that he had filed in Los Angeles on March 17, indicating a temporary change of address to General Delivery, Atlanta, until April 25, Ray admitted the card was his and that he must have filed it before his departure from Los Angeles. (55) Ray could not explain his statement to Rather that an intent to go to Atlanta was damaging. (56) Since Atlanta was the national headquarters of the SCLC, as well as Dr. King's home, the committee found Ray's anticipated travel to that city as the first significant indication of his interest in tracking the activities of Dr. King.

Ray's probable stalking of Dr. King continued with his trip to Selma, Ala., following his departure from Los Angeles. Dr. King was in the Selma area on March 21. Ray admitted being in Selma on March 22 (a motel registration card for his Galt alias confirms his stay there),<sup>13</sup> but his explanation for being there was not convincing. He claimed that while driving from New Orleans to Birmingham, allegedly to meet Raoul, he got lost and had to spend the night in Selma. (57) The committee noted, however, that in 1968 there were two direct routes from New Orleans to Birmingham, and that Selma was on neither of them. It was situated in between the two routes, about 45 miles out of the way. The committee further determined that it would have been difficult for Ray to have become lost between New Orleans and Birmingham.

The committee found Ray's activities following the purchase of the rifle relevant to the stalking theory. On March 28, the day after violence cut short a Memphis march led by Dr. King, Ray purchased a .243 caliber rifle in Birmingham. (58) On March 30, he exchanged it for a .30-06 Remington, (59) the rifle the committee concluded he used to assassinate Dr. King.

Ray testified that between March 30 and April 3, he took a slow drive through Alabama and Mississippi, stopping at different motels each night, on his way to meet Raoul in Memphis. (60) The committee could find no evidence, witness corroboration or documentation, to support this account.<sup>14</sup> On the other hand, there was substantial evidence indicating that Ray returned to Atlanta following the rifle purchase. Thus, Ray's movements roughly paralleled those of Dr. King, who returned to Atlanta from Memphis on March 30. Except for a trip to Washington, D.C., on March 31, Dr. King remained in Atlanta until April 3, 1968, when he returned to Memphis. (61)

Ray adamantly denied that he returned to Atlanta before proceeding to Memphis. At a public hearing of the committee, he testified, "I know

<sup>13</sup> See MLK exhibit F-53 (Flamingo Motel registration card), II HSCA-MLK hearings, 55.

<sup>14</sup> During his public hearing testimony, James Earl Ray's brother, Jerry, asserted that records that would have shown James' stay at the Southern Motel in Mississippi on April 1, 1968, had been destroyed by the FBI. The committee explored Jerry Ray's allegation—it took testimony from the manager of the motel, and it reviewed registration cards from the motel for the appropriate period. The committee determined that Jerry Ray's allegation was without merit.

I didn't return to Atlanta. If I did, I will just take the responsibility for the King case here on TV." (62)

The committee reviewed two incidents, however, that compellingly show that Ray did, in fact, return to Atlanta after purchasing the murder weapon in Birmingham. First, the committee established that, on March 31, Ray paid his Atlanta landlord, Jimmy Garner, for a second week's rent; he wrote his name on an envelope and gave it to Garner. (63) This payment was one of the 56 stipulations of material fact that Ray agreed to in his guilty plea. (64) In addition, a committee interview with Garner confirmed the date of the payment. (65) When Ray was confronted with Garner's statement, he claimed Garner was in error. He suggested that the issue of his presence in Atlanta could be cleared up by checking with the Piedmont Cleaners where he left his laundry on March 25, 26 or 27 and picked it up on April 5, 1968. (66)

While Ray was correct about the date he retrieved the clothing, both the laundry receipts (67) and the Piedmont Cleaners ledger, as well as the public testimony of a retired Piedmont employee, Annie Estelle Peters, proved that Ray left his laundry at Piedmont on April 1, 1968. (68) Ray's charge that the incriminating documents were somehow falsified was refuted by both the sworn public testimony of Mrs. Peters and the Piedmont ledger book.

The committee observed that while Ray was in Atlanta on April 1, both the Atlanta Constitution and the Atlanta Journal published stories about the volatile situation in Memphis and Dr. King's intention to return to the troubled city. (69) The committee believed that after learning from news accounts of Dr. King's intention to return to Memphis, Ray left Atlanta and headed for Memphis himself. After arriving in Memphis on April 3, Ray checked into the New Rebel Motel, on the outskirts of the city. (70) The next day he moved to a roominghouse adjacent to the Lorraine Motel. (71)

Rev. Samuel B. Kyles of Memphis, an associate of Dr. King, recalled that on April 3 he heard a radio broadcast reporting that Dr. King was staying at room 306 of the Lorraine. (72) Among Ray's possessions left in front of Canipe's, authorities recovered a copy of the Memphis Commercial Appeal with a front page story about Dr. King, one that placed him at the Lorraine Motel for lunch on April 3. (73) Ray's fingerprint was found on the front page of the newspaper. (74)

With information that Dr. King was staying at the Lorraine available to Ray, the transfer from the New Rebel Motel to Bessie Brewer's roominghouse takes on special significance. The rear of the roominghouse faces the Lorraine, offering an ideal vantage point for one who was stalking Dr. King and waiting for an opportunity to assassinate him. (75)

Ray testified that he might have purchased the newspaper, but that he did not read it on April 4 and that he was not aware Dr. King was in Memphis. "I really wasn't aware that he was existing," (76) he stated. In light of the high visibility of the sanitation worker's strike, Ray's natural sensitivity to the increased police activity because of his fugitive status, the radio and newspaper coverage of Dr. King's activities, and Ray's fingerprint on the April 4 edition of the Memphis

Commercial Appeal, the committee concluded that Ray's denial was not worthy of belief.

The manner in which Ray selected his room at Bessie Brewer's roominghouse provided additional evidence of his intent to monitor Dr. King's movements. Room 8, the first room Ray was shown, was located toward the front (South Main Street) side of the building. It was across the hall from the office where Ray had approached Mrs. Brewer. It offered neither privacy nor the possibility of a view of the Lorraine Motel located to the rear of the building.<sup>15</sup> Ray rejected the room, telling Mrs. Brewer he wanted only a sleeping room and not an apartment.(77)

The second room, 5-B, was located in another wing of the building, away from the office and toward the rear of the building. Further, its window offered the possibility of a direct view of the Lorraine. The committee found no evidence that Ray entered the room and examined the view from the window before accepting it. Nevertheless, the privacy and its location at the rear of the building apparently made the room more acceptable to Ray.

Ray's monitoring of Dr. King was also indicated by his purchase of a pair of binoculars after renting the room. Ray admitted purchasing binoculars on the afternoon of April 4, 1968.(78) This admission was corroborated by a sales receipt from the York Arms Co., 162 South Main Street, Memphis, dated April 4, 1968; the statement of Ralph Carpenter, the sales clerk who sold the binoculars to Ray;(79) and Ray's fingerprint on the binoculars. The binoculars with the receipt were found in the bundle of evidence outside Canipe's. Although inexpensive, they would have enabled Ray to keep a close watch on movement at the Lorraine Motel from the rear of the roominghouse. Ray could have observed the Lorraine either from room 5-B, by leaning slightly out of the window, or from the bathroom at the end of the hall. Examination of room 5-B immediately after the assassination revealed that a dresser had been pushed from in front of the window and that a chair had been moved up to the window,(80) indicating that Ray had, in fact, used the window for surveillance of the Lorraine.

Thus, there is compelling circumstantial evidence that from March 17, 1968, Ray tracked Dr. King's movements from Los Angeles eastward, and then followed him to Selma, Ala., Atlanta, Ga., and ultimately Memphis, Tenn., where he rented a room from which he could observe Dr. King and purchased a pair of binoculars to assist him in his observations. The committee concluded that these were activities performed by Ray in preparation for assassinating Dr. King.

##### 5. JAMES EARL RAY FLED THE SCENE OF THE CRIME IMMEDIATELY AFTER THE ASSASSINATION

The committee concluded that James Earl Ray shot Dr. King from the bathroom window on the second floor of the north wing of Bessie Brewer's roominghouse, fled from the building carrying a bundle containing the weapon and other items, and dropped the bundle in the entranceway of Canipe's Amusement Co. The evidence further

<sup>15</sup> See MLK Exhibit F-20 (diagram, second floor, Bessie Brewer's roominghouse), I HSCA-MLK hearings, 79.

indicated that Ray then drove from the area in a small white car, heading north. Police radio broadcasts shortly after the assassination identified a white Mustang with a single white occupant as the car and suspect seen fleeing the scene.<sup>16</sup>

After his flight from the immediate scene, the evidence established, moreover, that he drove for 11 hours to Atlanta, Ga., where he abandoned his automobile, picked up laundry, hastily packed some belongings at Garner's roominghouse, and then fled north to Canada.<sup>(81)</sup><sup>17</sup> Ray's flight alone provided substantial corroboration for Ray's involvement in the assassination. Thus, the committee questioned him about it at length in interviews and during his appearance at a committee public hearing.

Although Ray denied in his public testimony that he was at the roominghouse at the time the shot was fired, he admitted leaving Memphis in the Mustang shortly after 6 p.m. on April 4, 1968. He claimed that while returning from a service station shortly after 6 p.m., he saw a police roadblock near the roominghouse.<sup>(82)</sup> He gave as a reason for leaving Memphis his instinctive fear of police and his concern that something had gone wrong with Raoul's gunrunning scheme.<sup>(83)</sup>

By his own account, Ray proceeded to drive south toward New Orleans, planning to telephone Raoul's associates in that city to see whether they could explain what had happened at the roominghouse. Ray asserted that, up to this time, he was unaware of Dr. King's assassination in Memphis.<sup>(84)</sup>

During his second interview with the committee, Ray explained that somewhere south of Memphis he had turned on his car radio and heard, for the first time, of the attempt on the life of the civil rights leader. Ray claimed that at this time he saw no connection between the police activity around the roominghouse, Raoul and the reported assassination attempt:

STAFF COUNSEL. \* \* \* [W]hen you first heard the bulletin that Dr. King had been shot did you in your mind then realize that this had nothing to do with you or Raoul?

RAY. I didn't even pay too much attention to that. There was another bulletin, and I listened to it, and I think music was on before it, and—

STAFF COUNSEL. But his question is that, when you heard that, did you at least then assume that that must have been what the police car was blocking the—

RAY. No, no there was no connection there whatsoever.<sup>(85)</sup>

Approximately 15 minutes later, while still driving toward New Orleans and seeking a telephone to contact Raoul's associates, Ray stated that he heard a second report that announced that the police

<sup>16</sup> Ray acknowledged in public hearings that he purchased a 1966 white Mustang in Birmingham in August 1967 and that he drove the Mustang to the vicinity of the Brewer roominghouse in Memphis on the day of the assassination. See I HSCA-MLK hearings, 101.)

<sup>17</sup> Ray testified that he reached Toronto on April 6, 1968, after traveling by bus and train from Atlanta. In fact, his Toronto landlord, Mrs. Feliksa Szafeowska, told authorities in 1968 that he had registered on April 3, 1968. While a stopover at some city between Atlanta and Toronto therefore seemed likely, the committee found no evidence to show there had been one.

were seeking a person in a white Mustang in connection with the assassination. At this time, Ray decided that he was somehow involved in the assassination and that the police were looking for his white Mustang.(86) The realization caused Ray to change his plans immediately and head east for Atlanta. He was by then convinced that Raoul was involved in the assassination, and he feared that he had become the object of a nationwide manhunt. Ray was so certain of this involvement that he said he threw out everything he had in the car, including some expensive photographic equipment, apparently thinking that these items might link him to the assassination.(87) By his own account, he continued nonstop for Atlanta.

Ray was asked to explain the thought process by which he had concluded, based on the information available to him, that Raoul was involved in the assassination. Ray specified a general apprehension about the "guns," that is, the gunrunning operation, and the involvement of a Mustang:

STAFF COUNSEL. Well, that's what I'm trying to pinpoint—when you started to think Raoul may be involved in the shooting of Dr. King, what was it you were thinking of? It can't be the broadcast about the car, it's got to be some other things, and what were they?

RAY. Well, of course, the guns was always a consideration. I thought that when I, I first pulled out of the area in the car, but I hate to keep getting back to this same thing, but that Mustang was what really concerned me.

STAFF COUNSEL. That's why you wanted to get out of there, but I'm trying to find out what is it that made you decide or think Raoul may be involved in the shooting of King?

RAY. Well, I think it was his association with the Mustang, he was in the general area, and, of course, the guns.\* \* \*(88)

At another time, Ray described his thought process as follows:

RAY. \* \* \* The assumptions were step by step. The first assumption I made was when they started looking for the Mustang, was that they were looking probably for me. If they were looking for me, then the next assumption was that they might have been looking for this Raoul, and there may have been some offense committed in this area.(89)

Ray's explanation for his flight from Memphis to Atlanta was crucial to his claim of innocence in light of the highly suspicious character of his conduct during the hours following the assassination. Consequently, the committee examined his account in great detail and found it unpersuasive.

First, there was no mention of the suspect's description, or of any of Ray's aliases—John Willard, for example—during the broadcasts that Ray heard. He, therefore, had little reason to suppose the authorities were looking for him.

Second, Ray testified in public hearings that he was unaware of Dr. King's presence at the Lorraine Motel.(90) Further, the radio

broadcasts apparently made no mention of the Lorraine, Bessie Brewer's roominghouse or the addresses of either. There was no reason, therefore, to associate the police activity at the roominghouse with the reports of an assassination attempt on Dr. King.

Third, Raoul had never exhibited overt racial animosity or mentioned the possibility of shooting Dr. King during their extended period of criminal association. (91) There was no reason, therefore, to associate Raoul with the reported attempt on Dr. King's life.

Fourth, Ray claimed that he was in his own Mustang—away from the roominghouse—at the time of the assassination. In addition, he stated that by the time he returned to the vicinity of the roominghouse, police roadblocks had already been erected, a clear indication that the Mustang reported to have been seen leaving the crime scene had departed some time before. Thus, it is difficult to understand why Ray would have believed that the police were not looking for his Mustang.

Fifth, Ray's story of his flight assumes, as a necessary ingredient, Raoul's presence in the Memphis roominghouse. The committee, however, found no evidence to support the existence of Raoul on April 4, 1968, or any other time.

Finally, as an "innocent dupe," Ray's immediate danger stemmed from the possibility of an erroneous stop of his white Mustang and the subsequent discovery of his status as an escapee from Missouri State Penitentiary. Nevertheless, he accepted this risk and remained in the car for 11 hours during the drive from Memphis to Atlanta. This behavior was illogical, and it suggested that Ray believed the benefit to be gained in placing distance between himself and the area of the assassination outweighed the substantial risk of an arrest on an all points bulletin for the white Mustang. The committee found Ray's decision to accept this risk comprehensible only if he knew of the bundle drop—and the substantial evidence he had left behind tying him directly to the assassination.

Ray's decision to flee south to Atlanta, rather than directly north to Canada, was also significant, since it too created an increased risk of arrest. The committee considered two explanations. First, Ray returned to Atlanta to receive money for the assassination. Second, there was highly incriminating evidence in Atlanta that Ray needed to eliminate before leaving the country.

The committee found no evidence to support the first explanation. Some evidence indicated that Ray had photographed Dr. King while in Atlanta,<sup>18</sup> raising the possibility that he had left photographs in the city. This possibility was perhaps corroborated by Ray's admission that he threw out his camera equipment during the drive from Memphis. Ultimately, however, the committee was unable to develop concrete evidence supporting this explanation for Ray's return to Atlanta. Nevertheless, the committee found Ray's conduct following the assassination, and his inadequate explanation for that conduct, to be significant additional evidence of his involvement in the assassination.

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<sup>18</sup> This evidence was received in the form of a sworn deposition from a witness who requested anonymity.



6. JAMES EARL RAY'S ALIBI FOR THE TIME OF THE ASSASSINATION, HIS STORY OF "RAOUL," AND OTHER ALLEGEDLY EXCULPATORY EVIDENCE ARE NOT WORTHY OF BELIEF

(a) *Ray's alibi*

One of the best defenses available to a criminal defendant is an alibi—"the plea of having been at the time of the commission of a [criminal] act elsewhere than at the place of its commission." If the defense can be established, the prosecution's case inevitably fails.

The committee received substantial evidence that James Earl Ray was at Bessie Brewer's roominghouse during the hours immediately preceding the assassination; that he fired the murder weapon; that he fled the roominghouse; that he dropped a bundle in the doorway of Canipe's Amusement Co.; and that he fled from Memphis to Atlanta in his white Mustang immediately after the assassination.

Ray, however, asserted an alibi defense. He told the committee that he was not at the roominghouse at the moment Dr. King was murdered, but was, in fact, blocks away at a service station, attempting to get a flat tire fixed. It was upon his return from the service station to the roominghouse that he ran into the police roadblock that precipitated his flight from Memphis. (92)

Ray's story to the committee was not his first alibi for the assassination. He had told his attorney, Arthur Hanes, Sr., that at approximately 6 p.m. on April 4, 1968, he was sitting in his parked Mustang in front of 422½ South Main Street when Raoul came running out of the roominghouse, jumped in the back of the car, threw a white sheet over himself and told Ray to drive away. Ray told Hanes that he followed the instructions. After they had driven a few blocks, Raoul jumped out of the car, never to be seen again. (93) This story was also given to author William Bradford Huie, who was working with Hanes. Huie quoted it in his book about the King assassination, "He Slew the Dreamer." (94)

Ray changed his alibi to the gas station story after replacing Hanes with Percy Foreman as his defense counsel. (95) He relied on it to prove his innocence in his 1978 public testimony. When questioned as to why he switched alibis, Ray said the "white sheet" story was intended as a joke at the expense of Huie who had an interest in the Ku Klux Klan. (96) Ray claimed that he did not tell Hanes or Huie the true story because he was afraid they would give the information to the FBI whose agents would then be able to undermine it. Ray said he had planned to give the gas station account at his trial, when he took the witness stand in his own defense.

Chairman STOKES. All I want to know is why you didn't tell this man [Hanes] who is representing you in a capital case the truth.

RAY. It wasn't I wasn't telling you the truth; I just didn't tell him that. It was my intention to tell the jury that.

Chairman STOKES. You were going to spring this on your attorney at the trial?

RAY. Yes; that's correct. (97)

The committee was unable to understand why Ray, who planned to go to trial and take the stand, would have decided to withhold a valid alibi from his own attorney, especially since Ray faced the possibility of capital punishment. If the gas station story were true and Hanes had been told of it, he could have found witnesses to corroborate it and support Ray's testimony. By withholding his story, Ray guaranteed that his testimony, which was subject to impeachment because of his prior criminal record, would stand alone without independent corroboration.

The committee found it impossible to believe that Ray would have engaged in such risky trial tactics had the gas station story been anything more than an unsupportable fabrication.

Mark Lane, Ray's attorney at the time of the committee's public hearings, circulated Ray's gas station alibi and identified witnesses who allegedly saw Ray at a Texaco service station at the corner of Linden Avenue and Second Street in Memphis at the time of the assassination.<sup>19</sup> When the committee investigated Lane's account, however, it found no factual support for it. Coy Dean Cowden, one of the men who, according to Lane, saw Ray at the station, testified in public session that he was 400 miles away, in Port Naches, Tex., at the time of the assassination and therefore could have seen no one at a Memphis service station on the evening of April 4, 1968. (98) Cowden explained that he fabricated the story to assist a friend, Renfro Hays, who had been an investigator for Arthur Hanes, Sr.

Congressman EDGAR. Can you tell the committee why you told this false story with such serious implications to the National Enquirer and also to Mark Lane?

Mr. COWDEN. Yes. Renfro Hays was a fellow that supported me for a period of about 4 months, completely, while I was unemployed. He befriended me in that he gave me food and lodging and he had the great ability to, you know, let you know, make you feel like that you really owed him something, you know, and really what he was trying to do was sell the movie rights, a book, I believe. There were several things that he mentioned from time to time that he was trying to market, and he would call on me, especially with Mark Lane and some other people that came by to talk to me from time to time, with basically this same story. This story—I don't remember how many of us, not only Mark Lane and the National Enquirer, but this was to five or six different people. I do not know who they represented, what publication. (99)

The committee also investigated the whereabouts at the time of the assassination of Thomas I. Wilson, because he also could, according to Lane, substantiate Ray's alibi. Wilson had died by the time of the committee's investigation, but a friend of his, Harvey Locke, told committee investigators that he and Wilson were at a store block away from the Texaco station at the time of the assassination. (100)

Finally, Larce and Phillip McFall, coowners of the Texaco station in question, testified in public session that no white Mustang entered their station during the late afternoon of April 4, 1968. (101)

<sup>19</sup> Lane's account of Ray's gas station alibi appears in a paperback edition of "Code Name 'Zorro.'" See MLK Exhibit F-117, III HSCA-MLK Hearings, 518.

The committee, therefore, found that there was no evidentiary support for Ray's alibi.

(b) *Ray's "Raoul" story*

A character named Raoul had been the cornerstone of Ray's defense. It was Raoul who, according to Ray, directed him at every incriminating stage prior to the murder of Dr. King, from the purchase of the murder weapon in Birmingham, Ala. (ostensibly a sample to show prospective buyers in a gun-running scheme) to the rental of a room in Bessie Brewer's roominghouse (where the gun-running deal was to be negotiated). At Raoul's direction, Ray traveled to Memphis and purchased binoculars shortly before the assassination. Without Raoul, therefore, Ray would be left with no explanation for his highly incriminatory behavior.

The committee determined that much of Ray's Raoul story was flawed. Ray was unable to produce witnesses who saw him and Raoul together at any time in their 9 months of association, and he had no explanation for the absence of Raoul's fingerprints on the murder weapon. Moreover, while Ray told the story of Raoul countless times over the years to lawyers, journalists, and congressional investigators, he was inconsistent on details as important as Raoul's physical description. Even in Ray's sworn testimony before the committee, his answers to questions about Raoul were vague, incongruous, and evasive. Ultimately, the committee gave no credence to Ray's story of Raoul. Ray's resulting inability to explain his inculpatory behavior must stand as one of the strongest indications of his involvement in the assassination of Dr. King.

(1) *Conflicting descriptions of Raoul.*—Ray's inability to give a complete and consistent description of Raoul was a strong indication of the invalidity of the story. Ray had ample opportunity to observe Raoul. Although he denied in sworn testimony before the committee spending a great deal of time with him, Ray did claim to have met with him from 12 to 15 times and to have engaged in 6 or 7 hours of conversation. (102)

The first publicized description of Raoul appeared in an article by William Bradford Huie in the November 12, 1968, edition of *Look* magazine. In this article, Ray was quoted as describing Raoul as a "blond Latin." (103) Huie subsequently published a book, "He slew the Dreamer" that drew heavily on correspondence from Ray. In the book, Raoul was described as a "red-haired French Canadian." (104) During his testimony, Ray explained this inconsistency by stating that he had never mentioned blond hair to Huie and that the second description was correct. (105)

In subsequent interviews, however, Ray gave descriptions of Raoul that differed from the first two. In March 1977, Ray told CBS reporter Dan Rather that Raoul was an auburn-haired "Latin Spanish." (106) By September 1977, in Ray's interview with *Playboy* magazine, Raoul had become a "sandy-haired Latin." (107) Ray asserted that *Playboy* erroneously printed the description just as he alleged Huie had done 10 years before. (108)

(2) *Absence of witnesses to corroborate Raoul's existence.*—Significantly, Ray could not produce one witness to establish Raoul's exist-

ence, although his meetings with him were more than occasional, as this account shows:

Ray stated that he first met Raoul in July 1967 at the Neptune Bar in Montreal,(109) and he continued to meet with him there "several more times." (110) On August 21, 1967, they smuggled contraband across the United States-Canadian border at Detroit.(111) On August 28, 29 and 30, 1967, they met at the Starlite Cafe in Birmingham, Ala., and later on August 30, they went to Ray's residence at Peter Cherpes' roominghouse.(112) On October 7, 1967, they met at a motel in Nuevo Laredo, Mexico, crossed the border into Texas, and then drove back into Mexico with some unidentified contraband.(113) Ray recalled spending that night at the motel where he had originally met Raoul. Ray claimed, however, that he did not know where Raoul stayed.(114) The next morning they continued further into Mexico, past an interior customs point, and then parted company.(115) In mid-December, Ray met with Raoul in the LeBunny Lounge in New Orleans,(116) and on March 23, 1968, they met again in the Starlite Cafe in Birmingham.(117) That same day they traveled to Atlanta where Ray rented a room at Jimmy Garner's roominghouse.(118) They ate dinner together at a Peachtree Street diner and on the next day Raoul visited Ray in his room at Garner's roominghouse.(119) On March 29, after an absence from Atlanta, Raoul returned to Ray's room, and the two left together for Birmingham to purchase the rifle that was used in the assassination. Ray checked into the Travelodge Motel in Birmingham.(120) He could not remember whether Raoul accompanied him to Aeromarine Supply Co. or simply waited for him at the Travelodge.(121) In any event, they met at the Travelodge following the purchase of the rifle that was exchanged the next day.(122) On April 3, Ray met Raoul at the New Rebel Motel in Memphis and on April 4 at Jim's Grill.(123) Together they went to the room Ray had rented in Bessie Brewer's roominghouse,(124) the last place Ray ever saw Raoul.

The committee located and interviewed witnesses from the three roominghouses, Cherpes', Garner's and Brewer's, where Ray maintained he had met Raoul. While these witnesses remembered seeing Ray, they did not recall seeing Ray with Raoul or with any other individual.

Other witnesses who allegedly could corroborate Raoul's existence—for example, Raoul's telephone contact in New Orleans (125) or his smuggling companion in Nuevo Laredo—were impossible to locate because of the inadequacy of Ray's descriptions. He could provide no names or addresses, and the smuggling accomplice was described only as Mexican with Indian-like features.(126)

The committee conducted an extensive investigation of Ray's activities during the preassassination period and yet uncovered no witnesses who would corroborate the existence of Raoul. Ray, who could only gain by such a discovery, provided no identifying characteristics, names or addresses that might have assisted the committee. The absence of corroborating witnesses was a strong indication that Ray fabricated the "Raoul" story.

#### (c) *Preassassination transactions*

The committee also found problems in Ray's account of crucial moments in his preassassination relationship with his alleged com-

panion. For example, there was overwhelming evidence to substantiate Ray's purchase of the murder weapon and the binoculars that were found in the bundle in front of Canipe's Amusement Co. and his rental of room 5-B at Bessie Brewer's Memphis roominghouse. Ray did not deny these crucial preassassination transactions, but he contended that he engaged in them at the direction of Raoul as part of a gunrunning scheme. (127)

Each of these transactions was examined in minute detail, and no support was found for Ray's claims.

(1) *The rifle purchase.*—In his correspondence with Huie, Ray wrote that while in Atlanta, Raoul gave him a two-part role in the gunrunning operation. First, he was to buy a large bore deer rifle fitted with a scope; second, he was to inquire about the price of some "cheap" foreign rifles. (128) According to this version, Raoul told Ray about the plan at Garner's roominghouse on the day after their arrival in Atlanta. (129) In a later interview with the committee, however, Ray stated that Raoul did not outline the gunrunning scheme until the morning they left Atlanta for Birmingham, 6 days after his arrival in the city. (130) During his testimony before the committee, Ray reverted to the account he had given Huie in 1968. (131)

Whenever the plan was proposed, Ray said Raoul initially instructed him to make the weapon purchase in Atlanta. (132) Ray suggested that since he had an Alabama driver's license in the name of Eric S. Galt as identification, it would be easier to buy the rifle in Birmingham. Raoul agreed. (133) Ray's subsequent conduct, however, was inconsistent with this aspect of the Raoul story, for when he bought the rifle and ammunition in Birmingham, he did not use his established identity, Eric S. Galt, but rather a new alias, Harvey Lowmeyer, for which he had no documentation. When asked why he used the Lowmeyer name, Ray replied that he thought it would be safer to buy the guns under a different name. (134) This explanation contradicted his stated reason for traveling to Birmingham, since he could have purchased the rifle in Atlanta under the Lowmeyer alias, thus avoiding a 250-mile drive.

Once in Birmingham, Raoul and Ray decided to purchase the rifle at Aeromarine Supply Co. (135) Ray claimed that Raoul also instructed him to look into military surplus rifles for possible sale in their gunrunning operation. Ray told the committee that he inquired about the surplus rifles at Aeromarine. (136) The committee's investigation, however, failed to corroborate this aspect of Ray's story. In a sworn affidavit, U. L. Baker, the clerk who sold the first rifle to Ray, told the committee that Ray asked only general questions about deer hunting rifles and said nothing about foreign or military surplus rifles. (137)

Ray testified before the committee that in furtherance of the gunrunning scheme and on Raoul's instructions, he also purchased some military ammunition at Aeromarine. (138) Although ammunition with machinegun link marks was found in the bundle of Ray's belongings, he apparently did not purchase it at Aeromarine. Both Baker and Donald Wood, the store owner who sold the second rifle, said they did not sell military ammunition to Ray. (139) Further, the sales receipt for the exchange of the rifle and the purchase of commercial

ammunition did not reflect the purchase of military ammunition. (140) Confronted with this evidence at a hearing, Ray said it had not changed his story, though he offered no explanation for the contradictory evidence, other than to suggest there must have been a second receipt. (141)

(2) *Fingerprints on the rifle.*—The most significant problem with Ray's story of the rifle purchase was his inability to explain the absence of Raoul's fingerprints on the rifle. In both the fifth (142) and sixth (143) interviews with the committee, Ray stated that he brought the second rifle back to the Travelodge Motel, where Raoul examined it and approved the purchase. In the sixth interview, moreover, Ray conceded that Raoul handled the rifle. Ray's responses illustrate the vague and evasive manner in which he spoke of Raoul throughout his interviews with the committee.

STAFF COUNSEL. What did he do? How did he decide that it was OK? What did he do with the rifle?

RAY. I really couldn't say, he just looked at it and that was it.

STAFF COUNSEL. When you say he looked at it, ah, how did it, what did he do?

RAY. Well he just checked it over and that was it. Just like you check a rifle over I guess, you—

STAFF COUNSEL. Well, I wasn't there, how did he check it over?

RAY. Well he checked the mechanism and every—I don't remember all the details, maybe he checked the mechanisms I think and just give it cursory glance and that would be it.

STAFF COUNSEL. Did he check, pick it up and check the weight to see if it, how heavy the rifle was?

RAY. I think he just said this was, this will do or something of that order.

STAFF COUNSEL. When you say he checked the mechanism, how did he check the mechanism?

RAY. I don't recall, see I don't, I don't have the least idea on what the mechanism was all about.

STAFF COUNSEL. Well he took it out, did he take it out of the box?

RAY. Ah, yes I think it was in the box, yes.

STAFF COUNSEL. And he took it out of the box?

RAY. Yes, it was taken, it was taken out of the box and looked at yes.

STAFF COUNSEL. Now he did that, Raoul?

RAY. Yes.

STAFF COUNSEL. Did you lift it and check the weight and check the sight and look through the magnifying mechanism?

RAY. No, I, no the only time I looked at it, and I looked at it quite a bit when I first purchased it. I wanted to try to give the guy the impression that I knew what I was doing. But after that I never did touch it. There was never any touching of the sights or checking the mechanism or anything like that.

STAFF COUNSEL. From the time you purchased that rifle in Aeromarine, that was the last time that you touched the rifle?

RAY. Ah, yes, I would say so.

STAFF COUNSEL. And then after that Raoul picked up the rifle and checked it out at, at the motel in Birmingham, is that right?

RAY. Yes.

STAFF COUNSEL. And then how did it get back into the package?

RAY. Well he must of put it there.

STAFF COUNSEL. And then he left the package with you?

RAY. Yes. (144)

Ray stated, during this exchange, that he never handled the rifle after Raoul examined it. (He had transported it to Memphis in a box, given it to Raoul at the New Rebel Motel, and never seen it again.) Yet when the rifle was examined after the assassination, two latent fingerprints of value were lifted from it, both belonging to Ray. (145) Ray was confronted, therefore, with the need to explain how Raoul, after handling the rifle, managed to remove all of his prints while leaving two of Ray's.

Ray addressed this problem in his public hearing testimony by asserting that his previous statements during committee interviews had been erroneous and that, when he took the second rifle back to the motel, no one was there. (146) Raoul had left town and did not see the second rifle until Ray gave it to him in Memphis. (147)

(3) *Rental of room 5-B at Bessie Brewer's roominghouse.*—Ray's sworn testimony concerning the April 4, 1968, rental of room 5B at Bessie Brewer's Memphis roominghouse raised further doubts about his Raoul story. Ray told the committee that at the New Rebel Motel in Memphis the previous night, April 3, he and Raoul agreed to rent the room under the new alias John Willard. (148) Ray wrote that name on a slip of paper for Raoul so that he could rent the room if he arrived at the roominghouse first.

He mentioned that if he were not in a room at the South Main Street address when I arrived he would be in a bar and grill located on the ground floor of the building \* \* \* . (149)

Sometime between 3 and 4 p.m. the next day, according to Ray's account, he drove to downtown Memphis where he parked his car in a commercial lot some distance from Bessie Brewer's roominghouse. Ray had to make at least three inquiries before he could locate the roominghouse. (150) When he arrived, he testified that he stopped briefly in the tavern downstairs, and then went into the roominghouse and registered as John Willard:

Chairman STOKES. Well, when you got there, you didn't know whether he had taken a room in the name of John Willard or not then, did you?

Mr. RAY. No, I didn't know whether he had or not.

Chairman STOKES. And you didn't inquire, did you?

Mr. RAY. No, I didn't make any inquiries.

Chairman STOKES. So you just went right in, furnished your name as John Willard and got a room, even though he might have still been there already ahead of you and gotten that room?

Mr. RAY. He very well could have, yes. (151)

There seemed to be only one explanation for Ray's willingness to stick to this story. He realized that if he said he had asked the landlady if John Willard had already arrived, she could deny any recollection of this inquiry, further undermining his Raoul story. He chose, therefore, to cling to an illogical version of the events.

(4) *The binocular purchase.*—Ray testified that after the room was rented, Raoul told him to buy "a pair of binoculars with infrared attachments saying that the 'people' also wanted to examine some glasses." (152) Thus, the binocular purchase became another step in the gunrunning scheme. Ray testified further that after some initial difficulty locating the store, he entered the York Arms Co. on South Main Street and asked the clerk for infrared attachments for binoculars. The clerk replied that the store did not carry such equipment. He suggested, however, that Ray could purchase the attachments at an Army surplus store. Ray bought ordinary binoculars from the clerk and took them back to Raoul. (153)

As with the rifle purchase at Aeromarine, this aspect of the gunrunning scheme could not be corroborated. In 1968, Ralph Carpenter, the clerk at York Arms, identified James Earl Ray from several photographs he was shown by the FBI. (154) Carpenter stated that Ray asked to see a pair of binoculars that was in the window display. After learning the price, he bought a less expensive pair. It was established in a later committee interview with Carpenter that Ray said nothing about infrared attachments. (155)

In conclusion, Ray's story of Raoul was deficient on a number of points. First, Ray's descriptions of Raoul's physical appearance and nationality changed significantly over the years. Second, the committee was unable to find—and Ray was unable to produce—one witness who could attest to Raoul's existence. Third, witnesses at Aeromarine Supply Co. in Birmingham, and York Arms Co. in Memphis, as well as documentary evidence from Aeromarine, failed to corroborate details of the gunrunning scheme. Finally, Ray's statements about Raoul over the years, and even during the committee's investigation, were inconsistent and contradictory.

The committee concluded that "Raoul," as described by Ray, did not exist.<sup>20</sup>

#### (d) *Grace Walden Stephens*

Aside from Ray's own account of his actions on April 4, 1968, the committee investigated other evidence that had been offered as exculpatory, including the testimony of Grace Walden Stephens.

A tenant of Bessie Brewer's roominghouse at 422½ South Main Street, Memphis, Charles Stephens, said he saw a man who fit the general description of James Earl Ray running down a hallway from the vicinity of the second-floor bathroom immediately after the shoot-

<sup>20</sup> See section II B of the report for a discussion of the possibility that Ray's story of Raoul was created to conceal contact with one or both of his brothers.



ing. (156) William Anschutz, another tenant, said he also saw the man, although he was unable to give a good description of him. (157)

It had been alleged that a third roominghouse tenant, Grace Walden who in 1968 was the common-law wife of Charles Stephens, saw a man who did not fit Ray's description fleeing down the hallway after the shooting.

Further, it had been alleged that because Walden would not agree to sign an affidavit identifying Ray as the assassin, even though she was offered a \$100,000 reward to do so, she was threatened by an FBI agent and a few days later arrested by Memphis police and taken to the mental ward of John Gaston Hospital. Three weeks later, the allegation continues, she was taken by armed guards to Western State Mental Hospital in Bolivar, Tenn., and committed.

Thus, there had been claims that a witness who could identify Dr. King's assassin as someone other than Ray was silenced in an effort by the Government to convict Ray and conceal the identity of the true assassin.

Walden's alleged importance as an eyewitness prompted the committee to conduct a thorough investigation of her background, her story and the circumstances of her commitment to a mental institution. The committee learned that at the time of the assassination, Walden was living with Stephens in room 6-B of Bessie Brewer's roominghouse. Their room was adjacent to 5-B, the one Ray admitted renting under the alias of John Willard. The committee also learned that Walden had a history of arrests and convictions, going back to 1942, for a variety of offenses, including public drunkenness and driving while intoxicated.

At a public hearing on Walden's account and her reliability as a witness, the committee was told that Wayne Chastain, a Memphis newspaper reporter, was the first person to interview her after the assassination, that is, even before the police arrived on the scene. At that time, Walden described the man she had seen fleeing from the bathroom as short and wiry, with salt and pepper hair, wearing a colored plaid shirt and army jacket. (158) During a committee interview, Chastain asserted that he had interviewed Grace Walden on the night of April 4 and that she had told him she had seen a man come out of the bathroom with "a military jacket with a box." (159)

The committee's investigation revealed that Chastain's story is improbable, if not an outright fabrication. First, the committee determined that Memphis police were at the roominghouse within moments of the shooting (160) and were therefore most likely the first to take statements from any residents of the roominghouse, including Walden. Second, the committee found it to be highly improbable that Chastain even spoke to Walden that first evening, as the police had sealed off her portion of the roominghouse. Third, there is some question about whether Walden, admittedly bedridden that day, was able to see the bathroom door from her bed. (161) Finally, no mention of Chastain's interview appeared in any Memphis paper immediately after the assassination.

The committee's investigation did determine that Grace Walden had been interviewed numerous times, beginning immediately after the assassination, and had given several conflicting stories.

Shortly after the shooting, Walden was interviewed in her room by Lt. Glynn King and Capt. R. L. Williams of the Memphis police. She told them that she and her husband had spent most of the day in their room. The tenant of room 5-B had been running back and forth between 5-B and the bathroom, and, about 2 minutes before the shot was fired, he had returned to the bathroom. After the shot, the person in the bathroom ran down the hall toward the front of the building. She said she was sick, did not get out of bed that day and did not see the man. (162)

She was interviewed again later that evening at Memphis police headquarters by a police lieutenant and an FBI agent and again on April 5 and April 24 by FBI agents. The committee's investigation revealed that at none of those interviews did Walden claim to have seen anyone fleeing from the bathroom or running down the hall. (163)

Robert Jensen, special agent in charge of the Memphis FBI field office in 1968, supervised the FBI's local investigation of the assassination. He told the committee that Walden's statement to Memphis agents was to the effect that she saw nothing following the shot that killed Dr. King because she was in bed all day. He also stated that she " \* \* \* was never requested by the FBI or by anyone to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot." In addition, Jensen explained that she was never offered a reward of \$100,000 or any amount to sign such an affidavit, and she was never threatened for failing to sign such an affidavit. (164)

Thus, by April 25, 1968, Walden had said on numerous occasions that she did not see the man who exited the bathroom following the shot that killed Dr. King. In addition, a careful review by the committee of journalistic coverage of the assassination revealed numerous references to statements by Stephens and Anschutz, while there was no mention of any account by Walden.

In November 1968, however, Walden allegedly gave a statement to Renfro Hays,<sup>21</sup> an investigator for Ray's original attorney, Arthur Hanes, Sr., that she had seen a man fleeing from the bathroom who fit the description attributed to her by Chastain. The substance of that statement appeared in the October 1969 and April 1977 issues of *Saga* magazine.

Walden's statement to the committee on July 26, 1977, noted that she did recall seeing a man leave the bathroom, and though she could not describe him because he was moving rapidly, she was certain he was white. (165)

Walden's most recent public statement concerning the events surrounding the assassination occurred on the August 15, 1978, edition of NBC television's "Today" show. She said, "Charlie picked James Earl Ray out. I don't think the man looked anything like him. In the first place I think he was a nigger." (166)

Because of the differences in Walden's statements about whether she saw anyone at all and, if so, whether the man she saw was white or Black, the committee found that her testimony was virtually useless.

<sup>21</sup> The committee noted that Renfro Hays subsequently persuaded Coy Dean Cowden to provide false corroboration for James Earl Ray's gas station alibi.

In view of allegations that Walden was committed to mental institutions beginning on July 8, 1968, because of her failure to agree that Ray was the assassin, the committee investigated the circumstances of her hospitalization. The investigation included: a careful review of pertinent medical and other records; interviews with individuals knowledgeable about Walden's commitment, treatment and release; and sworn public testimony from six persons who knew about the situation.

The investigation revealed that a few weeks after the assassination, Charles Stephens was taken into protective custody as a material witness and was accompanied everywhere by two police officers. On July 8, Stephens took Walden, who was complaining of a leg or ankle injury, to the hospital; they were accompanied by two plainclothes Memphis policemen. The trip was unrelated to the King assassination case, and no request was made that Walden be examined by a psychiatrist. (167)

After admission to the emergency room at John Gaston Hospital, Walden was examined by Dr. Mary Slechta, a staff psychiatrist, who concluded that she was suffering from psychotic depression and was dangerous to herself. (168) Since she was diagnosed as exhibiting "suicidal tendencies" and presenting a danger to herself, a record of arrest, called for by Memphis police procedures in all similar cases, was filed for Walden at the hospital. (169) The officers signing the arrest record stated "unequivocally" to the committee that no instructions were given by the Memphis Police Department, Shelby County Attorney General's Office, the FBI or anyone else to have Walden committed to the John Gaston Hospital psychiatric ward. Both officers indicated.

\* \* \* it was a matter of standard operating procedure for a record of arrest to be filed with respect to each person who was diagnosed by a staff physician to be dangerous to himself or others and to be in need of admission for psychiatric treatment.

Other testimony corroborated the officers' statement. (170)

During her stay at John Gaston, Walden complained that she continued to hear voices, and on July 29, she attempted to hang herself with strips of bedding. (171)

An allegation that Walden was given "mind crippling drugs" after her admission to the John Gaston psychiatric ward and that this treatment led to a deterioration of her condition and her commitment to Western State Mental Hospital in Bolivar, Tenn., was found to be unsubstantiated. All treatment, including drug therapy, was found to be within the range of generally accepted medical practice at that time. (172)

After Walden's suicide attempt on July 29, doctors at John Gaston Hospital decided that due to her continued depression and suicidal tendencies, she should be transferred to Western State Mental Hospital for further treatment. (173) A petition for commitment was filed with the Shelby County Probate Court on July 29, 1968, by John A. Henderson, administrator of John Gaston Hospital. Dr. David Moore, supervising psychiatrist at John Gaston, and Dr. Sidney Vick (174) certified that Walden's psychological condition indicated that

she was a proper subject for treatment and care in a psychiatric hospital.

Dr. Vick normally handled an average of 15 such commitments in a month, and he stated to the committee that,

\* \* \* the judicial commitment of Grace E. Walden was handled no differently than hundreds of other judicial commitments handled by me over my 13-year tenure. (175)

While testimony at the committee's public hearing and official court records showed that Tennessee commitment procedures in 1968 might not stand constitutional scrutiny in 1978, they were applied equally to all in 1968, including to Grace Walden. The evidence showed that there was no difference between the proceedings in the Walden case and any of the several hundred other commitment proceedings held each year. (176) While there were references in Walden's medical records that noted she was "a witness in the King case," the committee determined that the question of her possible status as a witness had no bearing on her commitment.

Dr. James H. Druff, Dr. Jack C. Neale and Dr. Morris Cohen, who served successively as superintendents of Western State during Walden's commitment, testified before the committee that once committed, Walden received the appropriate treatment for somebody suffering from her condition—chronic organic brain syndrome, secondary to alcoholism. The symptomology of that disease includes impairment of memory, orientation, and judgment, a shallowness of affect and an impairment of all intellectual functions. The doctors agreed that her drug therapy, occupational therapy, and other treatment were well within the acceptable practice of medical and psychiatric standards then prevailing. In fact, her drug dosage levels were on the moderate to low side. None of the drugs that she received were mind-crippling or dangerous to her case. (177)

They also agreed that she was incapable of caring for herself and should not have been released or discharged from the institution until appropriate outside support facilities were available. In 1978, when such facilities were available, Walden was released. (178)

The testimony revealed that all judgments about Walden's treatment and suitability for discharge were made on purely medical bases, and none of the superintendents was subjected to any pressure from any Federal, State, county or municipal authorities concerning the commitment, treatment, or retention of Grace Walden. (179)

On the recommendation of the National Institute on Mental Health, the committee retained a psychiatric expert, Dr. Roger Peele, to review and evaluate the records from John Gaston Hospital and Western State Mental Hospital to determine whether Walden's hospitalization, insofar as it was reflected in the records, met acceptable professional standards of reasonable care and treatment.

Dr. Peele reported:

The treatment and medication afforded Walden were, in general, consistent with her diagnosis and fell well within the acceptable standard of psychiatric care. In addition, according to an examination of her records, Walden's medical history was consistent with her subsequent diagnosis. (180)

Concerning her transfer from John Gaston Hospital to Western State Hospital, Dr. Peele stated: "The 23-day length of hospitalization and the transfer to a State hospital were not inconsistent with the psychiatric practices in American psychiatry in 1968."

Taking into consideration these factors concerning Grace Walden:

The numerous conflicting descriptions of what she saw or did not see on April 4, 1968;

The evidence indicating there was nothing sinister in her commitment to John Gaston or Western State hospitals; and

That her commitment was in no way related to her role as a possible witness in the King assassination investigation;

The committee concluded that Grace Walden's testimony would be of little or no value, and her statements to the effect that James Earl Ray was not the assassin of Dr. King were unworthy of belief.

In summary, after reviewing the evidence, the committee concluded that Grace Walden's alleged observation of someone other than Ray leaving the roominghouse bathroom was not worthy of belief. The committee further concluded that her commitment to John Gaston Hospital and Western State Mental Hospital was based on medical considerations and was not related to her role as a possible witness in the assassination investigation.

7. JAMES EARL RAY KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY PLEADED GUILTY TO THE FIRST DEGREE MURDER OF DR. MARTIN LUTHER KING, JR.

On March 10, 1969, James Earl Ray appeared before Judge W. Preston Battle of the Criminal Court of Shelby County, Tenn., and pleaded guilty to the first degree murder of Dr. Martin Luther King, Jr. (181)<sup>22</sup> This plea resulted from negotiations between Ray's principal attorney, Percy Foreman, and Shelby County Attorney General Phil N. Canale. (182) Foreman was assisted in his representation of Ray by Hugh Stanton, Sr. and Hugh Stanton, Jr., (183) both of the Shelby County Public Defender's Office. The maximum penalty under Tennessee law in 1969 for first degree murder was death. (184) Nevertheless, under the terms of the prosecution's recommendation to the court, Ray was spared the death penalty and was sentenced to 99 years confinement in the State penitentiary. (185)

During the hearing before Judge Battle, the court questioned Ray extensively in an effort to determine the voluntariness of the plea and to insure that he knew the plea would result in the waiver of valuable rights. (186) In addition, as a condition of the plea, Ray agreed to a proposed stipulation of the material facts that set forth all the details of his whereabouts, and actions that the State advanced to support its case against him. (187) Ray ultimately agreed to the stipulations sought by the prosecution except one concerning his alleged political activities. A portion of the exchange between Ray and Judge Battle on March 10, 1969, indicated that Ray admitted his role in the assassi-

<sup>22</sup> A more detailed analysis of the guilty plea appears as part of an appendix to the public hearings. See staff report, "An Analysis of the Guilty Plea Entered by James Earl Ray: Criminal Court of Shelby County, Tenn., Mar. 10, 1969," XIII appendix to the HSCA-MLK hearings.

nation of Dr. King and voluntarily and understandingly entered his guilty plea :

The COURT. You are entering a plea of guilty to murder in the first degree as charged in the indictment as a compromise and settling your case on an agreed punishment of 99 years in the State penitentiary. Is that what you want to do?

ANSWER. Yes, I do.

The COURT. Is this what you want to do?

ANSWER. Yes, sir.

The COURT. Do you understand that you are waiving which means you are giving up a formal trial by your plea of guilty although the laws of this State require the prosecution to present certain evidence to a jury in all cases on pleas of guilty to murder in the first degree by your plea of guilty you are also waiving [the court explains Ray's rights in great detail] \* \* \* Has anything besides this sentence of 99 years in the penitentiary been promised to you to plead guilty? Has anything else been promised to you by anyone?

ANSWER. No, it has not.

The COURT. Has any pressure of any kind by anyone in any way been used on you to get you to plead guilty?

ANSWER. No, no one in any way.

The COURT. Are you pleading guilty to murder in the first degree in this case because you killed Dr. Martin Luther King under circumstances that would make you legally guilty of murder in the first degree under the law as explained to you by your lawyer?

ANSWER. Yes, legally yes.

The COURT. Is this plea of guilty to murder in the first degree with an agreed punishment of 99 years in the State penitentiary free, voluntarily and understandingly made and entered by you?

ANSWER. Yes, sir.

The COURT. Is this plea of guilty on your part the free act of your free will made with your full knowledge and understanding of its meaning and consequences?

ANSWER. Yes, sir. (188)<sup>23</sup>

Within 3 days of the guilty plea, Ray recanted his admission and requested a new trial in a letter to Judge Battle dated March 13, 1969. (189) Ray followed this letter with another dated March 26, 1969, that echoed the first, also directed to Judge Battle. (190) Judge Battle died on March 31, 1969. He had not taken any action on Ray's request for a new trial. (191)

Following Judge Battle's death, on April 7, 1969, Ray filed a formal petition for a new trial. The court denied the motion at the conclusion of its hearing on Ray's petition on May 26, 1969. (192)

After exhausting his right of appeal under Tennessee law, Ray sought relief in the Federal courts by filing a petition for a writ of habeas corpus. On March 30, 1973, a Federal district court denied

<sup>23</sup> A complete transcript of the guilty plea proceedings appears as MLK Exhibit F-80, III HSCA-MLK hearings, 52.

Ray's request for relief, ruling that Ray's constitutional rights had not been denied. (193) Ray subsequently appealed to the U.S. Court of Appeals for the Sixth Circuit. That panel reversed the district court on January 29, 1974, finding that the lower court improperly denied Ray an evidentiary hearing before it ruled on his motion. (194) The State of Tennessee appealed this decision to the U.S. Supreme Court, which refused to hear the case on June 3, 1974. (195) The matter was returned to the district court, where an evidentiary hearing was held. On February 27, 1975, the district court ruled that Ray's constitutional rights had not been violated and denied his petition for a writ of habeas corpus. (196) Ray also appealed this decision, and on May 10, 1976, the Sixth Circuit Court of Appeals affirmed the lower court's decision, ruling that the evidence sustained a finding that Ray had voluntarily and knowingly pleaded guilty in State court to murder:

Considering "all of the relevant circumstances" surrounding Ray's plea \* \* \* we agree with the district court that the plea was entered voluntarily and knowingly. As stated, Judge Battle very carefully questioned Ray as to the voluntariness of his plea before it was accepted on March 10, 1969. Ray specifically denied at that time that anyone had pressured him to plead guilty \* \* \*. (197)

The court also noted that a February 18, 1969 letter, signed by Ray, authorizing Foreman to negotiate a guilty plea, supported the finding that the plea was voluntary; that he had not been prejudiced by his contacts with writer William Bradford Huie; that he had not shown inadequate investigation by his counsel; that he had failed to establish that Foreman gave him incompetent advice in urging him to plead guilty; and that he had not reasonably believed that he had no alternative to a guilty plea. The court also rejected Ray's contention that he had been denied effective assistance of counsel by police surveillance, interception of mail and delivery of attorney-client communications to the prosecution, since he had been unable to demonstrate that these activities affected the preparation of his defense.<sup>24</sup> The court concluded that Foreman's representation of Ray was "within the range of competence demanded of attorneys in criminal cases." (198)

Ray sought review of this decision in the U.S. Supreme Court. On December 13, 1976, the Supreme Court denied Ray's request for a writ of certiorari. (199)

Ray's immediate repudiation of his guilty plea started speculation that it had been part of an elaborate plot to silence Ray and protect conspirators in the assassination. Consequently, the committee conducted a full factual and legal investigation of the plea to determine whether it was voluntarily entered and legally sufficient, applying appropriate legal standards in its assessment. Ray had maintained that a number of conditions rendered his guilty plea defective or involuntary, (200) including:

Irreconcilable conflicts of interest involving his attorneys,  
Percy Foreman and Arthur Hanes, Sr.;

<sup>24</sup> The committee did review FBI files that clearly established that interception of Ray's mail had occurred. A detailed discussion of this matter is contained in the committee's evaluation of the performance of the FBI in the assassination investigation. See, *infra*, at sec. II E 2.

Inadequate investigation by Foreman, Ray's chief defense counsel at the time of the guilty plea;

Mental coercion exerted by Foreman and the Federal Government to force Ray to plead guilty; and

Ray's belief that his guilty plea would not preclude his ability to secure a subsequent trial.

The committee reviewed each of the claims made by Ray.

(a) *Irreconcilable conflicts of interest of Foreman and Hanes*

Initially in conjunction with Arthur Hanes, Sr., Ray's first attorney, and then with Percy Foreman, Hanes' successor, Ray entered into contracts with William Bradford Huie for the literary rights to Ray's version of the assassination of Dr. King. Ray subsequently maintained that he signed these contracts only at the insistence of his attorneys. (201) The committee interviewed all parties to the contracts and reviewed information from the papers filed in Federal court in *Ray v. Foreman*<sup>24</sup> and *Ray v. Rose*.<sup>25</sup>

The investigation revealed that Ray, Hanes, and Huie entered into the first three-party contract on July 8, 1968, just under a month after Ray's arrest in London and 2 weeks before he was returned to the United States. (202) The contract gave Huie literary rights to Ray's story and provided for a three-way split of the proceeds. In September 1968, Ray and Hanes amended the initial contract's provision for Hanes' fee, limiting the total amount he could realize to \$20,000 plus expenses. (203) After Foreman replaced Hanes, he assumed contractual rights similar to those of Hanes but without the \$20,000 limit on his fee. (204) Ray maintained that these agreements put Hanes and Foreman in conflict with his best interests as their client.

A review by the committee of the sworn testimony given in *Ray v. Foreman* and *Ray v. Rose* indicated that Ray was an intelligent party to the literary contracts. In an interview with the committee, Hanes said the original and primary reason for entering into the contracts was to assure enough money to finance Ray's defense. (205) Ray maintained that Foreman was initially critical of the Hanes contract, and he then broke his word to him by entering into a similar literary contract with Huie. (206) Foreman, on the other hand, contended that he entered into the contract with Huie at Ray's request to secure funds to finance the defense. (207) When questioned about the arguably unconscionable nature of his fee arrangement with Ray, Foreman said that he took an assignment of all Ray's interest in the literary contract, at Ray's behest, and held it in trust to protect Ray from attachment, should Dr. King's widow successfully mount a civil suit against him for the wrongful death of her husband. (208) After examining Foreman's contracts with Ray, the committee rejected Foreman's contention that he intended simply to hold Ray's proceeds in trust. The contracts indicated an unconditional transfer of Ray's interest in the literary proceeds to the trust. Nevertheless, Foreman testified that he saw nothing wrong with the contract or with his fee of \$165,000 plus expenses. (209)

<sup>24</sup> *Ray v. Foreman* was a civil action filed by Ray following his guilty plea. Named defendants included Foreman, Hanes, and Huie. Ray charged them with violation of his constitutional rights and sought to enjoin Huie's book, "He Slew the Dreamer."

<sup>25</sup> *Ray v. Rose* was Ray's habeas corpus action.



A further review of pertinent court documents indicated that the financial interest of Huie and Foreman in the literary contract was not enhanced by Ray's guilty plea. In *Ray v. Rose*, all of the contractual obligations were subjected to judicial scrutiny. An examination of the contracts between Huie and the publishing houses that paid him to collect information and write about Ray showed that the value of Ray's story depreciated markedly once the guilty plea was entered, for it reduced public interest in the case. (210) This finding supported Foreman's claim that his only concern in urging Ray's guilty plea was saving his life and that the money he stood to gain from the literary contracts did not color his professional judgment.

The committee's conclusions concerning the Hanes-Huie-Ray and Foreman-Huie-Ray literary agreements were consistent with the findings in *Ray v. Rose*. In that case, the court found there was no evidence whatsoever to support Ray's allegation that the conflicts of interest with his attorneys caused him to plead guilty involuntarily. (211) The court reached this conclusion despite its finding that the fee arrangement originally negotiated by Hanes was in apparent violation of the American Bar Association's code of professional responsibility and its finding that Foreman's fee, had it been collectable, was unreasonable. (212)

The committee found no evidence from its interviews, reviews of documents and other investigative methods to support Ray's claim that the contractual agreements resulted in prejudice to his defense. While a conflict of interest did exist between Ray and his attorneys, it did not materially affect the quality of the representation Ray received. In addition, Hanes had disclosed the conflict to Ray, and Foreman warned Ray about such arrangements at the time he was hired. Thus, Ray was both a voluntary and intelligent party to the contracts.

(b) *Foreman's failure to investigate the case*

The committee reviewed, with the aid of the Congressional Research Service, Library of Congress, the judicial interpretations of the phrase "effective assistance of counsel," and applied these standards to the factual situation giving rise to Ray's claim that the assistance of counsel in the King case was ineffective.

Ray became dissatisfied with the representation of his first attorney, Arthur Hanes, Sr., primarily as a result of the relationship Hanes had established with author William Bradford Huie. (213) This dissatisfaction prompted Ray, through the efforts of his brothers, Jerry and John Ray, to contact Texas trial attorney Percy Foreman. On November 10, 1968, 2 days before Ray's scheduled trial, Foreman replaced Hanes. (214) Foreman succeeded in postponing the trial until March 3, 1969, to prepare a defense for Ray. (215)

Ray alleged that Foreman's investigation was deficient and that he was consequently deprived of the effective assistance of counsel. (216)

The committee examined the merits of this allegation. As with the conflict of interest issue, the committee referred to the court documents filed in *Ray v. Rose* and *Ray v. Foreman*. In addition, the committee interviewed Ray's defense attorneys, including Foreman, and investigators who were in their employ. Foreman's investigation was exam-

ined in light of the legal standard required of counsel in a criminal case to determine if he was prepared to take the Ray case to trial.

Foreman maintained that from the time he entered the case until the March 10, 1969, guilty plea, he devoted 80 to 90 percent of his time to Ray's defense. (217) He estimated that he spent between 30 and 75 hours in interviews with Ray. (218) He also said that he used eight senior law students from Memphis State University as investigators. (219) Foreman, however, was vague about the duties of these students, (220) as well as other aspects of his investigation. He apparently did speak to Huie, Attorney Arthur Hanes, Sr., Hanes' investigator Renfro Hayes, and some potential witnesses. (221) After a full review, however, the committee concluded that Foreman did not conduct a thorough and independent investigation into the death of Dr. Martin Luther King, Jr., on behalf of Ray. Foreman was unable to provide a list of witnesses he interviewed, (222) but the committee was able to conclude that many potential witnesses were never interviewed by Foreman or his associates. Stanton did not complete a canvass of witnesses by the time of the guilty plea, (223) and Foreman's student investigators apparently never conducted a single interview. (224) In fact, one of the student investigators interviewed by the committee indicated that the students never did any investigating for Foreman. (225)

The committee's review of Shelby County jail logs contradicted Foreman's claim of 30 to 75 hours of consultations with Ray. (226) These hourly activity logs kept by Ray's jailers indicated that Foreman visited with Ray approximately 20 hours from the time he entered the case in November 1968 until the March 10, 1969, guilty plea. (227) According to the logs, Foreman spent an inordinately small amount of time with his client for a case of such magnitude.

Foreman differed with the findings of the committee's review, and the committee found a possible explanation for the discrepancy: Security slackened as time progressed, and less accurate records may have been kept on Ray after initial interest in his case diminished. (228) Ray's recollection of the time Foreman spent with him, however, was consistent with the hours shown in the jail logs. (229)

Additionally, Arthur Hanes, Sr. told the committee that he attempted to make his files on Ray's case available to Foreman, but Foreman only used a few of them. Hanes also noted that Foreman never fully questioned him about his personal knowledge of the case, even though Hanes had offered to help. (230)

Although Foreman may be faulted for not conducting a more thorough independent inquiry before he advised Ray to plead guilty, he did have at his disposal the results of investigations by William Bradford Huie, Arthur Hanes, Sr. and Renfro Hayes, as well as those of an investigation conducted by the Shelby County Public Defender's Office. The scope of the combined defense investigations was substantial, (231) the public defender's probably being the most comprehensive. Three investigators were assigned to the case and worked closely with Foreman. They interviewed numerous witnesses and followed up investigative leads, (232) and they retraced the investigation done for Arthur Hanes, Sr. by Renfro Hayes. (Much of that work was later

found to be unreliable.) (233) The product of the public defender's work in Ray's defense filled between 10 and 12 files. (234)

The defense team uncovered and considered weaknesses in the State's case, (235) but when Foreman and co-counsels Hugh Stanton, Sr. and Hugh Stanton, Jr. discussed the evidence against Ray, they decided, even with the weaknesses, that the Government's case could not be beaten. (236) Despite Ray's protestations, the committee concluded that his decision to plead guilty was based primarily upon Foreman's recitation of the State's case against him. (237)

Ray was unable to demonstrate any actual prejudice to his case, and the committee believed that the level of representation Ray received from his attorneys, including Foreman, satisfied the standard established to measure effective assistance of counsel in the sixth circuit in 1968.

(c) *Coercion by Foreman and the Federal Government*

In his effort to repudiate his guilty plea, Ray maintained he had entered it against his will, under pressure from Foreman who misrepresented the facts to him and gave him bad advice. (238) While only Ray and Foreman were present at conversations out of which the plea arose, rendering much of what Ray alleged unverifiable, the committee was able to establish certain facts from the record. On February 13, 1969, Foreman told Ray in a letter that if the case went to trial, there was a 100-percent chance he would be found guilty and a 99-percent chance he would get the death penalty. Foreman commented that it would be "one of the great accomplishments" of his career if he could save Ray's life with a negotiated plea. (239) Then, in a letter prepared by Foreman for Ray's signature and dated February 18, 1969, Ray authorized Foreman to negotiate a guilty plea for a term of years. It was stated in this letter that Foreman and Ray agreed it would be impossible to dispute certain incriminating evidence and that they believed a trial ending in a guilty verdict would result in a 99-year sentence or the electric chair. (240)

In its review of the district court's evidentiary hearing on Ray's petition for habeas corpus relief, the Sixth Circuit Court of Appeals summarized the lower court's reasons for its finding that Foreman had not induced the guilty plea. (241)

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 he 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 either that the prosecution was prepared to bribe a key witness against Ray, or that Foreman would exercise less than his best efforts if Ray insisted on a trial, or that Judge Battle would not allow him to change attorneys and that Foreman would not withdraw.

The committee found no evidence that would warrant a different judgment.

At his March 10, 1969, hearing, Ray answered questions put to him by Judge Battle, not as an intimidated man, but as a defendant convinced that he could not withstand the State's case against him. Ray indicated at the hearing that "no one in any way" pressured him to plead guilty. (242) As for his quick repudiation of that plea, the committee found this to be consistent with Ray's pattern of behavior. It noted that in 1959, shortly after he was arrested for robbing a supermarket, Ray made a statement to police admitting the crime. At the trial, however, Ray reversed his position, charging that his confession had been coerced by police brutality. (243)

Ray also claimed that part of the coercion to gain his guilty plea was the "brutal" conditions in the Shelby County jail during his pretrial incarceration, which had an ill effect on his physical condition. (244)

In its investigation of conditions at the jail, the committee determined that extraordinary measures were taken to safeguard Ray, as a result of the notoriety of the case. The precautions included: An entire cellblock to house Ray alone; steel doors on the entrances to the cellblock; steel plate covers on all the windows in the cellblock; two guards to watch Ray on each of three daily shifts; two closed-circuit television cameras to monitor the cellblock; constant illumination of the cellblock; special food selection; microphone surveillance within the cellblock. (245)

The committee determined that Dr. McCarthy DeMere was the person best qualified to comment on Ray's physical condition during his incarceration at the Shelby County jail and the possible effect of the special precautions. DeMere served as Ray's physician from the time of his return to Memphis from England on July 19, 1968, until he was taken to the Tennessee State Penitentiary following his guilty plea. DeMere testified on Ray's health and conditions of confinement at a 1974 evidentiary hearing on Ray's petition for habeas corpus relief, (246) in an interview with the committee (247) and in a committee public hearing. (248) DeMere said Ray was in good health when he arrived and that it remained excellent during his stay at the jail. In fact, DeMere told the committee, Ray gained weight while he was in the jail. Although Ray complained at first to DeMere about the lights in his cell, he never complained of losing sleep. The only medical complaints he made during his stay in the Shelby County jail concerned occasional headaches and nosebleeds.

The facilities that Ray occupied were comparable to a good motel suite and compared favorably to a first-grade suite in an ordinary hospital, according to DeMere. Additionally, DeMere told the committee he never saw Ray depressed and that he never exhibited any nervous tension. DeMere concluded that Ray was in better health when he left the Shelby County jail than when he entered it.

Ray argued that another aspect of the coercion was harassment of his family by the Federal Government and Foreman to get him to plead guilty. He charged specifically:

That the FBI threatened to have his father arrested and returned to a prison he had escaped from 40 years earlier; (249)

That the FBI burglarized the home of his sister, Carol Pepper; (250)

That his brother, John Ray, had been sentenced to 18 years for bank robbery, an excessive sentence compared to those of his codefendants; (251)

That Foreman told him that his brother, Jerry Ray, would be arrested and charged with conspiracy in the assassination if Ray did not plead guilty; (252) and

That Foreman tried to induce members of Ray's family to convince him he should plead guilty. (253)

The committee explored Ray's allegations concerning the FBI and Foreman. This task was complicated because Ray's word and that of members of his family provided the only support for his allegations. Given their probable bias, the committee was reluctant to accept such evidence without corroboration.

The committee found no independent evidence to support Ray's contention that the FBI burglarized his sister's house. The committee also determined that John Ray had been incarcerated on the bank charge almost 1½ years after James entered his guilty plea. (254) Ray's brother, Jerry, was the original source of the story that the FBI threatened to rejoin their father, and the committee was unable to substantiate this story.

Ray's allegations concerning Foreman were equally difficult to confirm. During an interview with the committee at the Brushy Mountain State Penitentiary, Petros, Tenn., Ray admitted that Foreman at no time said that the FBI had informed him of Jerry's imminent arrest, but Foreman had alluded to the possibility that he might be picked up. (255) No independent evidence was found to support the family's claim that Foreman tried to force them to induce Ray's plea.

The committee could not find substantiation for any of Ray's charges that his guilty plea was coerced—specifically, that his plea was induced by Foreman, that he was subjected to brutal conditions at the Shelby County jail, that his physical condition was permitted to deteriorate or that members of his family were pressured and harassed.

*(d) Ray's belief a guilty plea would not preclude a new trial*

Statements made by Ray both before and after his guilty plea raised questions about his understanding of the plea's finality. In an interview with the committee, Ray said his main purpose in entering the guilty plea was to get rid of Foreman. (256) He looked upon the plea as a technicality, a way out of jail in Memphis. (257) According to Ray, the guilty plea served as a convenient, harmless alternative to going to trial with Foreman, whom he no longer trusted; (258) going to trial with the public defender, whom he felt had neither the skill nor the resources to handle this major case; (259) and going to trial unrepresented. (260)

Ray's background strongly indicated that he knew that the guilty plea would effectively extinguish all of his legal remedies. First, he had previous experience with the appellate court system, as a result of his unsuccessful appeal of a 1959 robbery conviction. (261) In addition, he was fully apprised of the consequences of his guilty plea during the March 10, 1969, proceedings.

The committee believed, therefore, that Ray's plea was knowing, intelligent and voluntary and that constitutional requirements were satisfied. The committee further concluded that the plea was a significant indication of Ray's guilt in the assassination of Dr. King.

