

D. NO FEDERAL, STATE OR LOCAL GOVERNMENT AGENCY WAS INVOLVED
IN THE ASSASSINATION OF DR. KING

Allegations of government complicity in the assassination of Dr. Martin Luther King have been made by attorneys for James Earl Ray, authors of books and articles, even prominent civil rights leaders, and they have aroused suspicion in the minds of political leaders as well as the general public. For the most part, the charges have been pointed at agencies assigned to investigate the assassination, specifically the FBI and the Memphis Police Department, or authorities at the Missouri State Penitentiary, from which Ray escaped a year before the assassination. The committee examined each of those agencies in light of the allegations.

1. THE FEDERAL BUREAU OF INVESTIGATION

Speculation that the FBI—or, more probably, members of that organization, including highly placed Bureau officials—might have had a role in the assassination originated in the early 1970's, when the public became aware of COINTELPRO, the Bureau's counterintelligence program that had Dr. King as one of its targets. When, in 1976, the report on the investigation of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities was published and the full scope of the attempt by the FBI to discredit Dr. King became recognized, suspicions were widely rekindled.¹⁹

In November 1975, as the Senate committee was completing its investigation, the Department of Justice formed a Task Force to examine the FBI's program of harassment directed at Dr. King, the Bureau's security investigations of him, his assassination and the criminal investigation that followed. One aspect of the Task Force study was to determine "whether any action taken in relation to Dr. King by the FBI before the assassination had, or might have had, an effect, direct or indirect, on that event."

In its report, the Task Force criticized the FBI not for the opening, but for the protracted continuation of, its security investigation of Dr. King:

We think the security investigation which included both physical and technical surveillance, should have been terminated * * * in 1963. That it was intensified and augmented by a COINTELPRO type campaign against Dr. King was unwarranted; the COINTELPRO type campaign, moreover, was ultra vires and very probably * * * felonious. (1)

¹⁹ The origin, scope, rationale, techniques and targets of the Bureau's COINTEL program are traced in Book III of the Final Report of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, S. Rept. 94-755, 94th Cong., 2d sess. 1-77 (1976). The efforts of the Bureau against Dr. King, the security investigation as well as COINTELPRO, also appear as a case study. *Id.* at 81-183. For this reason, those programs will not be reviewed here except as necessary for background or as they focus on the question of responsibility in the assassination. See also *infra* sec. II D.

The Task Force concluded, however, that the evidence was overwhelming that Ray was a lone assassin, and it found no evidence of FBI involvement.

The question of FBI complicity lingered, nonetheless, and alleged deficiencies in the FBI assassination investigation raised the possibility of a coverup after the fact. Because of these persistent doubts and because the committee questioned both the method and the reasoning behind the Justice Department's report, a decision was made to reexamine the question of involvement by the FBI in the assassination.

Ultimately, the committee found no evidence that the FBI intentionally brought about the death of Dr. King. In reaching that conclusion, it sought answers to specific questions that bore on FBI complicity:

Did the counterintelligence program, initiated in August 1967 against the Southern Christian Leadership Conference and in March 1968 against Dr. King, result in Dr. King's staying at the Lorraine Motel in Memphis on April 4, 1968?

Did the Bureau pay members of the Invaders, an organization of young Black activists in Memphis, or act through its informants in the Invaders, to incite the violence on March 28 that led Dr. King to return to Memphis?

Did the Bureau have foreknowledge of the assassination through surveillance, informants or other means, on which it did not act?

Did the Bureau, through the use of an undercover agent or informant, act with James Earl Ray in the assassination of Dr. King?

The committee began its analysis with a review of the investigations by the Senate committee and the Justice Department. It then turned to the FBI files generated during both the agency's security investigation¹ and COINTELPRO² against Dr. King and the SCLC.

While the files reviewed by the committee contained substantial detail and were invaluable in providing an understanding of the nature and scope of the FBI's operations, certain decisions and actions were often ambiguous or unexplained. In addition, there were critical periods of time for which documentation was either scarce or nonexistent. For these reasons, the committee chose to supplement its file review with extensive interviews of FBI field agents and headquarters per-

¹ In October 1962, the FBI opened its security investigation of the SCLC and its president, Dr. King. The investigation was authorized by the Attorney General. The initial purpose of the investigation was to examine what, if any, Communist influence existed in the SCLC. The committee concurred with the 1977 Justice Department study in its conclusion that no evidence existed that Dr. King was a Communist or ever was affiliated with the Communist Party; that the SCLC under Dr. King was ever anything other than an organization devoted to civil rights; that Dr. King's alleged Communist advisors never "sold" Dr. King any course of action that could be identified as Communist; and that the security investigation should have been terminated shortly after it commenced. Indeed, as the 1977 report noted, one adviser was not influential and the other disassociated himself from the party in 1963 "because it failed adequately to serve the civil rights movement."

² COINTEL-type activities against Dr. King and the SCLC are best dated from December 1963, although Dr. King was not formally targeted until March 1968. Their purpose was not only to gather information, but to use it to undermine Dr. King and his influence in the civil rights movement. Activities of this type with regard to Communist Party and white hate groups were known in a general way to various advisors to the President and congressional leaders, but their extension to the Socialist Workers Party, the Black Nationalists (that, according to the Bureau, included the SCLC and Dr. King) and the New Left was known only to the Bureau. The FBI's effort to discredit Dr. King and to undermine the SCLC touched every aspect of Dr. King's life, including his private life, which was subjected to extensive electronic surveillance. Religious leaders and institutions were contacted and leaks were made to the press. Members of Congress, White House officials, and other Washington leaders were contacted.

sonnel. These interviews were initially unsworn, but because of the gravity of the issues and the serious implications of the FBI's campaign to undermine Dr. King's stature as a civil rights leader, extensive testimony was taken under oath in executive session and in public hearings. With the exception of J. Edgar Hoover, Director of the Federal Bureau of Investigation; Clyde Tolson, his Associate Director; and William C. Sullivan, Assistant Director of the Domestic Intelligence Division, all of whom were deceased,³ FBI officials and agents whose testimony was considered essential to a thorough examination of the issue of FBI complicity were interviewed.

(a) *The Lorraine Motel issue*

The committee investigated the possibility that the FBI's COINTELPRO effort influenced Dr. King's decision to be in Memphis on April 4, 1968, and, more specifically, to stay at the Lorraine Motel. The committee determined that Dr. King had been designated as a man to be discredited as early as December 1963. (2) On August 25, 1967, FBI headquarters directed 22 field offices, including Memphis, to commence COINTELPRO activities against "Black Nationalist—Hate Groups." (3) The purpose of the directive, as reflected in supporting documents, was to expose, disrupt, misdirect or otherwise neutralize the activities of specified organizations, including the Southern Christian Leadership Conference (SCLC). Instructions were issued "that no opportunities be overlooked for counterintelligence action." (4)

On March 4, 1968, a second memo was issued, expanding the COINTELPRO effort to include 44 field offices and for the first time specifically naming Dr. King. (5) Several goals of COINTELPRO were set out. One of them was to "[p]revent the rise of a 'messiah' who could unify and electrify the militant black nationalist movement." The memo continued,

Malcolm X might have been such a "messiah"; Martin Luther King, Stokely Carmichael, and Elijah Muhammad all aspire to this position * * * King could be a very real contender for this position should he abandon his supposed obedience to white, liberal doctrines (nonviolence) and embrace Black Nationalism. (6)

For the first time, specific reporting requirements were established, with the first response due from all offices within 30 days. Imagination and initiative were stressed, although specific operations were to be approved by headquarters to avoid embarrassment to the Bureau. (7)

The committee found no evidence of COINTELPRO initiatives against Dr. King or the SCLC from the Memphis field office in response to the March 4 memorandum. FBI files did reflect a March 14, 1968, response from the Memphis field office, (8) but it contained no reference to Dr. King or the SCLC.

From the testimony of FBI personnel as well as that of members of the SCLC and the Invaders, the committee found that Dr. King's

³ The committee frankly acknowledged that its investigation of the FBI was severely restricted by its inability to put questions on the Bureau's campaign to discredit Dr. King to these three top officials, since they had been primarily responsible for it.

decision to return to Memphis and stay at the Lorraine Motel was not influenced by COINTELPRO initiatives. While it was apparent that the FBI learned of Dr. King's decision to return to Memphis from an informant within SCLC, there was no evidence that the informant influenced the decision itself.⁴

The testimony of Ralph Abernathy, Dr. King's close associate and successor as the leader of SCLC, established that Dr. King's decision to return to Memphis after the March 28 violence was a personal choice, made after some debate with his SCLC colleagues. It stemmed from Dr. King's desire to erase the effects of the highly publicized violence on the success of the upcoming Poor People's Campaign. (10)

The committee explored the possibility that a March 29, 1968, FBI headquarters COINTELPRO initiative directed at Dr. King influenced his decision to stay at the Lorraine Motel when he returned to Memphis on April 3. (11) The headquarters memorandum from G. C. Moore, Chief of the Racial Intelligence Section, to William C. Sullivan, Assistant Director in charge of the Domestic Intelligence Division, recommended release of a news item, which read in part:

The fine Hotel Lorraine in Memphis is owned and patronized exclusively by Negroes but King didn't go there after his hasty exit [from the demonstration of March 28]. Instead, King decided the plush Holiday Inn Motel, white-owned, operated, and almost exclusively white patronized was the place to "cool it." There will be no boycott of white merchants for King, only for his followers.

The memo was initialed by Hoover, who indicated his approval, and by Sullivan and Moore. The notation, "handled 4/3/68," was written at the bottom. The committee was unable to determine the meaning of the notation.⁵ The committee received testimony which it credited, from Dr. Abernathy that Dr. King's normal practice was to stay at the Lorraine Motel when he was in Memphis and that his choice of the Lorraine Motel on April 3 reflected this past practice. (12) Given Dr. Abernathy's testimony, the committee was satisfied that the March 29 memorandum did not cause Dr. King to stay at the Lorraine.

The FBI's intent in drafting the memorandum, however, remained an open issue. If its purpose was to cause Dr. King to take a room at the Lorraine, its intent remained sinister, no matter what the reasons were for the choice of lodgings. On the other hand, if the purpose was to embarrass Dr. King, it was simply one of many COINTELPRO initiatives that had no connection with the assassination.

⁴The committee learned of the identity of the SCLC informant when he acknowledged his former status in a committee interview; he was also asked about the nature of his relationship with the Bureau; the instructions he received, particularly during March and April 1968; the type of information he sought; FBI counterintelligence activities against Dr. King and SCLC; and FBI activities in Memphis in April 1968. (9) The committee also reviewed his FBI informant file. Based on this independent investigation, the committee found that while the informant was in Memphis periodically during March and April 1968, there was no indication that he influenced events that took place there.

⁵The committee interviewed Special Agent Harold Leinbaugh who wrote the "handled" notation on the memo. He stated that while he had no recollection of the COINTELPRO initiative, he could offer two possible interpretations of the notation. It could mean simply that the proposal had been received by the Mass Media Section where he worked at the time, or it might signify actual placement of the proposed editorials with a friendly news outlet. Leinbaugh added that if a proposal was not considered newsworthy, no effort was made to pass it to cooperative media outlets.

An examination of Ray's conduct in Memphis led the committee to conclude that the latter is the more credible alternative. Dr. King returned to Memphis and checked into the Lorraine on the morning of April 3, 1968. Ray arrived in Memphis on the evening of April 3. Yet Ray chose to stay at the New Rebel Motel and did not check into the roominghouse at 422½ South Main Street until the afternoon of April 4. To assume the FBI's purpose on March 29 was to set Dr. King up for assassination at the Lorraine is to assume that the Bureau had control over Ray's movements. Ray's presence at the New Rebel on April 3 was evidence that it did not have such control. The committee concluded, therefore, that the drafters of the March 29 memorandum did not intend to set Dr. King up for assassination at the Lorraine.

(b) The inciting of violence by informants issue

The committee investigated the possibility that the violence that interrupted the sanitation workers march in Memphis on March 28, 1968, leading to Dr. King's return to the city, was provoked by FBI agents or FBI or law enforcement informants working within a militant organization known as the Invaders.

The Invaders came into being in late 1967 when a number of Black youths, politically conditioned by the Vietnam war, the civil rights movement and economic conditions in Memphis, created what they envisioned would be a coalition of groups to challenge the established leadership of Memphis. The coalition came to be known as the Black Organizing Project; its most widely known group was the Invaders.

The committee found evidence that some members of the Invaders, resorting to inflammatory rhetoric and acts of violence, encouraged the disturbances that marred the sanitation workers march. In its investigation of the Invaders, the committee took testimony from several former members (the organization had since been disbanded), some of whom had provided written releases authorizing the FBI to turn over their files, investigative or informant. In addition, the committee reviewed reports of Invader activities in the files of the FBI and the Memphis Police Department, and it took testimony from FBI agents who controlled informants in Memphis and monitored the activities of groups and individuals connected with the sanitation strike. Finally, the committee took testimony from Marrell McCullough, an undercover Memphis police officer who had infiltrated the Invaders in 1968.

The investigation established the existence of five FBI informants who provided intelligence on the racial situation to the Memphis field office; their reporting touched on Invader activities. (13) The committee then gained access to the headquarters and field office files the FBI maintained on them. In accordance with an understanding that had been worked out with the FBI, all information that might identify the informants was excised before the files were turned over to the committee. The committee specified the informant it considered most likely to have been influential in Invader activities, and the FBI was asked to approach him and determine if he would agree to be interviewed by the committee. An interview was arranged, and the informant was questioned about the nature of the information provided to

the Bureau as well as the nature of the instructions given the informant by Bureau personnel. (14) The other four informants were not in a position to have influenced Invader activities. Nevertheless, reviews of their files were conducted. Nothing in the committee's investigation, file review or interview of the informant indicated that FBI informants were used as agent provocateurs during the March 28 violence.

Two serious discrepancies between the testimony of the informant, as opposed to the files and the word of the relevant FBI agents, however, did arise as a result of the committee's interview. The FBI informant denied having provided certain information that had been attributed to him and placed in his informant file. He also denied ever having received any instructions from the FBI as to the conduct of his informant activities. (15) The committee could only speculate about the significance of the discrepancies, and believed such speculation would have served no useful purpose. The committee was forced to conclude, however, that the discrepancy tarnished the evidence given by both the Bureau and the informant, and it left the committee with a measure of uncertainty about the scope of FBI involvement with the Invaders.

Marrell McCullough, the undercover Memphis police officer whose intelligence on the Invaders was transmitted regularly to the local FBI office, was in the parking lot of the Lorraine Motel at the time of the assassination and was among the first to reach the fallen Dr. King. Since there had been allegations that McCullough was a Federal agent, the committee was particularly interested in his testimony. He denied having had any connections with the FBI or any other Federal agency, and he specifically stated he had no part in provoking violence on March 28, 1968. (16) Members of the Invaders supported his testimony, and while the FBI and other intelligence agencies received his intelligence regularly from the Memphis Police Department, the committee could find no evidence that the Bureau or any other agency was aware of McCullough's role or his identity as an undercover police officer. (17)

The committee noted, further, that in an interview by the FBI shortly after the assassination, McCullough was treated no differently than other eyewitnesses, indicating the FBI was unaware of his official ties to the Memphis Police Department. (18) Thus, the committee found that McCullough was not employed by the FBI or any Federal agency. Nor did he have knowledge, as far as the committee could determine, that his information was being transmitted to the Bureau or the Federal Government. (19)

While the committee found no basis for a conclusion that the FBI, directly or through its informants, provoked the violence on March 28, FBI files and sworn testimony to the committee did indicate an awareness by members of the Memphis field office of the potential for disturbances. (20) The committee reviewed a memorandum indicating that the Bureau received information prior to the march that violence was likely to occur. (21) Agents of the field office at the time confirmed it. One or two hours before the march, an FBI informant reported that participants had purchased several hundred two-by-two sticks to which they had attached cardboard placards, and that there was a possibility they would be used in a violent manner. (22)

This information was corroborated by Memphis police sources who provided an additional report that members of the Invaders were distributing the sticks to "impressionable youngsters between the ages of 10 and 13." (23)

The Memphis office notified FBI headquarters and kept close contact with the Memphis police, but no steps were taken to relay the warning either to the strike leaders or to Dr. King and his associates. (24) The committee believed such preventive steps should have been taken, even though the FBI had no authority to provide protection to the strike participants. The committee stressed, however, that it found no evidence that the FBI's failure to warn the strike leaders or Dr. King and his party indicated a plan to disrupt the march.

(c) *The FBI foreknowledge issue*

While the committee believed the FBI was guilty of no more than unwarranted neglect in its failure to alert the organizers of the march of the threat of violence, it considered the issue of foreknowledge of the assassination to be potentially much more significant. The committee noted that the FBI—in particular, the Memphis field office—closely monitored developments in the sanitation strike. (25) Further, the committee found that Dr. King's Washington spring project, the upcoming march on Washington, was the subject of great concern at FBI headquarters. (26) Consequently, the committee found it curious that in its review of the King security file it found a scarcity of intelligence pertaining to Dr. King's activities between March 28 and April 4, 1968.

The committee was told by agents in the Memphis field office at the time that the absence of data on Dr. King for that period was indicative only of the fact that the main area of FBI coverage in Memphis was the sanitation strike. (27) Moreover, Memphis agents adamantly maintained in sworn testimony that no efforts were made to monitor Dr. King physically or electronically following his arrival in that city on April 3. (28) Finally, a thorough review of FBI files produced no evidence that documentation of a surveillance of Dr. King's activities in Memphis had been destroyed.⁶

The committee also reasoned that, as ironic as it may seem, the presence of the FBI COINTELPRO initiatives against Dr. King up to the day of his death could be used to show that FBI headquarters did not have foreknowledge of his assassination. It would hardly have been necessary to continue a nationwide program of harassment against a man soon to be killed. In a review of all COINTELPRO files on Dr. King, the committee found substantial evidence that the harassment program showed no signs of abatement as the fateful day approached. For example, the Mobile, Ala., FBI field office proposed using an unwitting minister, one influential in Selma, Ala., and somewhat hostile to Dr. King for personal reasons, to effect a COINTELPRO objective. (29) The minister was to be sent an anonymous letter stating that Dr. King was using Blacks for personal aggrandizement

⁶ A committee review of a separate FBI file on the Memphis sanitation workers strike did in fact show that Dr. King's participation in the March 28 demonstration and a press conference that followed had been covered. Thus, the absence of similar references to Dr. King's activities in the King security file became more understandable.

that demonstrators would be stranded without food or shelter, and that there might be violence. A copy of the letter would be sent to the Selma Times Journal, with a suggestion that the paper interview the minister. On April 2, headquarters authorized Mobile to issue the letter, suggesting that it be mailed from Baltimore to disguise the origin.⁷(30) Consequently, the committee could find no indication in its interviews of agents or its file reviews that the FBI had foreknowledge of the assassination of Dr. King.

(d) The FBI assistance for Ray issue

The committee investigated the possibility that the FBI, either through an agent or informant, may have acted with James Earl Ray in the assassination of Dr. King.

The committee first sought to identify all persons who met with Ray during the period of his incarceration at Missouri State Penitentiary and from the time of his escape from MSP on April 23, 1967, to the day of the assassination, April 4, 1968. A list was compiled of 663 possible Ray associates, fellow inmates at MSP, criminal associates and other persons known to have had even fleeting contact with Ray. The list included individuals associated with establishments frequented by Ray, or registered at motels, hotels, and roominghouses where Ray stayed during his fugitive period.

The committee also identified the FBI agents in Jefferson City, Mo., where Missouri State Penitentiary is located, and those assigned to the unlawful flight case following Ray's MSP escape.

From the list of known, probable, or possible Ray associates, the FBI was asked to indicate if any were informants, and the Bureau acknowledged in fact that three of them had at one time or another supplied information to the Bureau on a regular basis. Two of these informants were not active in 1967-68; one did have a confidential relationship with the Bureau in 1968.(32)

Independent of information supplied by the Bureau, the 1968 informant was interviewed by the committee.(33) He acknowledged his relationship with the Bureau and indicated that:

His confidential relationship with the FBI dated back to the late 1950's;(34) and

He had known Ray casually while the two men were serving terms together at Missouri State Penitentiary in the early 1960's.(35)

It was also learned that the informant left MSP nearly 3 years before the assassination and was returned there shortly after Ray's escape.(36) The committee checked the respective whereabouts of the two men during the period in 1967 when they were both at liberty and could find no evidence that they had been in contact.

Seven key FBI agents were questioned with respect to a direct connection between Ray and the Bureau, one of whom was in the Jefferson City field office for the entire period of Ray's detention at MSP.(37) From these interviews, no direct contact between Ray and the FBI either at MSP or during the fugitive period could be established. The

⁷ Of similar import was an April 2, 1968, request from the FBI to the Justice Department for authorization to implement electronic surveillance on Dr. King's SCLC headquarters in Atlanta. (see e.g., testimony of Ramsey Clark, Nov. 28, 1978, VII HSCA-MLK Hearings, 140.)

interviews also failed to indicate a contact between the Bureau and any individual who was also in contact with Ray from the time of his escape to the assassination.

Based on this investigation, the committee found no evidence that Ray had contact either at Missouri State Penitentiary or during the fugitive period with any FBI agent or active FBI informant. In the absence of known contact between Ray and the FBI, either through an agent or an informant, the committee found no evidence that Ray acted with the FBI, either knowingly or unwittingly, in the assassination.⁸

(e) FBI surveillance files in the National Archives

From the beginning of the committee's investigation, James Earl Ray had suggested that his innocence or the FBI's role in the assassination of Dr. King might be revealed by an examination of FBI documents and tape recordings that are sealed and stored in the National Archives as a result of a court order in *Lee v. Kelley*.⁹ (38) In its effort to seek information from every possible source, the committee sought access to these materials. (39) Permission was obtained from the court for the committee to have access to the files deposited in the Archives. (40) The access sought and obtained was the minimum necessary to ascertain the relevancy of the material to the work of the committee. Every effort was made to minimize the invasion of the privacy associated with the review.

A review was conducted in the latter part of December 1978 of an inventory of the materials, approximately 845 pages in length. Each entry in the inventory included the serial number of the document, the date it was written, the name of the individual who originated it, and the person to whom it was directed. In addition, a separate portion of the inventory cataloged the tapes that were produced during the various electronic surveillances that were conducted on Dr. King, written transcripts of some of those tapes, and handwritten logs and notes made by the agents who supervised the surveillance.

While the entire inventory was examined, the portion relating to the actual tapes and transcriptions of the tapes was of particular interest. The committee's review determined that the earliest item in this category in the inventory was dated February 18 through 20, 1964. The latest entry was dated May 16, 1966. This information was compared with an internal FBI memorandum dated April 18, 1968, from Charles D. Brennan to William C. Sullivan. (41) The purpose of the memorandum was to identify all of the microphone and wiretap installations that had been employed by the Bureau during the course of its security investigations of Dr. King and the SCLC. (42) While the memorandum indicated that the last electronic surveillance of Dr. King terminated on November 30, 1965, as opposed to the May 16,

⁸ The committee frankly acknowledged that contact between Ray and the Bureau could have been made indirectly through several intermediaries. Nevertheless, since there was no reasonable way to investigate this theoretical possibility (absent a concrete lead), no investigation was undertaken to explore it.

⁹ An action filed in 1977 by Bernard Lee, a former member of the executive board of SCLC, named as defendants Clarence Kelley, who had been Director of the FBI, and other former FBI officials. In the suit, Lee sought to recover damages for alleged violations by the FBI of his civil rights through the use of illegal electronic surveillance in the 1960's.

1966, termination date¹⁰ contained in the inventory, neither document indicated that electronic surveillance was directed at Dr. King after mid-1966. The committee's file review uncovered a memorandum, apparently issued for record purposes, from Atlanta Special Agent in Charge Joseph Ponder, dated June 23, 1966. (43) It recounted a June 21, 1966, order from headquarters to remove an existing technical surveillance on SCLC headquarters. This would indicate that the technical surveillance of King through the SCLC tap continued at least until June 21, 1966, in Atlanta. These dates are consistent with information given to the Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities by the Bureau on July 21, 1975, in response to a request concerning electronic surveillance of Dr. King from January 1, 1960, until April 5, 1968. (44)

The discrepancies existing between these various dates were not considered significant by the committee. Former Attorney General Ramsey Clark testified that, during the tenure, authorizations for electronic surveillance by the Bureau were severely curtailed. (45) The committee's investigation revealed that during 1968 the Bureau tried unsuccessfully to have Clark authorize electronic surveillance of SCLC and Dr. King. (46) The committee's investigation uncovered no evidence that the Bureau ever disregarded the Attorney General's refusal to authorize the requested surveillance. Given their distance in time from the assassination, it is extremely improbable, moreover, that the actual tapes, transcripts, and other materials underlying these intercepts would have information pertaining to the assassination. Because of the invasion of privacy that a review of the raw materials would have entailed, the committee decided it was not necessary to undertake one. It would have been ironic indeed, if a committee, out of a concern for what happened to Dr. King, unnecessarily invaded his privacy.

2. MEMPHIS POLICE DEPARTMENT

In its investigation of possible official complicity in the assassination, the committee considered allegations suggesting that the Memphis Police Department facilitated Dr. King's murder.¹¹ For example, there had been wide dissemination of a theory that a Black detective was removed from his post at a fire station adjacent to the Lorraine Motel so that he would not interfere with the assassination. (47)

To resolve questions concerning the possible complicity of the MPD, the committee conducted extensive interviews with Memphis police officials, officials of the Southern Christian Leadership Conference and citizen witnesses; it also took sworn testimony in depositions and hearings. Further, the committee reviewed the pertinent files of the MPD, the FBI, and the Department of Justice.

With regard to possible MPD complicity in the assassination, four main issues were explored:

Why was an MPD security detail assigned to Dr. King withdrawn on April 3, 1968?

¹⁰ The May 16, 1966, date was established when the committee discovered a reference to a surveillance log for that date. Surveillance logs are normally created to provide an index for an ongoing tap.

¹¹ As director of fire and safety in Memphis in 1968, Frank C. Holloman was responsible for the performance of the Memphis Police Department. Because of Holloman's extensive background with the FBI, the actions of the Memphis Police Department had been viewed by some as additional evidence of FBI complicity in the assassination.

Why was Detective Edward Redditt removed from his observation post at a fire station next to the Lorraine on April 4, 1968?

Why were two Black firemen transferred from the same fire station shortly before the assassination?

Were the alleged deficiencies in the postassassination conduct of the MPD intentionally designed to facilitate the escape of the assassin?

(a) *Withdrawal of the security detail*

On April 3, 1968, at approximately 10:30 a.m., Dr. King arrived at the airport in Memphis where he was met by a four-man security detail ordered by Chief of Detectives W. P. Huston and led by Inspector Don H. Smith (since retired).⁽⁴⁸⁾ The purpose of the detail was to provide physical protection for Dr. King, and it was apparently provided at the initiative of the Memphis Police Department because of the violence that had occurred during Dr. King's visit to Memphis the previous week. It did not appear to the committee that Dr. King or members of his party requested that the MPD provide security.⁽⁴⁹⁾

At the airport, the security detail asked members of Dr. King's party what their schedule was to be during their stay in Memphis. Rev. James Lawson, a Memphis minister who had been instrumental in getting Dr. King to come to Memphis on March 28, responded that they had not made up their minds; Inspector Smith testified that he inferred from Lawson's response that a security detail would not be welcome.⁽⁵¹⁾ Mrs. Tarlese Matthews, a member of Dr. King's party, specifically told the police that a security detail had not been requested. Inspector Smith said he perceived that the detail was not welcome.⁽⁵²⁾ Detective Edward Redditt, who was at the airport, was also told that Dr. King's party did not want protection.

The security detail followed Dr. King from the airport to the Lorraine Motel, arriving at approximately 11:20 a.m. At the request of Inspector Smith, another security unit, composed of an inspector and two additional Memphis police officers, arrived at the Lorraine to assist.⁽⁵³⁾ Shortly after noon, the detail followed Dr. King to the Centenary Methodist Church, where it secured the front and rear entrances.⁽⁵⁴⁾ As they were returning to the Lorraine at approximately 2:15 p.m.,⁽⁵⁵⁾ Dr. King's party took side routes and avoided the main streets, giving Inspector Smith the impression, he testified, that Dr. King's party was trying to lose the detail.⁽⁵⁶⁾

Inspector Smith further testified that his belief that Dr. King and his party did not want the detail was reinforced by their refusal to tell police officers where they were going or how long they were to remain at a given stop, and the security detail just had to "tag along."⁽⁵⁷⁾ At approximately 5 p.m., Smith telephoned Chief of Detectives Huston and requested permission to remove the detail due to this apparent lack of cooperation.⁽⁵⁸⁾ According to Smith, Huston had a quick conference with "someone" while Smith held the phone, and he then granted the request.⁽⁵⁹⁾

According to Henry Lux, who subsequently became police chief and who had since retired, Huston's conference was with Police Chief

⁴⁸ The committee tried to determine if Dr. King was provided protection by the MPD on earlier trips to Memphis but it could not resolve the question.⁽⁵⁰⁾ The committee decided, however, that this did not fundamentally affect its assessment of the removal of the detail on Apr. 3, 1968.

James MacDonald, now also retired. Lux stated that Huston told MacDonald that Smith's request was based on the failure of the King party to cooperate with the security detail.(60) While Lux told the committee that Huston authorized Smith to secure the detail after receiving permission from MacDonald.(61) MacDonald stated he had no recollection of Huston's decision to remove the detail or of his requesting permission to do so.(62)

Having obtained permission from Huston, Smith testified, he withdrew the detail shortly after 5 p.m. No attempt was made to inform anyone in Dr. King's party that it was being pulled back.(63)

Regardless of the attitude of Dr. King and of members of his party toward the security detail, the committee believed that in light of Dr. King's prominence, the violence that attended the March 28 demonstration, the tension in Memphis and the numerous threats that had been made on Dr. King's life, it was highly improper for the security detail to have been withdrawn. The committee also believed it improper for members of Dr. King's party not to have been informed of the withdrawal of the detail. The committee noted that Frank Holloman, director of fire and safety in Memphis at the time, maintaining he had not been informed of these decisions,¹³ concurred in 1978 that they were wrong.(64)

The security detail was removed over 24 hours prior to Dr. King's assassination. All the evidence the committee obtained indicated that the detail was removed because of an evident sense of exasperation at what was perceived to be an uncooperative attitude on behalf of Dr. King's party. Its removal was not, the committee found, a part of a conspiracy to strip Dr. King of his protection in order to facilitate the assassination.

(b) The removal of Detective Redditt

In conjunction with its assessment of the withdrawal of Inspector Smith's security detail, the committee investigated the allegation that Detective Edward Redditt, who had been assigned to a security detail near the Lorraine, was removed two hours prior to the assassination. The fact of Detective Redditt's April 4 removal from his post at the firehouse across from the Lorraine Motel was uncontested. The nature of the assignment that Redditt had on April 3 and 4, 1968—whether it was security or surveillance—was central to an assessment of the significance of his removal. Redditt and his partner, Patrolman W. B. Richmond, met Dr. King at the airport on April 3, 1968,(65) on orders from Inspector Graydon Tines, who was in charge of the Inspectional Bureau.(66) Redditt claimed that he was ordered to go to the airport and report to a detail headed by Inspector Smith that was to provide security for Dr. King.(67) At the airport, Redditt said, he was threatened by Mrs. Tarlese Matthews, a young Black woman who had met Dr. King's party.(68) He also testified that a member of Dr. King's party told him security was not wanted.(69)

Redditt said that he and Richmond followed Dr. King to the Lorraine. Upon arriving at the Lorraine, he saw Smith talk to members of Dr. King's party and then proceed to make a phone call. After

¹³ The committee noted that retired Chief of Police Henry Lux stated that Holloman was not consulted when the decision to withdraw the detail was transmitted by Huston to Smith.

the phone call, he said Smith moved the men back to the sidewalk away from the patio area.(70) Redditt testified Smith made another phone call and then ordered the security detail withdrawn.(71) Redditt testified that he spoke with Smith and then decided by himself to "set up security" in the firehouse.(72)

The committee observed that Redditt's claim to have been assigned to security for Dr. King at the airport was not supported by the facts. In fact, Redditt's role was that of surveillance and not security. Inspector Tines, who ordered Redditt to the airport, was in charge of the Inspectional Bureau in 1968, of which the Intelligence Section was part. He testified in executive session that he ordered Redditt and Richmond to go to the airport for surveillance purposes, "* * * just to find out who was coming in and who all was around the airport."(73) The surveillance at the airport, as well as for the remainder of Dr. King's stay in Memphis, was ordered, "* * * not only because Dr. King was a controversial public figure, but also because he had been meeting with local Black militants while in Memphis on prior visits."(74)

Patrolman Richmond, Redditt's partner, stated he understood his assignment to be surveillance and that no one ever told him they were part of a security detail.(75) Inspector Smith also testified that neither Redditt nor Richmond had been assigned to the security detail on April 3, and he would have been aware of it if they had been.(76) Redditt conceded that he did not even speak to Inspector Smith at the airport or beforehand.(77)

Finally, Redditt's account of the events after he arrived at the Lorraine was clearly in error. Smith's security detail was not, as Redditt claimed, removed right after King arrived at the Lorraine. As previously described, Dr. King's party arrived at the Lorraine at approximately 11:30 a.m. Smith's security detail stayed with the party during its trip to Centenary Church, and it was not removed until approximately 5 p.m. Redditt apparently did have Dr. King under surveillance during this period, and his own report to Tines, dated April 4, 1968, was entitled "Surveillance of MLK, Jr., and related activities."(78) It appeared, in fact, that Redditt may have set up at the firehouse shortly after King arrived at the Lorraine. A memorandum prepared for Assistant Chief W. E. Routt by Tines noted that Redditt was on "surveillance" at the firehouse while Smith's detail was on "security" for King and that that was one reason Redditt's reports, while they corroborated Smith's, contained more detail about who came and went from the area.(79)

The committee noted that when questioned about why he would be chosen to be on a security detail, Redditt first claimed he believed he was chosen because he had provided security for Dr. King in the past.(80) He later admitted he had never previously provided security for Dr. King.(81)

The committee did not believe Redditt's representation that on April 3, 1968, he was assigned to the airport as part of a security detail for Dr. King, headed by Inspector Smith,(82) and remained in that capacity until the withdrawal of Smith's security detail. The committee found that Redditt's sole function was to observe Dr. King from the moment of his arrival at the airport.

The nature of Redditt's activities while he was at the firehouse was then explored by the committee. This was considered more significant than his activities at the airport on April 3, since Redditt concededly would have been at the firehouse on April 4, 1968, at the time of the assassination, had he not been removed some 2 hours earlier. After Smith's security detail was withdrawn, Redditt first testified he set up a kind of "security surveillance" at the firehouse. He characterized it as "still giving security in some way, form, or fashion." (83)

During his testimony, the committee explored with Redditt his characterization of his job at the firehouse as "security." The committee noted that both Inspector Tines (84) and his partner, Richmond, (85) characterized Redditt's job at the firehouse as one of surveillance. Further, the committee observed, Redditt did not physically accompany Dr. King to and from the Clayborn Temple on the evening of April 3, after he set up his post at the firehouse, as he would have done had he been providing physical protection or security for Dr. King. (86) In addition, Redditt admitted to the committee that the firehouse was at least 180 feet away from Dr. King's room, and he was in no position to provide physical protection for Dr. King. (87) His actions at the firehouse, such as the covering of most of the windows with newspaper so that he could see out without being noticed from the street, (88) further demonstrated to the committee that he was surveilling, not providing security for Dr. King. Finally, the committee showed him his own statement given April 10, 1968, in which he stated his assignment on April 3 and 4, 1968, was "* * * to keep Dr. Martin Luther King under surveillance and observation while he was in the city." (89)

When confronted with the evidence that his job on the day of the assassination was to surveil Dr. King, and not to provide security, Redditt conceded that this was correct. Finally, Redditt admitted it would be "absolutely false" to characterize his function as one of security on the day of the assassination. (90)

The committee observed that Redditt previously had appeared on television with various authors. (91) granted interviews to the BBC, and actively participated in the public forum, knowingly allowing the nature of his job on the day of the assassination to be misrepresented and exploited by advocates of conspiracy theories. The committee believed that Redditt's participation in such activities was reprehensible. In a committee hearing, Redditt retracted statements made to the BBC and others that he had provided security for Dr. King on the day of the assassination. (92) Redditt also formally apologized to the committee if statements he had made might have caused people to misinterpret the nature of his assignment on the day of the assassination. (93)

Despite the clear evidence that Redditt's function was surveillance and not security, the committee explored the reason for Redditt's removal from the firehouse 2 hours prior to the assassination, since it had been alleged that Redditt had a plan that he had shared with Richmond in case of trouble on the scene (94) and that Redditt's removal facilitated the escape of the assassin.

Redditt first stated he had a contingency plan in case of trouble near the Lorraine. The plan was to have Richmond remain looking out the

window, while he would go to Main Street.(95) Redditt stated he communicated this plan to Richmond and his superiors.(96) During the hearing, the committee informed Redditt that his partner, Richmond, had stated that Redditt never communicated a plan to him.(97) Similarly, Redditt was informed that Inspector Tines had testified he had no knowledge of a contingency plan formulated by Redditt.(98)

Redditt then equivocated and acknowledged that he was "almost sure" he had devised a plan because "you usually in your own mind think of ways to protect yourself."(99) He first stated that he perhaps only discussed it with Richmond, and not his superiors.(100) He then conceded that there was no defined plan he had communicated to anyone and that the formulation of any plan was only in his mind.(101) He eventually admitted that he did not have even a definitive plan in his own mind.(102)

The committee found that Redditt did not communicate a plan relating to what he would do in the event of trouble to anyone. Indeed, he did not have a concrete plan formulated in his own mind. Thus, his removal obviously could not have been an intentional attempt to facilitate the escape of the assassin. The committee believed, as Redditt ultimately testified, that allegations that he was removed to facilitate the assassination were without substance.(103)

The committee concluded that Redditt was removed from his surveillance post 2 hours prior to the assassination primarily because his superiors perceived a threat on his life. Their perception and evaluation of the threat was apparently reinforced by previous threats that had been made against Redditt.

On March 8, 1968, Redditt wrote a memorandum to Tines relating a threat made to him by people sympathetic to the sanitation strike. The memo noted that he was warned not to attend a meeting because people planned to harm him and strike sympathizers saw him as "the type of Negro that was not needed."(104) Other threats were made directly to Redditt on April 3 and 4,(105) although it was unclear if these were brought to the attention of Redditt's supervisors by the time they had ordered his removal.

There was conflicting evidence as to the specific source of the threat that prompted the meeting that resulted in Redditt's removal. Tines testified that on April 4, Lt. E. H. Arkin told him that Philip Manuel, an investigator for the Permanent Subcommittee on Investigations of the U.S. Senate, had received information that someone was en route to Memphis to kill a police lieutenant.(106) Arkin, however, believed he was called into the office by Tines and told of the threat.(107) Tines believed he then discussed this with Chief McDonald and Fire and Safety Director Holloman.(108) Holloman testified he could not remember who first told him of the threat on Redditt's life.(109) Arkin was sent to get Redditt and bring him back to headquarters.(110)

As to who was present in the meeting at headquarters when Redditt was brought back, the testimony was conflicting. McDonald only remembered Holloman, Redditt, and himself being there.(111) Tines recalled that Manuel and he were also present.(112) Holloman remembered that an agent of the Secret Service was there,(113) and Redditt recalled that Holloman introduced a person at the meeting as a representative of the Secret Service.(114)

Redditt was informed at the meeting that there was a contract on his life, that he was being relieved from duty at the firehouse (115) and that he and his family were to be placed under police protection. (116)

Holloman testified he believed the threat might have been passed to the Memphis police by the Secret Service. (117) A check by the committee with the Secret Service, however, revealed no contact with the Memphis Police Department that might have resulted in Redditt's being relieved of his post. (118) Holloman testified he was not informed of the substance of an internal MPD memorandum dated April 4, 1968, and titled "Information concerning assassination plot of possibly Det. Redditt." (119) The memorandum referred to Philip Manuel as transmitting information concerning a possible plot to kill a Negro lieutenant in Memphis. Holloman did not recall if he was aware of this threat when he made the decision to relieve Redditt, though he did not believe it was the basis for his decision. (120) Tines (121) and Arkin, (122) however, recalled that the threat relayed by Manuel was the basis for the decision to relieve Redditt.

When interviewed by the committee, Manuel stated he had no independent recollection of the Redditt affair, but he did remember receiving a call from his office in Washington informing him that a confidential source had stated a Black Tennessee policeman's life was in danger. He knew from reading files that Redditt's life had previously been threatened, and he therefore believed the threat was directed to Redditt. He so informed the Memphis Police Department. The committee deposed Manuel's confidential source who stated that he personally told Manuel over the phone of the threat, but he also informed him that the target was a police sergeant in Knoxville. The source further said he did not leave messages in Washington, that he telephoned information only to Manuel direct. (124)

The committee believed, on the basis of Manuel's testimony, as well as that of Arkin and Tines, that Manuel believed the threat to be directed at Redditt and that some officials of the MPD believed this also, as confirmed in the April 4, 1968, memorandum from Tines to McDonald. (125) The committee, therefore, concluded that this threat was the one that resulted in the meeting where the decision to transfer Redditt was made.

The committee questioned Tines and Holloman about an internal MPD memorandum (126) from Arkin to Tines that indicated Arkin had received information at 4:15 p.m. on April 4, 1968, that the threat Manuel had passed along was directed at a Black sergeant in Knoxville and not, as had first been reported, a Black lieutenant in Memphis. The memorandum stated the information had been incorrectly transmitted from Washington. Tines maintained, (127) as did Holloman, (128) that they did not receive this information prior to the decision to remove Redditt. It appeared that this information was being received by Arkin as Holloman was holding his meeting with Redditt.

Redditt himself, in a statement he gave on April 10, 1968, at police headquarters, stated Tines relieved him because of a threatening phone call Redditt received at the firehouse on the afternoon of April 4, 1968, another threat Redditt had received at the airport on Dr. King's arrival, and the report from the Justice Department in-

dicating his life was in danger. (129) It seems likely that Redditt would have discussed the other threats on his life in the meeting with Holloman concerning Redditt's removal from duty because of a specific threat.¹⁴

The committee believed that Redditt was removed because his superior perceived real danger to his safety. In addition, Richmond was not removed; he remained at the firehouse surveillance post. The committee found that Redditt's removal was not part of any plot to facilitate the assassination of Dr. King.

(c) *The transfer of two Black firemen*

Two Black firemen, Floyd Newsum and Norvell E. Wallace, were transferred on April 3, 1968, from the firehouse where Redditt and Richmond were conducting a surveillance. It has been charged that their transfers were part of a conspiracy to facilitate the assassination and the assassin's escape. (130)

Newsum stated that in April 1968, he was working the B shift at fire station No. 2 of the Memphis Fire Department and was assigned to a truck company that required a minimum of five men. B shift did not work the 24-hour period from 7 a.m., April 3, to 7 a.m., April 4, but it was scheduled to work the following 24-hour period. Consequently, Newsum would have been at the firehouse at the time of the assassination. (131)

According to Newsum, sometime on the night of April 3, while he was at the Mason Temple rally where Dr. King spoke, a message was left with his daughter for him to call the fire station. When he did at about 11:30 p.m., he was told to report the following morning to company 31 in Frazier (North Memphis), not to fire station No. 2.¹⁵ (132)

The transfer appeared to be uncalled for, since the company to which he was detailed already had the minimum number of men to operate, (133) while his regular company would be left one man short. Thus, Newsum's transfer meant that another man would have to be transferred to his former company. Newsum stated that he subsequently placed a telephone call to another member of his regular company and learned that such a transfer had in fact been made. (134) An examination of Memphis Fire Department records supported Newsum with respect to his characterization of personnel transfers and personnel levels of the companies involved. (135)

On April 3, 1968, Wallace was working the A shift at fire station No. 2, where he was assigned to a pumper company that required a minimum force of five. (136) A shift had begun work at 7 a.m., April 3, and was to be relieved at 7 a.m., April 4. At approximately 10 p.m. on April 3, Wallace recalled, he was detailed to pumper company 33 at the Memphis Airport, where he was an extra man. (137)

Evidence obtained by the committee demonstrated that the transfers of Newsum and Wallace were prompted by a request from Redditt. Times testified that Redditt or Arkin informed him there was "a fireman or firemen" at the firehouse who Redditt believed would hinder

¹⁴ This likelihood was supported by Police Chief McDonald's memory that Redditt's transfer was the cumulative result of all the prior threats on his life.

¹⁵ See MLK exhibit F-19 (crime scene diagram), I HSCA-MLK hearings, 77.

the functioning of the surveillance post and that he was asked "if there was some way they could be moved." (138) Tines then called either Chief Hamilton or Williams of the fire department and requested they be transferred. (139)

Tines' testimony is corroborated by a memorandum he received from Redditt. Dated April 4, 1968, it referred to Newsum as being very sympathetic with the sanitation strike and possibly the cause of the threats he had received. (140) When confronted by the committee with the memorandum, Redditt acknowledged that his request could have been the reason the firemen were transferred. (141)

In an interview with the committee, Newsum acknowledged he had been very sympathetic with the strike, that his support for it was well known, and that he had in fact passed information to persons affiliated with the strike. (142) He conceded that his reporting of information may have had something to do with his transfer, (143) since such activity on his behalf would have jeopardized the surveillance post.

While Wallace did not have a history of specific activities that would account for his transfer, it appeared that his transfer was prompted by Redditt's request to Tines. Wallace's and Newsum's supervisor, James O. Barnett, recalled that the transfers were made because someone in the police department was uncomfortable with Black firemen sympathetic to the strike in the vicinity of the surveillance post. (144)

The committee found that the transfers of Newsum and Wallace were made at the request of the Memphis Police Department out of a concern for the security of the surveillance post. Redditt himself was the person who initiated the request. The committee found that the transfers in no way facilitated the assassination or the escape of the assassin. The firemen obviously had no protective or surveillance responsibilities. Allegations that the transfers were part of a conspiracy to assassinate Dr. King were determined to be groundless.¹⁶

(d) The postassassination performance of the Memphis police

The committee also investigated the possibility that the postassassination conduct of the Memphis Police Department was indicative of an official effort to facilitate the escape of the assassin. When Dr. King was shot at approximately 6 p.m. on April 4, 1968, there were from 53 to 66 law enforcement officers within a mile of the Lorraine Motel. (145) Included in this force were six "tact" or tactical units, each consisting of three or four vehicles. The purpose of the tact units was to respond to any disorder or emergency.¹⁷ (146) One of the units

¹⁶ Many of the allegations of conspiracy the committee investigated were first raised by Mark Lane, the attorney who represented James Earl Ray at the committee's public hearings. As has been noted, the facts were often at variance with Lane's assertions. For example, Coy Dean Cowden did not see James Earl Ray at a service station at the time of the assassination (section II A 6 a). Further, Grace Walden was not hospitalized to prevent her from testifying and presenting exculpatory information on behalf of Ray (section II A 6 c); and the FBI did not lure Dr. King to the Lorraine Motel for the purpose of setting him up for assassination (section II D 1). Finally, the committee found that Detective Edward Redditt was not relieved of his post to strip Dr. King of security, and Firemen Newsum and Wallace were not transferred to assure the escape of an assassin.

In many instances, the committee found that Lane was willing to advocate conspiracy theories publicly without having checked the factual basis for them. In other instances, Lane proclaimed conspiracy based on little more than inference and innuendo. Lane's conduct resulted in public misperception about the assassination of Dr. King and must be condemned.

¹⁷ The tact units had been patrolling the streets immediately surrounding the Lorraine until, in response to a request from someone in Dr. King's party, they were ordered to pull back so as not to be visible from the Lorraine. (See MLK exhibit F-193, affidavit of William O. Crumby, IV, HSCA-MLK hearings, 279.)

(tact 10) was on a rest break at fire station 2 within 100 yards of the Lorraine Motel. (147)

Aside from the 12 officers in tact 10, there were two other officers in the immediate vicinity of the motel—Patrolman Richmond, in his observation post at fire station 2 and Marrell McCullough, an undercover officer who was in the Lorraine parking lot. (148)

Despite the presence of so many law enforcement officers, James Earl Ray was able to assassinate Dr. King, gather his belongings and successfully flee the scene without being observed by a single policeman. Ray's ability to avoid detection has led to speculation that there may have been official complicity in the assassination by Memphis officials. This suspicion has even been voiced by members of the Memphis Police Department. (149)

Consequently, the committee closely scrutinized the actions of key law enforcement personnel following the shooting. The committee sought to determine: (1) what actually occurred following Dr. King's assassination; (2) whether this conduct constituted irregular or sub-standard performance on the part of the local law enforcement personnel; and (3) if this conduct indicated official complicity in the murder of Dr. King.

Ray was able to escape the scene without detection for two main reasons: All of the officers rushed toward the Lorraine immediately after the shot, leaving South Main Street unsecured; and there was, in fact, no contingency plan for units in case of trouble near the Lorraine. Right after Dr. King was shot, McCullough, who was standing in the parking lot of the Lorraine, ran to Dr. King's side in an effort to render aid. (150) Simultaneously, Richmond ran from his observation post to a telephone several feet away and placed a call to the intelligence section at police headquarters to inform them of the assassination. (151)

Eleven members of tact 10 had been on a rest break at the fire station for several minutes, (152) while one member had remained in the lead patrol vehicle to monitor the radio. (153) Upon realizing Dr. King was shot, the 11 men in the firehouse hurriedly exited the building and started to rush toward the Lorraine. Most dropped over a 10-foot retaining wall at the rear of the fire station in their rush toward the Lorraine. (154) Some of them then went to the balcony, while others continued north and then west back to South Main Street. (155) The commander of the unit remained at the edge of the retaining wall for a few moments, from which he saw most of the men running to the Lorraine. He then returned to South Main Street where he moved northward toward the roominghouse. (156) The other patrolman who had not gone over the wall also remained at its edge for a few moments. He then went to the lead patrol vehicle to radio news of the assassination. (157)

The lead patrol vehicle was parked adjacent to the firehouse. Upon realizing something had happened, the member of the unit who had stayed in the vehicle ran a short distance along the side of the firehouse. He then returned to the vehicle and radioed news of the shooting to the police dispatcher. (158) After he was joined by the member of the unit who had returned to the car, they pulled out and turned south on Main Street to get to the Lorraine. (159)

The focus of attention of all members of the Memphis Police Department was on the Lorraine. During this time, Ray apparently exited the roominghouse on South Main, moved southward, dropped his bundle into the inset doorway of Canipe's Amusement Co., entered his white Mustang parked just south of Canipe's and sped northward on South Main. It seemed likely that Ray dropped the bundle with its incriminating evidence because he either observed the members of tact 10 departing the firehouse to rush to the Lorraine, or else because he spotted the lead tact 10 vehicle parked on the north side of the firehouse and protruding on the sidewalk.

Ray's departure in the Mustang apparently preceded the arrival on South Main of two officers from tact 10 by only a matter of seconds. The two approached the roominghouse on South Main from opposite directions after having first concentrated their attention on the Lorraine. (160)

The failure of the units patrolling the general vicinity to have a contingency plan in case of trouble near the Lorraine also contributed to Ray's ability to escape. The assassination took place at approximately 6:01 p.m. Although members of the Memphis Police Department were aware of the event almost immediately, it was not until approximately 6:03 p.m., after receiving confirmation, that the dispatcher transmitted its occurrence over the air. (161) Immediately thereafter, patrol cars and units in the general vicinity began moving toward the immediate area of the Lorraine. This activity, however, duplicated the individual actions of both the undercover policeman and the members of tact 10. Further, it was not until 6:06 p.m., almost 5 minutes after the assassination, that the dispatcher ordered the two-block area around the Lorraine and the roominghouse sealed off. (162) By this time, Ray had almost certainly left the vicinity of the Lorraine and was headed out of Memphis.

Other questions about the performance of the Memphis Police Department have been raised. They pertained to the extent of the MPD fugitive search, the failure of the MPD to issue an all points bulletin for the white Mustang, and its failure to establish roadblocks on the major arteries leading out of Memphis.

At 6:07 p.m., the dispatcher was advised by a member of tact 10 that the murder weapon had been recovered in front of 424 South Main Street and that the suspect had run south on South Main. (163) At 6:08 p.m., the description of the suspect was broadcast as a young, well-dressed white male, and at 6:10 p.m., the description of the suspected getaway car as a late model white Mustang was broadcast. (164)

Memphis Police Department records reflecting the actions of the general ward cars and tact units with respect to the extent of the fugitive search conducted immediately following the assassination do not exist. The committee, however, was able to reconstruct a broad outline of these actions through an examination of the April 4, 1968, MPD radiotapes and a series of interviews with individuals involved.

The transcript of the April 4, 1968, Memphis Police Department radio transmissions immediately following the assassination reflected that the general ward cars halted at least three white Mustangs, (165) though it was impossible for the committee to ascertain the actual number of such vehicles halted. (166) Nevertheless, field interviews

conducted by the committee revealed that none of the city's tact units engaged in a fugitive search following the assassination. (167) This meant that an approximate total of from 49 to 110 patrol vehicles and from 186 to 440 Memphis law enforcement officers never responded to the 6:10 p.m. broadcast of the white Mustang. According to Memphis Police Department officials, the reason for the failure of the tact units to engage in the search was that their primary concern was with the rioting, firebombing and looting that occurred throughout the city following news of the assassination. (168) This was corroborated in interviews with various members of miscellaneous tact units. (169)

The committee's investigation further revealed that, contrary to established Memphis Police Department procedures, roadblocks were not established on major arteries leaving Memphis, and an all points bulletin (APB) for a white Mustang was never broadcast to the surrounding jurisdictions, including Arkansas, Mississippi, and Alabama. (170) The committee's investigation revealed that, in all probability Ray was already two to three blocks away from the rooming-house making his escape in the white Mustang by the time the news of the assassination was broadcast at 6:03 p.m. By 6:06 p.m., when the two-block area around the crime scene had been sealed off, Ray could have been in Arkansas. By 6:10 p.m., when the description of the white Mustang was broadcast, Ray could have been halfway to the Mississippi State line.

These time estimates are significant only if Ray did in fact drive to either Arkansas or Mississippi. Based on Ray's testimony to the committee, (171) corroborated in part by the fact that he did abandon the Mustang in Atlanta, Ga., the following morning, it is probable that Ray did drive to the Mississippi State line following the assassination. The route through Mississippi would have been the quickest to Atlanta. The failure of the dispatcher to alert the neighboring States, therefore, may have substantially facilitated Ray's flight from the scene of the assassination.

According to the MPD officer who was in charge of communications at the time of the assassination, it was his negligence that resulted in no APB broadcast and no roadblocks on major arteries. (172) The officer stated that the loop lights had been switched to red to permit the passage through town of emergency vehicles, and emergency radio silence had been maintained following news of the assassination. He stated, however, that a signal Y, calling for an APB and roadblocks, was never broadcast due to the immense volume of traffic and confusion in the aftermath of the assassination. Further, it was not his normal practice to issue an APB to Mississippi because of "a past history of noncooperation from that State."

The committee found the performance of the Memphis Police Department deficient following the assassination in a number of respects. The absence of a contingency plan to seal off the area around the Lorraine immediately was inexcusable, especially in light of the violence that had occurred during Dr. King's appearance in Memphis on March 28. Since the MPD was aware of numerous threats to Dr. King, it had good reason to expect trouble in the vicinity of the Lorraine, as the number of tactical units assigned to the area indicated. It would have only been logical, in the view of the committee, to have developed

a contingency plan for the use of these tactical units. Similarly, the failure to issue an all points bulletin or to block egress routes from the city was indefensible. Nevertheless, the committee found no evidence that the substandard performance of the Memphis police in the aftermath of the assassination was part of a conspiracy to facilitate the assassination of Dr. King or the escape from Memphis of James Earl Ray. The committee found, instead, that these defects resulted from inadequate supervision, lack of foresight and individual negligence. They did not constitute complicity in the assassination.

3. MISSOURI STATE PENITENTIARY

The committee also examined James Earl Ray's escape from the Missouri State Penitentiary, which occurred on April 23, 1967.(175) The possibility of the involvement of prison authorities in the escape had been raised by critics, based on two separate sets of circumstances: (1) The release, shortly after Ray's escape, of a fugitive-wanted poster with incorrect fingerprints; (2) the apparent need for Ray to have secured inside assistance.

The committee sought information from a variety of sources. First, it undertook a complete review of existing prison records, including visitor cards,(176) financial records.(177) and the report of the prison's official investigation into the escape.(178) Second, extensive field interviews were held with key prison officials and former inmate or criminal associates of Ray.(179) Finally, sworn testimony was taken from members of the assassin's immediate family, as well as from Ray himself.¹⁸

Following the escape, prison officials issued a wanted poster to hundreds of law enforcement agencies throughout the country that had Ray's photograph and physical description on it. The fingerprints on the poster were, however, those of another escaped prisoner,(180) leading to speculation that government authorities had sought to thwart Ray's apprehension and thus facilitate the assassination.

The committee was informed by Harry F. Lauf, the records officer at the prison, that the erroneous poster had been printed by inmates at Moberly Training Center for Men, a medium security institution at Moberly, Mo.(181) When the poster was ready for distribution, Lauf did not check the prints against the original fingerprint card that had been sent to Moberly.(182) The mistake was apparently inadvertent, the result of deadline pressure on Lauf.

The committee then learned that after the mistake was uncovered, immediate instructions were issued to destroy the old posters. By the early summer of 1967, corrected posters had been printed and distributed.(183) Finally, after Ray was positively identified as a suspect in the assassination, an oral report about the incident was made by Lauf to Fred T. Wilkerson, director of the Missouri Department of Corrections.(184)

The evidence before the committee indicated, therefore, that the release of erroneous posters was the result of a regrettable but innocent

¹⁸ While there were indications that John Ray may have assisted his brother in the escape (sec. II B), the committee limited this phase of its investigation to the question of official complicity.

oversight by prison officials and that efforts made after discovery of the error to rectify it minimized its effect. These considerations, together with the fact that this incident occurred a full year before the assassination, led the committee to find that the mistaken posters were not part of a conspiracy to assassinate Dr. King.

The method of Ray's escape from the Missouri State Penitentiary was not so easily resolved. Following his arrest in London in June 1968, Ray gave an account of the escape to his attorneys and others that he later admitted was false.¹⁹ It was not until his eighth interview with the committee at Brushy Mountain Penitentiary that he detailed an escape plan that involved concealment in a breadbox while being transported beyond prison walls by the innocent driver of a delivery truck en route to a nearby prison farm.(185) Ray claimed to have planned the escape alone, though he indicated he received assistance from two inmates whom he refused to identify.²⁰ (186)

The breadbox story conformed to conclusions reached by prison officials after their original investigation,(187) and it was more or less corroborated by committee interviews with prison inmates.(188) Nevertheless, the committee was unable to learn the identity of the inmates who assisted Ray. Specific inmates who worked with Ray in the kitchen were suggested both by informants during the original investigation(189) and by individuals interviewed by the committee.(190) One inmate, Frank Guinan, actually admitted in an unsworn committee interview that he covered Ray with bread, pushed the breadbox to the loading dock and, with the assistance of one other inmate whom he refused to identify, loaded the box on the truck.(191) Guinan, however, later retracted his admission,(192) and Ray has denied knowing him.(193) With the exception of a statement by an inmate(194) whose reliability was challenged by several sources,(195) Guinan's original admission was uncorroborated. The committee, therefore, was reluctant to reach a conclusion on such tenuous evidence. It merely found that Ray escaped from Missouri State Penitentiary in a breadbox with inmate assistance.

The committee also investigated a number of events at the prison that aided Ray in his escape. For example, as a result of an earlier escape attempt when he hid within the prison, officials were still searching for Ray inside the walls three days after his break.(196) Records indicated that law enforcement agencies were alerted to a "possible escape" after Ray was missed at a 5 p.m. prisoner count on April 23, 1967.(197) Nevertheless, Lt. William R. Turner, the yard officer at the time, told the committee that an inmate informant told him at approximately 9 that morning that Ray had just escaped, possibly in a breadbox.(198) Turner said he immediately told his supervisor and alerted the two prison farms that would receive a breadbox.

Despite some immediate inquiries about the bread deliveries, prison authorities did not learn of the crushed condition of the bread that

¹⁹ Ray told William Bradford Huie, author of "He Slew the Dreamer," that he escaped without assistance from other inmates by scaling the prison wall. (See XII HSCA-MLK hearings, 106-09.)

²⁰ Prison officials speculated to the committee that the breadbox escape plan was actually formulated by another inmate who had been placed in solitary confinement before he got an opportunity to carry it out. It was further speculated that Ray knew of the plan and decided to try it out while the other inmate was in solitary.

arrived at Renz Prison Farm until 10 days later, when the manner of Ray's escape was finally determined. (199)

Although it was unable to resolve every inconsistency in the various statements, the committee found that negligence on the part of prison officials, not conspiracy, was an appropriate explanation for Ray's escape.²¹ The committee did not find any evidence of official complicity in Ray's escape or in the assassination.

²¹ The committee noted that as a result of Ray's escape, some prison employees were disciplined for failure to perform their duties properly, although none were dismissed.