

B. THE COMMITTEE BELIEVES, ON THE BASIS OF THE CIRCUMSTANTIAL EVIDENCE AVAILABLE TO IT, THAT THERE IS A LIKELIHOOD THAT JAMES EARL RAY ASSASSINATED DR. MARTIN LUTHER KING, JR., AS A RESULT OF A CONSPIRACY

As noted, the committee concluded that James Earl Ray was the assassin of Dr. King. Other aspects of the assassination remained to be examined. What was Ray's motive? Was he assisted in any way? Was there a conspiracy involved in Dr. King's death?

Several facts conditioned the thinking of law enforcement officials and the American public since the day of the assassination: Dr. King was an important leader of the civil rights movement; he was shot down in a southern city by a single shot from a high-powered rifle in the midst of a series of turbulent civil rights demonstrations; only one assailant was seen fleeing the scene. To most, there would seem to be reason to believe, therefore, that a lone assassin, acting out of racial animosity, committed the assassination.

1. THE FBI INVESTIGATION

Indeed, as the FBI's investigation in 1968 progressed after that tragic day in April, the theory that Ray was a lone, racially motivated assassin gained plausibility. With the identification of Ray as the probable assassin, an extensive background investigation began. Missouri State Penitentiary inmates provided evidence indicating his distaste for association with Black inmates. Further evidence of racial incidents was developed in California and Mexico that reflected both a volatile temper and a deep-seated racial prejudice. Finally, in early interviews with the FBI, members of Ray's family—and particularly his brothers—exhibited strong strains of racism. Although he held open the possibility of conspiracy, FBI Director J. Edgar Hoover's views had become clear by June 20, when he wrote a memorandum summarizing a discussion with Attorney General Ramsey Clark:

I said I think Ray is a racist and detested Negroes and Martin Luther King and there is indication that prior to the Memphis situation, he had information about King speaking in other towns and then picked out Memphis. (1)

This view of the assassination is reflected in the work of some prominent authors who have written on the subject. (2) In addition, committee interviews with FBI and Justice Department officials involved in the original investigation indicated a general consensus that Ray was a loner who was motivated in the assassination primarily by racial hatred. Finally, while a 1977 Justice Department Task Force proposed varying interpretations of Ray's ultimate motivation; (3)¹ it, too, agreed that he acted alone in the assassination.

¹The task force report, while noting in Ray "a strong racist attitude toward Blacks," concluded that his motive was a combination of "apparent hatred for the civil rights movement; his possible yearning for recognition, and a desire for a potential quick profit."

The committee recognized that despite the results of earlier investigations, a respectable body of public opinion supported the theory that the King assassination was the product of a conspiracy. In addition, the committee was faced with a variety of well-publicized conspiracy allegations, most based on speculation and not founded on fact, and many of them inconsistent with one another.

2. THE COMMITTEE INVESTIGATION

The committee approached the issue of conspiracy with a range of investigative techniques. Where applicable, the committee relied on the skills of scientific experts,⁽⁴⁾ retaining panels in the fields of forensic pathology, firearms, fingerprint analysis, handwriting analysis and polygraphy; it also contracted with an engineering firm for a survey of the assassination scene. Finally, the committee undertook an extensive program of file reviews, field interviews, depositions and hearings. Where necessary, immunity grants were employed to compel the testimony of witnesses who claimed their privilege against self-incrimination.

(a) *Transactional analysis*

A major undertaking in the field investigation was an examination of Ray's known transactions during the 14 months from his escape from the Missouri State Penitentiary in April 1967 to his arrest in London in June 1968. The committee closely examined each transaction for any indication that might lead to a finding of conspiracy on April 4, 1968. The committee traced every step of Ray's travels after his escape—to suburban Chicago, where he worked as a dishwasher; to the area of St. Louis, Mo., home of his brother, John Larry Ray; to Montreal and to a resort in the Laurentian Mountains, where he vacationed; to Birmingham, Ala., where he purchased an automobile; to Mexico and to Los Angeles, where he lived for 4 months until March 1968, except for a brief trip to New Orleans in December; and finally on his circuitous trip eastward, in mid-March 1968, a trip that ended with the assassination in Memphis and Ray's flight to Europe via Canada.

(b) *Ray's associates examined*

The committee conducted a similar examination of Ray's known or alleged associates, concentrating on those with whom he was actually or reportedly in contact during the 14-month period. They included members of his family, especially his two brothers, John and Jerry; the mysterious Raoul, Ray's alleged criminal associate; Charles and Rita Stein and Marie Martin, Ray's acquaintances in California; and several individuals alleged to have been associated with Ray.

In addition to closely examining Ray and his associates in an effort to find indications of conspiracy, the committee considered a variety of conspiracy leads to see if any could be independently established as valid or connected to Ray. The committee also investigated a variety of extremist organizations, including the Ku Klux Klan and the Minutemen, to determine if they were involved in the assassination or linked to Ray. Finally, the committee examined more than 20 specific conspiracy theories or allegations. Some were significant and

received close attention; the committee looked at others, however, that could be, and were, discredited by a routine check of facts.

By and large, the committee's investigation of suspect organizations and its exhaustive check of the specific theories and miscellaneous allegations produced negative results. In many cases these results were, in light of the mutually exclusive character of the allegations, predictable. The committee was satisfied, however, that its effort was not wasted, for it provided a sound evidentiary basis for settling a variety of long-lingering questions and eliminating deep concerns.²

3. INVESTIGATION OF RAY'S MOTIVE

Motive is, of course, an integral element of any murder. Its significance is readily apparent in an examination of criminal trials, where the absence of convincing evidence of motive will often lead to an acquittal. Such evidence is not, at least legally, a necessary element of the prosecutor's proof. Nevertheless, many juries are simply unwilling to convict a defendant for such a crime without first receiving a satisfactory explanation to the question, "Why?".

In addition, the question of motive is intertwined in the issue of conspiracy. Several different, yet complementary, motives, if established, could be consistent with a single assassin theory. If, for example, Ray were found to possess a strain of virulent racism, a lone assassin theory would be viable. Similarly, if it was established that Ray were driven by a psychological need for recognition in the criminal community, his involvement in a notorious crime such as the assassination, without the help or urging of others, would likewise be understandable. Nevertheless, to the extent that a theory tied to Ray's racism or some other motive did not provide a satisfactory rationale, other explanations had to be sought. And with each additional explanation, its consistency with a lone assassin theory had to be tested anew.

In its examination of the question of motive, the committee was aware that its ability ultimately to resolve this issue was necessarily limited. Ray consistently denied his involvement in Dr. King's murder. The committee, therefore, did not have access to the most probative evidence—Ray's own explanation for his conduct. In the absence of a confession, the committee was forced to rely on the testimony of others and on an analysis of Ray's conduct. This evidence was valuable, but it was unsatisfactory for the purpose of understanding the complexities of Ray's psyche, which might lead to firm conclusions on the issue of motive.

(a) *Ray's racial attitudes examined*

The committee's investigation of Ray's racial attitudes was extensive, in keeping with the significance of the issue. Ray, several family members, and a large number of Ray's associates were questioned on the subject. An effort was also made to explore the significance of certain alleged incidents in his past that have been identified as showing strong racial animosity.

² A discussion of the committee's investigation of private organizations and of miscellaneous conspiracy allegations appears in section II C of this report. The committee's discussion of possible official complicity appears in section II D of this report.

It had been reported, for example, that while at Missouri State Penitentiary, Ray exhibited extreme hatred for Black prisoners and for Martin Luther King as well. (5) To verify this allegation, the committee reviewed some 70 FBI inmate interviews, compiling a smaller list of inmates who had worked with Ray, celled near or with him, or who professed knowledge of his personal life and habits. The committee then interviewed approximately 30 prison associates of Ray. (6) While some recalled that Ray had demonstrated anti-Black feelings, the majority said he was not a racist. On balance, therefore, the committee viewed the inmate testimony as essentially inconclusive. It could not be relied on as proof that Ray harbored the kind of deep-seated, racial animosity that might, on its own, trigger the assassination of Dr. King.

The committee also closely examined the facts surrounding two incidents with alleged racial overtones that occurred within a year before the assassination. They occurred in Canada and Mexico. William Bradford Huie, author of "He Slew the Dreamer," had written that a female companion of Ray in Canada in the summer of 1967 told him that Ray spoke disparagingly of Blacks during a dinner conversation. According to Huie, she said:

I can't remember how the subject came up. But he said something like, "You got to live near niggers to know 'em." He meant that he had no patience with the racial views of people like me who don't "know niggers" and that all people who "know niggers" hate them. (7)

Despite the assistance of the Canadian authorities, the woman, a Canadian citizen living in Canada in 1978, declined to be interviewed, so the committee was able only to review the files of the Royal Canadian Mounted Police (RCMP), which were attained by committee subpoena from local authorities. During her RCMP interview, the woman said Ray never indicated any hatred of Blacks and never mentioned Dr. King in her presence. Once more, therefore, the committee's evidence tended to pull in opposite directions.

The second incident that had been cited to show Ray's racism occurred when he was in Puerto Vallarta, Mexico, in October 1967. Manuela Aguirre Medrano who, using the professional name of Irma Morales, worked at a brothel named the Casa Susana, allegedly told in 1968 of an incident involving Ray, or "Galt," as he was calling himself at the time. Galt reportedly arrived at the Casa Susana about 9 p.m. on a Sunday. He and Morales drank together. At a nearby table, there was a group that included four Blacks, sailors who worked on a private yacht. Morales said Galt became angered at the Blacks, one or more of whom were laughing noisily. He told Morales he hated Blacks, and he went over to their table and insulted one of them. Then, he went to his car, returned and stopped to berate the Blacks again. When he got back to his own table, he asked Morales to feel his pocket. She noted he was carrying a pistol. Galt said he intended to kill the Blacks. When one of them came over to Galt's table to try to make peace, Galt muttered another insult. When the Blacks left, Galt appeared to want to go after them, but Morales told him it was about time for the police to pay a 10 p.m. visit. Galt said he wanted nothing to do with the

police.(8) This incident had since been reported in the writings of popular authors(9) and was often cited as support for the proposition that Ray harbored racial hatred toward Blacks.

When investigated by the committee, the evidence was contradictory. With the assistance of the Mexican authorities, the committee reinterviewed Morales in Puerto Vallarta.(10) Her recollection of her association with Ray and of her period of employment at the Casa Susana seemed clear and exact; further, her memory on many subjects was corroborated by other evidence and testimony taken by the committee. Yet her description of the alleged incident varied significantly from the published reports.

Morales explained that she and "Galt" had been seated in the club when a Black sailor from a nearby table of both Black and white sailors touched her as he was attempting to maneuver past them. She recalled thinking that the sailor was drunk, causing him to stumble as he passed her. He reached out and touched her, she explained, in an effort to break his fall. Morales added that the sailor was escorted out by another sailor and that Galt did become angry. Nevertheless, it was her opinion that Galt's anger was prompted by the sailor touching her, and not because of his race. She said further that Ray never mentioned his feelings about Blacks to her. Indeed, she said that conversation had been quite limited because of the language barrier.

The committee found that Morales was a reliable witness on this point, who was certain of her recollections of the Casa Susana incident. It would appear, therefore, that the racial overtones of this incident were seriously distorted, both in the original reports and in subsequent popularized versions of the event.(11)

While two of the most widely circulated stories of Ray's racism did not withstand careful scrutiny, the committee noted that a number of Ray's reported actions or statements did tend to manifest racist attitudes. In sworn testimony before the committee, Alexander Anthony Eist, a former member of Scotland Yard who had extensive contact with Ray during the first hours of his confinement in London, as well as during trips between prison and the extradition hearings, recalled specific examples of anti-Black sentiments expressed by Ray.(12) ³ In addition, Ray's interests in emigration to the white supremacist nations of Rhodesia and South Africa, while probably just an effort to reach a country where English was spoken and where there might be sympathy for the assassination, could also be evidence of Ray's support of the general notion of white supremacy.(13)

The committee saw a need to scrutinize closely the evidence bearing on Ray's racial attitudes. In light of the contradictory evidence, the committee was unwilling to conclude that deepseated hatred of Blacks

³ The committee conducted an investigation of Eist's background in an attempt to establish his reliability as a witness. It learned that in 1976, Eist had been charged with conspiracy to commit corruption and conspiracy to prevent the course of justice. In 1978, however, Eist was found not guilty on all counts in a directed verdict. (See MLK Exhibit F-136, certificate of acquittal, IV HSCA-MLK Hearings, 28.) The committee further learned that Eist had given his account of conversations with Ray to three other persons previously, a London newspaper reporter in 1968 (see MLK Exhibit F-131, Owen Summers' statement, Nov. 2, 1978, IV HSCA-MLK Hearings, 46) and an American serviceman and his wife in 1977. (See MLK Exhibits F-132, 133, statements of David and Connie Meurinas, Nov. 2, 1978, IV HSCA-MLK Hearings, 49, 52.) The committee also noted that Eist was honorably retired with full pension from Scotland Yard. (See MLK Exhibit F-137, certificate of retirement, IV HSCA-MLK Hearings, 12.) The committee determined that Eist had testified in good faith and to the best of his recollection.

was the sole or even the primary motivating factor in Ray's decision to murder Dr. King. While the committee was satisfied that Ray's lack of sympathy toward Blacks and the civil rights movement permitted him to undertake the assassination, it was equally convinced that the murder did not stem from racism alone.

(b) Ego gratification as a motive

The committee also examined the possibility that Ray assassinated Dr. King in an effort to gain recognition and gratification of his ego.⁴ This psychological motive had chiefly been promoted by Huie in his book, "He Slew the Dreamer." (15) Huie supported this theory, in part, through an examination of Ray's activities in California in early 1968, prior to the assassination. He noted Ray's inability to secure legitimate employment; Ray's dancing lessons, indicative of a "fantasy" of "doing the rumba in some South American country from which he could never be extradited;" (16) and his consultation of "no fewer than eight different psychiatrists, hypnotists, and scientologists, trying to find relief from his depressions and feelings of inadequacy." (17) Huie concluded:

Ray didn't want to remain a nobody among prisoners all his life. Ray wanted to make the "Top Ten" * * * Ray wanted to see his own face in full color on his favorite TV show. Ray thought that attention and recognition would relieve his feelings of inadequacy and make him feel like somebody. (18)

That the psychological motive could not be summarily dismissed was also evidenced by the testimony of Eist. Eist told the committee that during discussions with Ray pending his extradition, he had been able to establish a rapport with Ray and that Ray had expressed a feeling of pride for his act. In particular, Eist recalled Ray's interest in the publicity he would receive in the news media:

* * * He was continually asking me how could he hit the headlines in the newspapers, and he kept wanting news of publicity.

* * * In fact, he said to me, when I told him it hadn't really made too much of an impact in the British press, that is, as far as he was concerned, he was telling me, you haven't seen anything yet. I will be in the headlines one of these days. He was quite proud of the fact that he was going to make the headlines. (19)

The committee also interviewed a former inmate associate of Ray, George Ben Edmondson, who characterized Ray as a man in need of substantial egotistical fulfillment and who recalled speculation among

⁴The committee carefully considered assembling a panel of psychiatrists to explore why Ray murdered Dr. King, and in particular the theory that he did so out of a need for ego gratification. A list of prominent candidates was compiled, and interviews were conducted with the doctors. (14) A clear majority raised objections to the proposed project: the main objection was the probability that Ray would refuse to cooperate. They also noted the current controversy over the validity of psychiatric examinations that are not based on extensive analysis of the subject himself. Based on this advice, as well as other considerations, the committee decided to forego the idea of a psychiatric panel.

Missouri State Penitentiary inmates that Ray killed Dr. King to gain a measure of self-importance. (20)

Taken as a whole, however, the evidence that Ray was motivated in the assassination by a pressing need for recognition was not substantial. Many of Ray's activities in Los Angeles, including his purchase of dance lessons, his enrollment in bartending school, and his employment of a professional psychiatrist and a hypnotist, may have merely manifested an effort to attain self-confidence. Similarly, the committee noted that there was an ego-satisfying dimension to Ray's purchase of a late-model sports car and his reported practice of regularly paying for drinks in a Los Angeles nightclub with \$20 bills. (21) To argue that Ray killed Dr. King to become somebody, however, necessarily must assume that Ray expected to be identified. The credible evidence did not support that possibility. While it has been argued that Ray dropped the bundle of evidence outside Canipe's Amusement Co. to insure his identification as the assassin, the committee rejected this theory. Investigation at the crime scene revealed that at the time of the assassination, at least 13 members of the Memphis Police Department were at a fire station south of Bessie Brewer's roominghouse on South Main Street. (22) Further, an official police car parked in the fire station parking lot protruded onto the sidewalk on the east side of South Main Street and would have been clearly visible to Ray as he fled south from the roominghouse. The committee believed that Ray threw the bundle of evidence down in a moment of panic, probably triggered by his seeing police activity or the police vehicle.⁵

In addition, Ray used two new aliases during the period immediately preceding the assassination and went to a Los Angeles plastic surgeon. Both acts reflect a concerted effort to avoid identification as the assassin. The committee was, therefore, unwilling to conclude that Ray's participation in the assassination resulted solely from a need for recognition and ego-fulfillment.

(c) The prospect of financial reward

Having found in neither race nor psychology adequate motivation for the assassination, the committee considered a third possibility: financial reward. The committee found substantial evidence that Ray might have been lured by the prospect of money.

Once more, however, the evidence was not uncontroverted. First, while Ray had a background of financially motivated crime, none of it involved physical violence. (23) From his military discharge in 1948 to the King assassination 20 years later, Ray had spent 14 years in prison. In 1949, he had been convicted of burglary in California and sentenced to 8 months. Returning to the Midwest after serving that term, he was arrested for robbery in 1952 and served 2 years. Shortly after his release, he was, in 1955, convicted for forging an endorsement on a money order and sentenced to 3 years at Leavenworth Federal Penitentiary. In 1959, he was arrested in the armed robbery of a St. Louis grocery store and was sentenced to 20 years at the Missouri State Penitentiary under the State's habitual offender law. He was serving

⁵ During a taped interview with the committee, Eist recalled Ray admitting that he threw the gun away after seeing police activity. (III, MLK-HSCA hearings, 274.)

this term when he escaped from MSP, just short of a year before the assassination.

Apart from Ray's criminal record, there was the question of Ray's general character. Here the committee found significant the opinions of Ray's brothers, John and Jerry, both given at the time Ray was named in the King assassination and in hearings before the committee.

In an interview with the St. Louis Post-Dispatch (24) the day following his brother's 1968 arrest, John Ray speculated on the possible motive:

If my brother did kill King he did it for a lot of money—he never did anything if it wasn't for money—and those who paid him wouldn't want him sitting in a courtroom telling everything he knows.

In the committee's public hearings in November 1978, John Ray was asked if his statement was accurately recorded. He responded, "I expect so." (25)

Similar indications of Ray's willingness to commit crimes, and possibly the assassination, for money were voiced by Ray's second brother, Jerry Ray, around the time of the assassination. In a conversation with an acquaintance, Jerry's general response to a question concerning his brother's involvement in the assassination was:

This is his business. I didn't ask him. If I was in his position and had 18 years to serve and someone offered me a lot of money to kill someone I didn't like anyhow and get me out of the country, I'd do it. (26)

In other conversations with the same individual, (27) Jerry stated that his brother had been paid a substantial sum for the assassination.⁶

Jerry Ray was questioned during public hearings concerning these statements. While denying his brother's knowing involvement in a conspiracy, his comments were illuminating to the search for Ray's motive:

It might have been true. I can't remember exactly what I said, but I have told other people. I said if he done it there had to be a lot of money involved because he wouldn't do it for hatred or just because he didn't like somebody, because that is not his line of work. (28)

In a subsequent portion of his testimony, Jerry Ray described his initial feelings concerning the assassination:

* * * before I knew anything about the murder, you know, before it happened, my kind of opinion was that he was involved some way; I didn't know if he was unknowingly involved or knowingly involved, but I knew there had to be a lot of money involved in it before he would get involved in anything like that. (29)

As in the earlier mentioned possibilities concerning motive, the evidence before the committee was not without contradictions. Ray's par-

⁶ In committee testimony, Jerry Ray denied knowledge of a payoff in the assassination. Moreover, it is unclear whether his statements to the female acquaintance reflected his perception of the truth, speculation, or outright fabrication. The committee believed, however, that the statements were made as reported.

ticipation in a London bank robbery shortly before his arrest (30) and his impecunious condition at the time of his arrest were strong indications that if the assassination were financially motivated, he did not receive a payoff. Further, despite a major effort by the committee, no evidence of a payoff was uncovered. The committee noted, however, that contrary to popular impression, contract killings are not generally paid for in advance. Ray's failure to receive payment may have resulted from his panicky, unplanned flight abroad following the assassination. It is also possible that his coconspirators welsed on their payment to him.

Even though it could find no evidence of a payoff, the committee was convinced by Ray's lifetime pattern of crime for profit and by testimony about his general character that one explanation for the assassination probably lay in Ray's expectation of financial reward.⁷

(d) Conclusion on motive

In conclusion, the committee's investigation of Ray's motive revealed that while Ray's general lack of sympathy for Blacks or the civil rights movement would have allowed him to commit the assassination without qualms, his act did not stem from racism alone. The committee was convinced that while Ray's decision to assassinate Dr. King may have reflected a desire to participate in an important crime, his predominant motive lay in an expectation of monetary gain. This conclusion necessarily raised the possibility of conspiracy.⁸

4. GENERAL INDICATIONS OF CONSPIRACY

In its investigation of Ray's transactions and associates over the 14 months subsequent to his escape from Missouri State Penitentiary, the committee looked for associates during this period who had not previously been connected to Ray; activities or transactions with these associates of a criminal nature or that might indicate complicity in the assassination itself; and activities and transactions with known associates that had not been previously known or fully understood and that might have led to the assassination.

As a fugitive, Ray was on the move in 1967-68; he lived in second-rate motels and cheap roominghouses. During much of the period, he was observed to be a man alone, a man without friends or lasting associates. In Mexico, his companions were prostitutes and bartenders.(31) In California, he was a regular visitor at the Sultan Room of the St. Francis Hotel, but he was normally alone unless conversing with employees of the bar.(32) While some of Ray's activities, such as his enrollment in dancing and bartending school in Los Angeles, brought him into regular contact with others, a close investigation of these activities revealed that significant friendships or associations never developed.(33) A large portion of the committee's evidence, therefore, provided no signs of association or of criminal involvement

⁷ The committee considered and rejected the possibility that Ray's expectations of financial gain lay with the possibility of royalties, film rights and other forms of payment for his story. This theory would necessarily assume a plan to be identified after the crime, a theory that the committee had previously rejected.

⁸ A detailed examination of several additional incidents examined by the committee during its motive investigation is included in a staff report entitled Dr. Martin Luther King, Jr. Supplemental Studies Pertaining to the Motive of James Earl Ray. XIII Appendix to the HSCA-MLK Hearings, p. 241.

with individuals beyond the innocent relationships identified in previous investigations of the assassination.

(a) *Transactions as evidence of associations*

Despite this general picture of a lonely, uninvolved individual, the committee's investigation of three separate transactions provided definite evidence of association—in some instances criminal—with other individuals. They were Ray's activities in California on behalf of the American Independent Party: his brief, but possibly sinister, trip to New Orleans in December 1967; and his purchase of the murder weapon in Birmingham, Ala., at the end of March 1968. Much of the evidence of these transactions did not suggest a direct link to the assassination. It did convince the committee, however, that the generally accepted image of Ray wandering aimlessly around the country until he reached a lonely decision to assassinate Dr. King was not a complete picture.

Ray's rather abrupt involvement with recruiting activity on behalf of the American Independent Party in California, while not criminal in nature, strongly suggested association with others.⁹ Ray's life to this point had been, from all known indicators, apolitical. He was not a "joiner" or a "grassroots" volunteer. In addition, as a convicted felon and escaped convict, he could not expect to vote or to achieve a paid position in the California AIP. His recruitment of three individuals (34) to register in support of Governor Wallace of Alabama and the AIP, therefore, stood in stark contrast to a prior life of political inactivity. Further, Charles Stein, one of the three individuals recruited by Ray, recalled that Ray appeared familiar with the AIP headquarters, as well as with the registering procedures, (35) thus suggesting additional campaign activity not disclosed during the investigation. Standing alone, Ray's AIP activity raised the definite possibility of association with individuals unidentified during earlier investigations.

Of similar interest was the evidence on Ray's abrupt trip to New Orleans in December 1967. Ray's partner on the trip was California resident Charles Stein.¹⁰ Stein was going to New Orleans to pick up his sister's children. The purpose of Ray's trip could not be determined, although the committee found it likely that Ray met secretly with another associate in New Orleans. The secretive nature of that meeting was significant, if not sinister. Stein was certain when he testified before the committee in executive session (37) that Ray had his own reason for the cross-country drive. He recalled that Ray told him about a place where he was to meet an associate or associates, and he said that once or twice en route to New Orleans, Ray stopped to make a telephone call. Stein speculated that in one of the calls, Ray

⁹ In identifying the association of James Earl Ray with the American Independent Party and the Presidential campaign of George Wallace, the committee did not mean to imply that either the party or Wallace had any relation to the events in Memphis. As in all large movements or any nationwide campaign, not everyone in the movement or the campaign can be held responsible for the acts of all those in some way associated with it.

¹⁰ The committee devoted a significant portion of its investigative resources to Stein. It was ultimately satisfied that his association with Ray was unrelated to the assassination, for four reasons: (1) pronounced personality differences between Ray and Stein; (2) evidence that they met only a day before the New Orleans trip; (3) Stein's emphatic and sworn denials of criminal involvement with Ray; and (4) extensive questioning of friends and relatives of Stein in New Orleans and Los Angeles. (36)

informed an associate of his arrival time. Further, Stein recounted how Ray told him, after they had been in New Orleans for part of a day, that he had seen Stein walking in the French Quarter with his son. Ray explained he had been drinking in a Canal Street bar at the time, and Stein figured Ray had been with someone or else he would have called to him.

Stein also testified that Ray was ready to return to California the day after they arrived in New Orleans. His testimony and the willingness of Ray, an escaped prisoner, to drive several thousand miles, risking a random vehicle check, were additional reliable indications that Ray's purpose in going to New Orleans was to attend one brief but important meeting. (38)¹¹

The committee discovered sound indications that Ray was not alone, or at least not without someone to consult, when he purchased the murder weapon in Birmingham on March 29-30, 1968. First, the fact that he bought one rifle on the 29th, then exchanged it for another—the murder weapon—on the 30th, indicated the possibility of advice from an associate. In addition, Donald Wood, Jr., the clerk at Aeromarine Supply Co. where the rifle purchase and exchange took place, told the committee that while Ray was unaccompanied in his visits to the store, Ray said he had been advised by someone that the first rifle, a .243 caliber Remington, was not the one he wanted. (41) In an FBI interview days after the assassination, Wood recalled that Ray said he had been talking to his brother. (42) Ray told the committee he got his advice on the rifle purchase from Raoul. (43) The committee's investigation, however, provided no concrete evidence of the existence of a Raoul.¹² The committee concluded that the circumstances surrounding the rifle purchase constituted significant signs of unwitting aid, if not knowing complicity, in the assassination itself.¹³

A final indication of criminal association between Ray and others in the period before and after the assassination arose from an analysis of Ray's spending patterns. (44) The committee estimated that Ray spent approximately \$9,000 during his 14 months of freedom. That figure included \$1,800 for lodging, \$900 for food and drink, \$400 for gasoline and \$5,700 for miscellaneous purchases—his cars, dance lessons, airline tickets, camera equipment, clothing, the rifle and so on. Except for 6 weeks as a dishwasher in a restaurant outside Chicago, for which he earned \$664.34, Ray was unemployed over the 14 months. The committee concluded that the most likely source of his funding was criminal activity. In light of Ray's record of criminal ventures in combination with others, the committee felt that this criminal activity provided an additional indication of possible involvement with others.

¹¹ The committee also received the sworn testimony of a New Orleans friend of Stein's, Anthony Charles De Carvalho, who stated that he brought Ray to the Provincial Motel for a meeting with an unidentified individual on the day of Ray's arrival in New Orleans. (39) Despite the committee's general feeling that De Carvalho was an honest and sincere witness, there were serious problems with his testimony. First, on several points his account was inconsistent with Stein's. Second, De Carvalho's statements concerning a Provincial Motel meeting in New Orleans did not appear in the reports of his FBI interviews conducted immediately following the assassination. (40) In the absence of independent corroboration of a Provincial Motel meeting, the committee decided to discount De Carvalho's testimony.

¹² See section II A of this report for discussion of Ray's "Raoul" story.

¹³ The committee's investigation of the rifle purchase is more thoroughly detailed in sec. II A 3.

Ray's explanation, which the committee rejected, was that he received a total of \$7,750 from Raoul for two smuggling ventures at the Canadian and Mexican borders and for being available for future crimes, including the gunrunning operation which, Ray claimed, was the reason he went to Memphis.

Thus, the committee's analysis of Ray's AIP recruiting in California, his abrupt trip to New Orleans in December 1967, the Birmingham rifle purchase shortly before the assassination, and his spending habits provided ample evidence, not only of associates, but of criminal associations during the 14-month fugitive period. What had to be determined, therefore, was whether these associations could be linked to the assassination of Dr. King.

5. THE BROTHERS, JOHN AND JERRY RAY

The committee viewed the likelihood of a financial motive in the assassination as one general indication of conspiracy. The finding, however, brought the committee no closer to identifying Ray's accomplice(s). Similarly, while several of Ray's activities suggested his preassassination involvement with others, there was no immediate evidence of their identity. The committee's investigation, therefore, necessarily focused on the assassin's known associates, including his brothers, Gerald William Ray and John Larry Ray.

The committee's decision to direct its attention to the brothers reflected a variety of considerations. Both had criminal backgrounds that included financially motivated crime.⁽⁴⁵⁾ In addition, the committee was struck by the substantial evidence turned up in the original investigation of Ray's contacts with one or another of the brothers throughout the preassassination period. In fact, the 1977 Justice Task Force criticized the FBI's original investigation for failing to investigate adequately the brothers' possible involvement with Ray both before and after the assassination.⁽⁴⁶⁾ Finally, on the assumption that there was a conspiracy, Ray's persistent refusals to identify his co-conspirators in the years following the assassination would be most easily understood if his evidence implicated family members.¹⁴

Jerry Ray was born July 16, 1935, in Bowling Green, Mo., the fourth of nine Ray children and the third son. His criminal record shows convictions for grand larceny in 1954 and armed robbery in 1956, for which he served prison terms. His parole on the robbery conviction was to become final in August 1958, but he held up a gas station before it did, and he was returned to Menard State Penitentiary in Chester, Ill., where he served an additional 2 years.⁽⁴⁸⁾ Following his release from Menard in 1960, he worked at odd jobs in St. Louis and Chicago. In September 1964, he was hired as a night maintenance man at the Sportsman Country Club in Northbrook, Ill., a job he held until the summer of 1968.⁽⁴⁹⁾

John Ray was born February 14, 1933, in Alton, Ill. His criminal record shows a conviction in 1953 for motor vehicle theft, for which

¹⁴ In 1970, Ray refused to provide information to a Federal grand jury on the subject of conspiracy. While the terms of the proposed agreement with the Justice Department were unclear, Ray's attorney understood that this assistance might be rewarded by release from imprisonment and a new identity. Ray's stated reasons for not cooperating, according to his attorney, were that he felt he did not have enough information to satisfy the Justice Department; he only had enough to get himself killed.⁽⁴⁷⁾

he was sentenced to 5 to 10 years at Menard. (50) During the years following his release from the penitentiary in February 1960, he worked as a bartender, as an employee of the Greyhound bus depot in Chicago, and as a greenskeeper at the White Pine Golf Course near Chicago. (51) In 1964 and 1965, he worked for brief periods in Florida and in the Catskill Mountains of New York. He then traveled to New York City, where he collected unemployment, and to the Chicago area, where he worked at various country clubs before his return to St. Louis in October 1966. (52) John had no formal employment in 1967, although he testified that he "believes" he was a painter then. (53) In January of 1968, he and his sister, Carol Pepper, opened and operated the Grapevine Tavern at 1982 Arsenal Street in St. Louis. (54)

(a) *Evidence of Ray's contact with his bothers, 1967-68*

Since their first FBI interviews shortly after the assassination, Jerry and John Ray attempted to minimize the extent of their contact with their brother during the 14-month period from his prison escape to his arrest in London. On April 19, 1968, (55) Jerry told the FBI he had last seen James in 1964, but over the years he conceded this statement was false. Both Jerry (56) and James (57) told the committee of at least three meetings following James' escape from Missouri State Penitentiary. Two occurred while James was working at the Indian Trails Restaurant in Winnetka, Ill., from May 3 to June 24, 1967; the third came in August 1967 when James passed through Chicago on his way from Montreal to Birmingham and gave Jerry his 1962 Plymouth.

Jerry Ray's testimony before the committee reflected at least "two or three" telephone conversations, the last coming during James' December trip to New Orleans:

The last time I talked to him was about four months, approximately four months before King got killed, and I thought he was calling from Texas; but later he told me it was New Mexico. * * * [T]he call was under 3 minutes and just a friendly talk, you know, asking how my old man was and asking about Carol and John and everybody because I was the only contact he had with the whole family. (58)

When he was interviewed by the FBI in April 1968, John Ray said he had last seen James "2 to 4 years ago" during a visit to Missouri State Penitentiary and that prior to that, he had not seen his brother for some fifteen years. (59) Unlike Jerry, John persistently adhered to his original claim. In fact, in testimony before the committee, he insisted, as he had before, that he had been totally unaware of his brother's escape from Missouri State Penitentiary until James was named on April 19, 1968, as the suspected assassin of Dr. King. (60) James also denied to the committee that he was in contact with John following his prison escape. (61)

Despite the testimony of the Ray brothers, the committee was convinced that there was substantially more contact among them than they were willing to concede. First, the evidence indicated that the Ray brothers were close. Several Missouri State Penitentiary inmates interviewed by the committee, when asked about James' closest associates,

could only recall that he often mentioned a brother. Some of them remembered that he referred to his brother as a resident of St. Louis. (62) The committee also interviewed inmate associates of Jerry and John. One who had known them both, Harvey Lohmeyer, confirmed that the Ray family was close. (63)¹⁵

The best evidence of the close relationship between the Ray brothers came from John Ray himself, who was quoted in a June 9, 1968, article in the St. Louis Post-Dispatch: (64)

John Ray said that he and another brother, Jerry, 32, Chicago, were the closest to James Ray * * * in the family. "James would do anything for us, and we for him. But he wasn't particularly sociable with strangers," said Ray.

In his appearance before the committee, John Ray was asked about the quote in the Post-Dispatch article:

Congressman FITHIAN. Then could you share the truth with the committee as to whether or not that does reflect your feeling toward your brother in June of 1968?

RAY. I already answered yes to that. (65)

The committee took note of other factors that suggested the likelihood of contacts between Ray and his two brothers. For example, Ray acknowledged he had been in the St. Louis area, where John lived, twice soon after his prison escape. The first visit occurred right after he broke out of prison in late April or early May 1967; (66) the second was on a return trip after he quit his job in Winnetka, Ill. Ray, in fact, told the committee the purpose for the second visit was "to see some of my relatives down there," although he added, "I never did see them." (67) Further, throughout his fugitive period—in locations as varied as Montreal, Los Angeles and Birmingham—Ray talked of recent or intended contact with a brother. Finally, the committee found significance in the fact that James and John—both largely apolitical from all accounts and, as convicted felons, unable to vote—began to campaign actively on behalf of the American Independent Party's "Wallace for President" campaign at almost exactly the same time. James, as noted, worked for the AIP in California, and John was active in St. Louis, Mo., where his Grapevine Tavern served as a distribution point for campaign literature.

The committee recognized that at the time of their initial interviews with authorities, John and Jerry Ray could well have chosen to conceal contact with their brother, even if innocent, in an attempt to protect him and avoid scrutiny during the assassination investigation. Another explanation, however, one that the committee deemed more credible, was that they were concerned with potential criminal liability stemming from contact with their brother.

The committee found that the evidence established that John Ray had foreknowledge of his brother's escape from Missouri State Penitentiary. It was equally apparent that Ray was assisted by both Jerry and John following his escape, making them potentially responsible as accessories after the fact to both James' escape and his interstate flight.

¹⁵ Although James Earl Ray did not know Lohmeyer, he used his name (spelling it Lowmeyer) when he purchased the murder weapon in Birmingham.

Finally, the committee received substantial evidence indicating that James and John were involved in the Alton bank robbery in East Alton, Ill., on July 13, 1967. It was also shown that Jerry Ray was aware of their participation in this robbery and helped to distribute the proceeds of the crime to James during his fugitive period.¹⁶ The evidence of Jerry Ray's actual involvement in that robbery was, on balance, insubstantial.

(b) *Missouri State Penitentiary escape*¹⁷

James Earl Ray escaped from Missouri State Penitentiary on April 23, 1967, concealed in a box of bread in the back of a delivery truck. An investigation in 1967 concluded that Ray had escaped in a bread box, probably aided by at least one fellow inmate who placed bread on top of him.(68) Nevertheless, Ray asserted for years that he had escaped without assistance by scaling a prison wall.(69) Finally, in an interview with this committee in December 1977, Ray confirmed the accuracy of the official version. He admitted he left the prison in a delivery truck bound for a nearby prison farm and jumped out of the truck as it slowed for an intersection. Ray stated further that, while he planned the escape alone, he was assisted in executing the plan by two inmates. He refused to identify them.(70)

Jerry Ray has, over the years, admitted meeting with James on at least three occasions during the weeks immediately following his escape from Missouri State Penitentiary.(71) On the last occasion, moreover, Jerry shared a room with James for one night in Chicago before putting his brother on a bus to Birmingham.(72) His involvement in facilitating James' interstate flight, therefore, seemed clear. John Ray, on the other hand, consistently maintained that he did not even know of the escape until after the King assassination. The committee's investigation, however, produced substantial evidence to contradict John's assertion.

Certainly the strongest single piece of evidence before the committee indicating John Ray's foreknowledge of his brother's escape plans was found in the Missouri State Penitentiary visitor records.(73) These records indicated nine visits by John during James' incarceration. The last four occurred during the year prior to the escape—on July 10, 1966, November 13, 1966, December 20, 1966, and April 22, 1967. The final visit was of particular interest to the committee since it was made on the day before the escape. Given the relative sophistication of James' escape plans and the need for inside assistance from fellow inmates to cover him with bread and to load the box on the truck, the committee believed that the escape had been planned by the time of John Ray's visit. It seemed reasonable, therefore, to assume that a discussion of the break occurred during their meeting. This assumption was supported, the committee found, by Ray's admitted trip to St. Louis, John's home city, within a week of his escape.(74)

During his testimony before the committee, John Ray was asked about the visits reflected in the prison records. His responses were

¹⁶ Both John and Jerry Ray denied any involvement with James in criminal activity, most notably his escape from prison and the bank robbery in Alton, Ill. In light of the assassination in Memphis on April 4, 1968, these denials might well have represented an effort to avoid admitting an association that eventually matured into murder.

¹⁷ The committee also investigated the Missouri State Penitentiary escape for evidence of official complicity in the assassination. (See Section II D, *infra*.)

inherently incredible, excellent examples of the obstructionist posture John Ray assumed throughout the committee's investigation:

STAFF COUNSEL. I have at this time introduced into the record MLK exhibit F-634, and I ask you whether this record accurately reflects the dates that you visited your brother, James Earl Ray, while he was incarcerated at the Missouri State Prison.

RAY. I could not remember any dates.

Chairman STOKES. Is the answer of the witness the fact that he does not recall those visits?

RAY. No; I do not recall them.

Chairman STOKES. Proceed * * *.

STAFF COUNSEL Mr. Ray, I am particularly concerned with the last visit that is reflected on that record. That is the visit on April 22, 1967. That was the day prior to the escape of your brother from Missouri State Prison.

I ask you at this time, do you have any recollection of visiting your brother James the day preceding his escape from the State prison.

RAY. I do not have no recollection of that.

STAFF COUNSEL. Do you have any reason to offer this committee at this time as to why this record before you would not be accurate?

RAY. I did not say it wasn't accurate. I just said I don't recall visiting that certain day.(75).

John Ray subsequently offered one explanation for the April 22, 1967, entry on the records:

* * * Jerry, my visiting pass, Jerry used it sometimes. I used it sometimes, and a guy named John Gawron, I believe, used it sometimes.(76)

After investigation, the committee rejected this explanation. The committee questioned both James and Jerry Ray about the possibility that someone posing as John visited the prison on April 22, 1967. James indicated in an interview that one of his brothers, and probably John, was the visitor:

John or Jerry, I'm not too positive now which one it was. It was, I believe it was John. I'm not certain.(77)¹⁸

Jerry Ray, when questioned on the same matter, did not recall using another's pass, and he denied emphatically visiting James the day prior to his escape:

RAY. I positively didn't visit him. That is a positive.

STAFF COUNSEL. Do you know if your brother John visited him on that day?

RAY. I don't know if John did. I know definitely I didn't.(79)

¹⁸ During the same interview, Ray insisted that he did not tell the brother who visited him of his planned escape, since "that would have been illegal." He continued:

"I can't remember all what I to'd him, but I mean they all knew, both Jerry and John knew, that I was thinking about escaping. So, it wouldn't of been no revelation if I, if I would of mentioned something about escaping. But there was no pre-arranged deal where he would be outside waiting in front of the prison, and I'd jump out and jump in the car." (78)

The committee found other evidence of John Ray's knowledge of, and participation in, Ray's escape and subsequent flight. In a letter to author George McMillan on March 5, 1973, John referred to the account of James' escape by Gerold Frank, the author of "An American Death":

He [Frank] stated that Jimmy walked for days to get to St. Louis from Jefferson City when he escaped, when actually he had a car, and I.D. waiting for him in Jefferson City * * * He also made a phone car [sic] to a certain party in St. Louis to come down, and fix his car. The person who went and help him, also is doing time now in a Federal prison for a charge that I expect is a frameup. (80)

At the time he wrote the letter, John was serving time for a bank robbery conviction that he claimed was an FBI frameup.¹⁹

John allegedly made a similar admission to a longtime criminal associate of the Ray brothers, Walter Rife, who was incarcerated with him in Leavenworth during the early 1970's. In an unsworn interview with the committee, Rife stated that John told him that he had picked James up on a highway near Jefferson City following the escape. (82) The committee, however, found Rife's credibility on other matters highly suspect, and it gave little weight to this evidence.²⁰

Further evidence of John's willing assistance to James' flight was found in the fact that James left the Missouri State Penitentiary with a social security number in the name of John L. Rayns, a number and alias previously used by John Ray. (83) During a committee interview, James described the number as:

* * * one of my brother's old social security numbers, John L. Rayns, I believe it was. I don't recall the social security number. I didn't have the card. I got the number off him. We interchanged these numbers all the time. He used them. I used them. So I used that social security number. (84)

John Ray was questioned on James' possession of his social security number:

Congressman FETHIAN. Now, my question is, did you, prior to James Earl Ray's escape from Missouri State Penitentiary, furnish James either with your social security card or your social security number?

RAY. Well, it is possible. Sometime I might have gave him a number. But it is also possible he might have had the number because he remembered probably that number. I did not give him no social security card. I did not have one. (85)

The evidence before the committee indicated John Ray had foreknowledge of his brother's prison escape. The evidence included: the Missouri State Penitentiary visitor records; the testimony of James that a brother, he believed John, was his visitor; John's letter to author George McMillan; John's alleged admission to Walter Rife;

¹⁹ John Ray told the committee in executive session that he fabricated this admission to McMillan, although he did acknowledge he was referring to himself when he wrote of a "certain party" who had been imprisoned in a "frameup." (81)

²⁰ See textual footnote, Section II-B 5(e).

James' admitted possession of John's old social security number at the time of his escape; and James' trip to the St. Louis area shortly after the escape.

John's own denials—in particular, his claim that he first learned of the escape only when James had been named in the assassination—served to add to the force of the evidence.²¹ The committee found, therefore, that John Ray was involved with his brother James in the escape from Missouri State Penitentiary.

(c) *The Alton bank robbery*

The committee devoted considerable effort to an investigation of Ray's finances following his escape from Missouri State Penitentiary on the theory that Ray's method of financing himself bore on the assassination. Indeed, the committee considered, but ultimately rejected, the theory that his escape and travels were part of a single scheme that culminated in the assassination. The committee also considered a variety of alternative sources of finances: payments from time to time from Raoul, as Ray claimed; from narcotic trafficking at Missouri State Penitentiary and during his flight; and from the robbery of the Bank of Alton, Alton, Ill., on July 13, 1967.²²

As has been noted, the committee, after due deliberation, rejected Ray's Raoul story. Further, the committee found it highly unlikely that Ray left Missouri State Penitentiary with a substantial amount of money. Inmates interviewed by the committee characterized him as a "second-rate hustler" who engaged in bookmaking, narcotics and the smuggling of contraband, but who operated on a relatively small scale.⁽⁸⁶⁾ The committee also found it improbable that Ray would have engaged in the menial labor of dishwashing, had he possessed a significant sum of money at the time of his escape.

The committee received evidence supporting the possibility that Ray trafficked in marihuana during his stays in Mexico and California.²³ In addition to an assertion in Huie's "He Slew the Dreamer" that Ray left Mexico with "his Mustang loaded with marihuana,"⁽⁸⁹⁾ the committee identified witnesses in both Mexico and California who confirmed Ray's interest in, and occasional use of, marihuana.⁽⁹⁰⁾ One California witness, Ronald Dennino, provided sworn testimony indicating Ray's possession, on at least one occasion, of a kilo of marihuana.⁽⁹¹⁾ Nevertheless, Dennino's evidence was hearsay, and when his alleged source of information, Marie Martin, was questioned—also under oath—she denied knowledge of Ray's trafficking in substantial amounts of marihuana.⁽⁹²⁾

The committee was unable to locate evidence, beyond Dennino's testimony, indicating that Ray received substantial income from dealings

²¹ John Ray's testimony on the prison escape was given under a grant of immunity. Further, the statute of limitations had run on any potential prosecutions stemming from his foreknowledge of and assistance in his brother's escape and flight. His false testimony in this area, therefore, did not stem from fear of subsequent prosecution.

²² Prior to the committee's investigation, the Alton bank robbery had been investigated twice by the FBI—at the time of the crime and during the assassination investigation. The case remained officially unsolved.

²³ Ray acknowledged discussing marihuana with some "hippies" and a bartender in Puerto Vallarta, Mexico.⁽⁸⁷⁾ Nevertheless, he has denied, in a characteristically vague manner, any smuggling activity between Mexico and California:

"STAFF COUNSEL. Were you smuggling anything in particular? Were you smuggling anything from Mexico into, into California?"

"RAY. Uh, no, not particularly. I was thinking about it one time." (88)

in marihuana. Thus, while the committee did not foreclose the possibility that Ray supplemented his income through small-scale marihuana trafficking, there was no evidence that it constituted a primary source of income during his fugitive period.

On the other hand, the committee did obtain and analyze a substantial amount of evidence establishing the likelihood that James and John Ray robbed the Alton bank and that Jerry Ray, while probably not a participant in the robbery, was aware of his brothers' involvement and helped distribute funds from the robbery to James. The committee, therefore, concluded that the Alton bank robbery was the most likely explanation for Ray's financial independence during his fugitive period.

The Alton bank was held up by two masked gunmen at approximately 1:30 p.m. on July 13, 1967. One was described as a middle-aged white male, 5 feet 10 inches tall, 150 to 160 pounds; the other, a middle-aged white male, 5 feet 8 inches, 170 to 180 pounds. One was armed with a handgun, the other with a shotgun; both wore stocking masks and hats. Once inside the bank, the one with the shotgun stood guard, while the other collected \$27,230 from behind the teller's counter. The two men then left the bank and walked westward to a nearby church parking lot. No further direct evidence was developed in the FBI's investigation of the robbery or in this committee's reexamination of the crime bearing on the manner, or the direction, of the robbers' flight from the immediate vicinity of the bank. At the time of the committee's investigation, none of the stolen money had been recovered.⁽⁹³⁾

The committee first examined eyewitness and physical evidence bearing on the robbery. Because the bank robbers wore stocking masks, eyewitness descriptions were imprecise. Nevertheless, none of those that were given would eliminate the Ray brothers as suspects.²⁴ Moreover, the facts developed in the FBI's investigation—in particular, the apparent route of flight taken after the crime and the location of discarded evidence—provided some evidence of the involvement of James Earl Ray.

Ray had been born in Alton on March 10, 1928. After spending his early childhood elsewhere, he returned to Alton at the age of 16, joined a grandmother who ran a local roominghouse, and spent considerable time with his uncle, William Mayer, still a resident of the city in 1978.⁽⁹⁴⁾ While much of his subsequent life was spent either in the military or in jail, Ray had returned to Alton for periods in 1948 and again in 1954. On August 21, 1959, he and an accomplice robbed an Alton supermarket of about \$2,000.²⁵ Against this background, Ray's familiarity with the city of Alton was self-evident, the committee determined.

In the FBI's investigation of the Alton bank robbery, it was established that the shotgun and partially burned clothes used during the

²⁴ At the time of their original FBI interviews in April 1968, John Ray was described as 5 feet 10 inches to 5 feet 11 inches tall, 160 pounds, medium build; and Jerry Ray as 5 feet 9 inches tall, 178 pounds, medium-stocky build. James Earl Ray was described as 5 feet 10 inches tall, 165-174 pounds, medium build, on the wanted poster issued following his Missouri State Penitentiary escape in April 1967.

²⁵ Ray's accomplice was arrested, while Ray got away. He was subsequently identified, however, and on October 27, 1959 was indicted for this offense. By that time, however, he had been arrested for a supermarket holdup in St. Louis (for which he was later sentenced to 20 years at Missouri State Penitentiary). He was, therefore, never brought to trial for the Alton supermarket robbery.

robbery were discarded in a wooded area near the National Cemetery in Alton. This area—a 3-minute car ride from the bank—is situated at the end of a dead end street, indicating that the suspects were familiar with the area around the cemetery and that the evidence drop was planned.(95) Further, the abandoned evidence was not found along the most direct route from the bank out of Alton, suggesting the robbers were confident they could elude capture without heading directly out of town. These considerations, standing alone, suggested a familiarity with the Alton area such as that possessed by James Earl Ray. In addition, the drop site for the incriminating evidence was near the home in 1967 of Ray's uncle, William Mayer, and in the general vicinity of former residences of Ray's mother and of Ray himself.²⁶ (96)

The committee next investigated the whereabouts of the Ray brothers on the day of the robbery. James had quit his job at the Indian Trails Restaurant in Winnetka, Ill., on June 24, 1967, approximately three weeks prior to the bank robbery.(97) Before that time, while still in prison, he had decided to move to Canada,(98) as he later indicated in interviews with the committee. But instead of heading straight for Canada, Ray made two trips in the opposite direction. He first went to Quincy, Ill., where he stayed for approximately 12 days(99) before returning to Chicago for 4 to 5 days. In Chicago, he picked up his last weekly paycheck from the Indian Trails.(100) Then, on July 10 or 11,²⁷ he drove to the St. Louis area, ostensibly to visit "family members." (101) Ray, however, told the committee he did not see any relatives, particularly not his brother John. In fact, Ray testified, he did not even know John's address, although, as noted, his brother was close enough to him to have visited him regularly in prison.(102)

The committee found Ray's trip to the St. Louis area 3 days before the bank robbery especially interesting, not only because it strongly suggested a meeting with John, but also because Alton, Ill., is only 20 miles north of St. Louis. When Ray appeared before the committee in a public hearing, the committee pressed to learn why he had not visited his St. Louis relatives on his earlier trip to Quincy, which is far closer to St. Louis than Chicago. In addition, the committee sought a logical explanation as to why, once he did return to St. Louis to see relatives, he did not see them. Ray's testimony on these points was crucial and, at the same time, characteristic of the evasive and illogical nature of much of his testimony before the committee. His responses are, therefore, quoted at length :

Congressman FITHIAN. * * * if I remember my Illinois map, Quincy is a lot closer to the East St. Louis area than Chicago, and you have 12 days where you were in Quincy. * * * Just for my own satisfaction, could you share with the committee why you didn't drop on over to East St. Louis and try to see your relatives in that 12-day period ?

²⁶ The committee recognized that this analysis, in and of itself, could be applied to any number of Alton residents. It was given significance, nevertheless, as one of several components of the circumstantial evidence bearing on the robbery.

²⁷ This date was determined by using Ray's estimates of a 12-day stay in Quincy and a 4- to 5-day stay in Chicago.

RAY. I have no particular reason. I always did like Quincy, Ill. I have lived there quite a bit, and I did intend to see my aunt, but I didn't. Many people I know had since died, since I have been in prison. I think the only person I really knew, and I think probably saw me, and I talked to him several times, was a bar owner named Ted Crowley.²⁸ Other than that I can't think of anyone that knew me. I know I inquired about several people and they had died.

Congressman FITHIAN. Here is my problem just in terms of logic. You were in the Chicago area and you decided to quit your job and you have already decided much earlier you are going to Canada, according to what you just told me, and then you quit your job and you go down 280 miles southwest to Quincy and spend 12 days there?

RAY. Yes, sir.

Congressman FITHIAN. You go back to the Chicago area. Then on the very eve of your departure for Montreal, you make a trip all the way down to the St. Louis area. I am having a little trouble with that just as a normal flow of movement. Could you help me out on that?

RAY. No. That may have been a little illogical. I don't know. Of course I had been in jail 6 years. Sometimes you do things that are not exactly logical. (104)

* * * * *

Congressman FITHIAN. Did you then see your relatives in the East St. Louis area?

RAY. No, I didn't. (105)

* * * * *

Congressman FITHIAN. So anyway your testimony to the committee is after you decided to go to Canada, you traveled the opposite direction to St. Louis, East St. Louis, for about 300 miles, in order to visit relatives, but you didn't visit your relatives? Is that your testimony?

RAY. Well, I visited a close friend down there named Jack Gawron.²⁹ Knew him on the street. He knew all my relatives and I sent a message via him. I don't know if he delivered it or not. (106)

The committee found Ray's explanation for his trip to St. Louis in July 1967 inadequate. His presence in the vicinity of Alton at the time of the bank robbery was highly incriminating, albeit circumstantially, of his participation in the robbery.

John Ray, of course, acknowledged that he was a St. Louis resident in July 1967; (107) Jerry was employed at the Sportsman's Club outside Chicago. The Alton bank robbery occurred on a Thursday, which, according to Jerry, was his day off. (108) Assuming Jerry's recollection

²⁸ In a sworn deposition, Ted Crowley stated that he knew James Earl Ray as a customer of his establishment—the Gem Tavern—in Quincy. He emphatically denied seeing Ray after his April 1967 escape from Missouri State Penitentiary. (103)

²⁹ Gawron, now deceased, was interviewed by the FBI during the Bureau's investigation of the Alton bank robbery. He stated that James Earl Ray was involved in the crime. Subsequent investigation by the FBI, however, undermined Gawron's credibility. The committee, therefore, did not rely on Gawron's statements to the FBI in reaching its conclusions on the Alton robbery.

tion in testimony to the committee was correct, his presence in Alton could not be discounted.³⁰

More important than familiarity with Alton and physical whereabouts, however, was the evidence bearing on the financial condition of James and John Ray during the period of the Alton bank robbery. At the time of his prison escape, Ray, according to his testimony, had about \$250. (110) He got a job at the Indian Trails Restaurant in Winnetka, Ill., earning about \$85 a week, so by the time he quit—on June 24, 1967 (111)—he had netted \$664.34, giving him a total cash accumulation of about \$915.

During the same period, however, Ray purchased a 1959 Chrysler for \$200. (112) Although he apparently lived frugally, his living expenses placed a constant drain on his limited financial resources. During the first week of July, in fact, Ray drove approximately 300 miles from Quincy, Ill., to Chicago (113) to pick up his last paycheck of \$77.53. His conduct was not that of a man of substantial means.

In late July, Ray's pattern of frugality abruptly changed significantly. On July 14, the day after the Alton bank robbery, he bought a 1962 Plymouth for \$210 at a dealership in East St. Louis, Ill., (114) having sold his Chrysler for \$45. He then drove to Montreal, where he placed a \$150 deposit on an apartment on July 18 and bought \$250 worth of clothes on July 19. (115) On July 30, he began a 1-week vacation at Gray Rocks, a resort north of Montreal; his bill came to \$200.³¹ (116)

Ray clearly had come into a substantial amount of money by mid-July, and it was evident that he received this income sometime after the first week in July, when he drove 300 miles from Quincy to Chicago to get a \$77.53 paycheck.

The Alton bank robbery, coming the day before his extensive spending began, could have explained his new-found wealth. Ray, however, gave the committee a different story. He said he departed for Canada with \$260 or \$270, (117) and after 2 days in Montreal, he had almost exhausted his cash reserve—for food and lodging on the road, for the deposit on his apartment and for two visits to a \$25 prostitute. (118) Ray's solution was to rob a Montreal brothel:

That evening I returned to the aforementioned nightclub and, meeting the same girl, again accompanied her via taxi to her apartment. Inside her apartment I gave her another \$25, but this time showed her the pistol Mr. Gawron had purchased for me, and told her I would go with her to wherever she was taking the money. When she aroused the manager into opening the office I put the pistol on him. We moved back into the office wherein I asked him for the money. Taking out his wallet, he offered me the small amount in it, approximately \$5 or \$10. When I told him I wanted

³⁰ In testimony before the committee, Jerry Ray was certain that his day off fell on Thursday. His recollection, however, was contradicted by his own 1968 interview with the FBI, as well as the 1968 statements of two officials of the Sportsman's Club—all of which designated Tuesday, not Thursday, as his day off. (109) The committee found the 1968 statements more reliable. Due to the destruction of his employment records, however, the issue could not be firmly resolved.

³¹ See MLK exhibit F-362 (diagram of Ray's financial transactions during his fugitive period) V, HSCA-MLK hearings, 664.

the rest of the money he spoke about a cabinet nearby, and motioned to a container. Before leaving the office I had the manager lie on a bed and the girl remove her stockings and tie his hands and legs. I then had her get under the bed before departing. Later I found I had taken approximately \$1,700 in mixed currency from the manager's office. (119)

The committee's investigation of the story, tracing it back to its origin, revealed several problems. First, Huie had written in "He Slew the Dreamer" that Ray had told him initially of an \$800 warehouse robbery, then changed it to a \$1,700 holdup of a Montreal food store. (120) ³² In addition, Jerry Ray was reported to have told McMillan, the author, that James had fabricated the brothel robbery story. (121) Ray's story, moreover, was one that could not be easily confirmed or denied, since the manager of a brothel was not the type to report a robbery to police or cooperate with a congressional committee. ³³ Ray agreed on this point during his public testimony:

CONGRESSMAN FITHIAN. Mr. Ray, from your experience would you expect the owner of an illegal house of prostitution to report a robbery like this to the police?

RAY. No * * * I would think usually prostitution and gambling houses take care of their own legal problems. (122)

James Earl Ray was an experienced criminal, with an ability, evidenced by his April 1967 escape from Missouri State Penitentiary, to plan and execute criminal operations with some degree of sophistication. Moreover, his decision to travel to Canada was not precipitous. It was a course of action he had apparently settled on while still in prison. The committee found it difficult to believe, therefore, that Ray lingered in the United States for 2½ months, traveled to a strange city in Canada in a destitute condition, and then committed an armed robbery of a brothel manager. A more sensible course of action would have been for him to escape from prison, make contact with John in St. Louis, and take employment at some distant point while a suitable crime could be planned. After the crime, he would flee to Canada, where he could live undetected and supported by the proceeds of the crime. The committee found that Ray's financial transactions in July 1967 strongly pointed to his receipt of unexplained income—probably from crime—and that the Alton bank robbery was the most likely source.

An examination of John Ray's travels and financial condition in 1967 was similarly revealing. His employment history in the 1960's was sporadic. He held a variety of jobs and spent at least one period on collecting unemployment insurance. In 1967, while living in St. Louis, he was not a salaried employee, although in interviews with the FBI and the committee, he said he had worked as a painter. Nonetheless, John went to San Francisco in July 1967 with \$3,000 in cash. (123) his stated purpose being to purchase a tavern in California or in Reno, Nev. (124) Mrs. Charles F. Terry, manager of an apart-

³² Ray's explanation to the committee was that he fed Huie and his first attorney, Arthur Hanes, Sr., a phony story as a test, fearing they were leaking information he gave them to the authorities (Ray testimony, I, HSCA-MLK hearings, 163).

³³ In fact, the committee was unable to locate the manager or the brothel.

ment on Sutter Street in San Francisco, told FBI agents that he had resided in her building between July 23, 1967 (10 days after the Alton bank robbery) to August 15, 1967. (125)

In testimony before the committee, John Ray conceded he made the trip to California with approximately \$3,000 in his possession and that he intended to purchase a tavern. John claimed, however, that the money constituted "savings" and not proceeds from the Alton bank robbery. (126)

In light of John Ray's work history, the committee was highly skeptical of his claim to have set aside \$3,000 in "savings." His possession of this sizable sum, together with his decision to leave the St. Louis area almost simultaneously with James' trip north to Canada, provided additional circumstantial evidence of his participation in the Alton bank robbery and of a common plan by both Ray brothers to leave the St. Louis area immediately following the robbery.

(1) *Bank robbery modus operandi analysis.*—The committee also examined the conduct of the Ray brothers subsequent to the Alton bank robbery. It found strong evidence indicating John Ray's involvement in five bank robberies in 1969 and 1970 for which the modus operandi (127) was substantially similar to that of the Alton bank robbery.³⁴ The evidence surrounding these robberies demonstrated several points. It undermines John's credibility, since he denied participation in each of them; it shows his character as a bank robber; and it demonstrates subsequent criminal activity by John that is similar to and consistent with his involvement in the Alton robbery.

The committee obtained the following information on the bank robberies from FBI files and through its own investigation:

At 10:45 a.m. on October 17, 1969, the Farmers Bank of Liberty, Ill., was robbed of \$10,995 by two men wearing stocking masks and hats, one carrying a shotgun, the other a revolver. The one with the shotgun stood guard, while his accomplice collected the money from behind the counter. The stocking masks and an automobile were abandoned near the crime scene after an attempt to burn them. (128) John Ray's involvement in the robbery of the Bank of Liberty, Ill., was established through the sworn testimony of his accomplice, James Rogers, before the committee. (129) When confronted with this evidence, John Ray denied involvement in the robbery.³⁵

At 1:05 p.m. on January 28, 1970, the Farmers & Traders State Bank of Meredosia, Ill., was robbed of \$5,038 by two men wearing stocking masks and hats, one carrying a sawed-off shotgun, the other a revolver. The one with the shotgun stood guard, while his accomplice collected the money from behind the counter. The stocking masks and clothing were left in a wooded area. (131) John Ray's involvement in this bank robbery was established through the sworn testimony of James Rogers, (132) an accomplice, and by the unsworn statement of Ronald Goldenstein, a second accomplice during an interview with com-

³⁴ While James was in prison during the 1960-70 period and could not have participated in the five bank robberies, the committee did obtain proof that he committed a bank robbery in London shortly before his arrest on June 8, 1968.

³⁵ John Ray asserted that since James Rogers was on Federal parole at the time of his testimony before the committee, he probably would testify to anything. (130)

mittee investigators.(133) Nevertheless, John Ray denied involvement in the robbery.(134)

At 1 p.m. on June 11, 1970, the Laddonia State Bank of Laddonia, Mo., was robbed of \$13,975 by two men wearing stocking masks and hats, one carrying a sawed-off shotgun, the other a revolver. The one with the shotgun stood guard, while his accomplice collected the money from behind the counter. The stocking masks and an automobile were abandoned near the crime scene, and an attempt was made to burn them.(135) John Ray's involvement in the robbery was established by the sworn testimony of two accomplices, James Rogers and Clarence Haynes.(136) Haynes was convicted of the robbery. John Ray, nevertheless, denied involvement in the robbery.(137)

At 2 p.m. on July 29, 1970, the Bank of Hawthorne, Fla., was robbed of \$4,514 by two men wearing stocking masks and hats, each carrying a revolver. One of the men stood guard, while his accomplice collected the money from a vault. The stocking masks were discarded following the robbery.(138) John Ray's involvement in the crime was established by the sworn testimony of James Rogers,(139) who was convicted of the robbery. John Ray admitted being with Rogers and a second convicted participant, Carl Kent, deceased, around the time of the robbery,(140) but he denied actual involvement or any knowledge of the involvement of others.(141)

At 1:20 p.m. on October 26, 1970, the Bank of St. Peters, Mo., was robbed of \$53,128 by three men wearing stocking masks and hats, all carrying revolvers. Two of the men stood guard, while their accomplice collected the money from behind the counter. The stocking masks and clothing were left in a wooded area.(142) John Ray was tried and convicted by a jury for his participation in this robbery. Before the committee, however, he denied his involvement and claimed he had been framed.(143)

In light of evidence from a variety of sources indicating John Ray's involvement in these five robberies, and considering his conviction for robbery of the Bank of St. Peters, Mo., the committee found his denials unworthy of belief. His participation in these robberies and the similarities they bore to the Alton bank robbery provided additional circumstantial evidence of his involvement in the Alton bank robbery.

The committee also examined evidence of a subsequent bank robbery by James Earl Ray. On June 4, 1968, the Trustee Savings Bank of Fulham in London, England, was robbed by a lone gunman; the amount taken was approximately 100 pounds, or about \$240 in U.S. currency. Physical evidence from the crime scene included a paper bag bearing a printed note which read: "Place all 5-10 pound notes in this bag."(144) Fingerprint comparisons by both the FBI and a committee consultant of a latent print taken from the bag identified it as the right thumbprint of James Earl Ray.(145) When confronted by this evidence, Ray still denied responsibility for the robbery.(146) Ray's denial was, in light of this physical evidence, unworthy of belief.

The committee believed that the denials themselves (by James, with respect to the London bank robbery; by John, with respect to four robberies of which he was accused by his accomplices, as well as

a fifth for which he was convicted) provided an additional reason to believe that James and John participated in the Alton bank robbery.

The committee noted that James' refusal to admit the London bank robbery could not have been based on a fear of implicating others, for he had acted alone. Nor was there reason to believe that he was reluctant to associate himself with criminal activity, since he willingly told the committee about his alleged robbery of a brothel in Montreal and about his smuggling and gunrunning activities with Raoul. Likewise, John could not have been impelled to deny the robberies for fear of implicating accomplices, since he was aware of their cooperation with the committee, or for fear of prosecution, since the statute of limitations had tolled in the unprosecuted cases.

The committee believed that these denials, in the face of substantial evidence to the contrary, reflected a concern by John and James that an admission of involvement in any bank robbery might implicate them in the Alton holdup. This would, in turn, undermine Ray's Raoul story, the keystone of his defense in the assassination. It would also indicate a pattern of joint criminal behavior by the brothers that would possibly raise a question about their collusion in the assassination of Dr. King.

(d) A brother was Raoul

In its investigation of the Alton bank robbery, the committee determined it was unlikely that Jerry Ray was a participant. He had a steady job in the Chicago area at the time, and he did not take an abrupt trip or show signs of sudden wealth right after the Alton robbery, as did James and John. Nevertheless, the committee received significant evidence, both circumstantial and direct, indicating that Jerry knew of the involvement of his two brothers and that he participated directly in the distribution of the robbery proceeds to James at various times during his fugitive period.

Jerry Ray met several times with John and James during the period of the Alton robbery. In fact, by his own admission, James traveled to Chicago, (148) where Jerry lived, only a week before the robbery occurred. Further, a committee witness, who requested anonymity but who gave a deposition under oath, (149) reported a conversation in which Jerry revealed that John and James participated in the bank robbery, adding certain details about their preparation for it. The committee found particular significance in this reported statement by Jerry to the witness, in light of his close relationship with his two brothers, one that afforded ample opportunity for them to have discussed the crime.³⁶

Jerry's probable involvement in the distribution of funds from the robbery was revealed through a close analysis of James' Raoul story.³⁷ Except for employment at the Indian Trails Restaurant and an alleged robbery of a brothel in Montreal, Ray's only acknowledged source of income during the 14-month fugitive period was the payments he claims to have received from Raoul. The committee's evidence indicated the strong likelihood that Ray shared in the proceeds of the Alton bank robbery. His Raoul story was viewed, therefore, as a cover,

³⁶ Jerry Ray, in testimony before the committee, denied the statement to the witness.

³⁷ A detailed analysis of Ray's Raoul story appears in section II A, supra.

not just for the assassination, but also for the bank robbery. The committee did find that there was some basis in fact for the Raoul story, because Ray's spending pattern indicated that he received money from some source at about the times he specified in his Raoul story. Since Ray was traveling throughout the United States and two foreign countries, Canada and Mexico, it is not unreasonable to suppose that he was reluctant to carry the entire proceeds of the robbery with him. At the same time, he was not free, as a fugitive, to transfer his funds through the banking system.³⁸ The committee believed, therefore, that the money he received was, in fact, his share of the Alton bank robbery proceeds, secured and periodically distributed to him by a brother, probably Jerry.

In all, Ray claimed he received \$7,750 from Raoul, in six payments:

Aug. 21, 1967, at the United States-Canadian border (150)-----	\$1, 500
Aug. 30, 1967, in Birmingham, Ala. (151)-----	2, 000
Aug. 31, 1967, in Birmingham, Ala. (152)-----	1, 000
Oct. 7, 1967, in Nuevo Laredo, Mexico (153)-----	2, 000
Dec. 17, 1967, in New Orleans, La. (154)-----	500
Mar. 29, 1968, in Birmingham, Ala. (155)-----	750
Total -----	7, 750

When added to the \$1,700 Ray said he got in the holdup of a brothel in Montreal, his total reported income for the period came to \$9,450.³⁹ Moreover, all of the alleged meetings with Raoul in which money was passed, except for the one in Nuevo Laredo, Mexico, coincided with statements about a recent or imminent meeting with a brother.

According to Ray's account, he first met Raoul at a bar in Montreal soon after he arrived in that city on July 18 (5 days after the Alton bank robbery). (156) He had three or four meetings (157) with him before he went on vacation at the Gray Rocks resort in the Laurentian Mountains, where he struck up a brief friendship with a woman who worked for the Canadian Government. In an interview with the Royal Canadian Mounted Police after the assassination, she said Ray told her he had been at the resort for about a week and that "he would be leaving within the next few days for Montreal to meet his brother." (158) In fact, he left the next day and returned to Montreal where, according to his story, he had several more meetings with Raoul. (159)

The committee established that John Ray was in San Francisco between July 23 and August 15, 1967, (160) so he could not have been the brother referred to by James. Consequently, this was one of several instances in which Ray's Raoul story seemed framed to conceal contact with Jerry.

Approximately 2 weeks after his return from Gray Rocks, on August 18 or 19, Ray went to Ottawa to visit the Canadian Government worker. She later reported to the RCMP.

He [Ray] stayed in Ottawa for 2 days and I showed him around Ottawa. * * * I don't recall him saying where he was coming from, but I assumed it was Montreal. * * * He

³⁸ Ironically, there was evidence that Ray, a bank robber, stored portions of his funds in a bank safety box in Birmingham.

³⁹ While the committee was unable to identify a third participant in the Alton bank robbery, it was reasonable to assume one existed. With two men in the bank, a third would be necessary outside to insure a speedy getaway. A three-way split of the robbery proceeds would have given Ray \$9,075.

mentioned that he was working for his brother in real estate and that he did not do much but was paid well. He also said that he had no problems with money and could always get some.(161).

According to his own account, Ray left Ottawa and, on August 21, he engaged in smuggling a package of contraband across the U.S. border for which Raoul paid him \$1,500.(162) Ray then went to Birmingham, Ala. A week later, Raoul also arrived in that city. Raoul funded the purchase of a \$2,000 1966 Mustang and gave Ray \$500 for "living expenses" and another \$500 for camera equipment.(163) On August 30, Raoul departed, instructing Ray to "lay low" and promising to contact him later to discuss "the business at hand and the matter of travel documents."(164) Between August 21, 1967, and August 30, 1967, then, Ray claimed to have received \$4,500 from Raoul.

Ray's purchase of a \$2,000 car in Birmingham on August 30, 1967, was established independently; clearly he then had a substantial amount of money. His rental of a safe deposit box on August 28, 1967.(165) indicated, however, that he had that money before the alleged arrival of Raoul, since Ray, in public hearing testimony, said he did not meet Raoul until that evening at the Starlite Cafe.(166) The committee found it significant, therefore, that both James and Jerry Ray admitted meeting in Chicago between Ray's departure from Canada and his arrival in Birmingham several days later.(167) Ray's Raoul fabrication, by which he tried to explain his receipt of at least \$4,500, embraced a known and uncontroverted meeting with Jerry Ray.

The committee believed, based on Ray's meeting with Jerry on August 22, 1967—followed by his rental of a safe deposit box on August 28, 1967, and his purchase of an expensive automobile on August 30, 1967—that Ray received substantial amounts of money, not from Raoul, but from Jerry. Further, the committee believed the most likely source of this money was the Alton bank robbery.

Ray also claimed to have met with Raoul during his December 1967 visit to New Orleans.⁴⁰ According to Ray, an associate of Raoul told him by telephone in early December to travel from Los Angeles to New Orleans later in the month to meet with Raoul. Ray said he made the trip with Charles Stein, met Raoul at the Le Bunny Lounge, discussed a gunrunning scheme planned for early May, and received \$500 because he was "low on funds."(168)

In addition to hearing Ray's account, the committee examined evidence supplied by Mark O. Freeman, a clinical psychologist in Los Angeles whom Ray consulted in November and December 1967. Dr. Freeman's records indicated that Ray's last appointment was at 10 a.m. on December 14, the day before he departed for New Orleans. In an FBI interview, Dr. Freeman told of a telephone call from Ray subsequent to that appointment. The FBI report stated:

The doctor recalled that Ray had telephone [sic] him at the office, after making the appointment for December 18, and

⁴⁰ A detailed examination of the New Orleans trip appears in a staff report entitled "An Analysis of James Earl Ray's Trip to New Orleans, December 15-December 21, 1967," XIII HSCA-MLK hearings 263.

told him he would be unable to come to the office for the appointment as he had received information from his brother, that the latter had "found a job for him in the Merchant Marine in New Orleans, La." The doctor is not sure of the date or time that Ray telephone [sic] to cancel his last appointment; but feels sure that it was sometime after their 10 a.m. appointment on December 14 * * *. (169)

Dr. Freeman's statement, together with his appointment records, provided clear evidence that Ray's trip to New Orleans was more impulsive than his Raoul story indicated and that Ray planned to meet a brother in New Orleans. This inference was strengthened by the statements of Sharon Rhodes, a Los Angeles dance school instructor, both in her initial FBI interview (170) and in a statement to the committee. (171) In the FBI interview, she recalled a discussion with Ray following his New Orleans trip:

She believes he was a southerner, and she recalled that possibly the first or second week during January 1968, he did not attend dancing instruction, and upon his return, stated that he had visited a brother in the State of Louisiana. (172)

In addition to the separate witness statements indicating Ray met with a brother in New Orleans, the committee obtained convincing evidence that he, in fact, received money on the trip. On the day of his return to Los Angeles, December 21, Ray paid \$365, the balance of what he owed on the 50-hour dance course. Under his original agreement with the studio, he was obligated to pay only \$50 a week. (173)

James did not identify the brother in New Orleans during his conversations with the California witnesses. The committee found it likely that Ray at least met with Jerry in New Orleans. Jerry was still employed at the Sportsman's Club in Chicago at the time, but he admitted to the committee that he went to St. Louis for Christmas that year. (174) St. Louis and New Orleans are only 675 miles apart, so it was at least reasonably possible for Jerry and James to have met. Further, both James and Jerry Ray conceded to the committee that they talked by telephone during James' drive from Los Angeles to New Orleans. The committee was unable, however, to rule out the possibility that it was John Ray—then an unemployed painter living in St. Louis—who traveled to New Orleans to meet James. The committee was also unable to determine fully the purpose of the New Orleans meeting. If, in fact, it was to receive only \$500, that would not seem to justify the risks Ray took in driving several thousand miles on the open highway.⁴¹ The committee noted that the assassination occurred 3½ months after the New Orleans trip. While the possibility of a connection between the trip and the murder of Dr. King existed, the committee uncovered no direct evidence to that effect.⁴²

⁴¹ A random vehicle check might well have resulted in his identification as an escapee from the Missouri State Penitentiary.

⁴² Two circumstances surrounding the New Orleans trip did provide support for a link between the New Orleans trip and the murder. First, in Ray's account, Raoul proposed the gunrunning scheme for the first time in New Orleans. It was gunrunning, according to Ray, that brought him and Raoul to Memphis on the day before Dr. King's assassination. Second, there was Ray's abrupt activity on behalf of the American Independent Party on the morning of his departure for New Orleans. The committee has no direct evidence that individuals involved in the AIP movement in St. Louis engaged in a conspiracy that may well have been linked to the events in New Orleans and subsequently Memphis.

(e) The brothers and the rifle purchase

The final contact with a brother that James Earl Ray tried to conceal with his Raoul ruse was considered by the committee to have been by far the most significant. It occurred in Birmingham, Ala., on March 29 and 30, 1968, just days before the assassination of Dr. King, and its purpose, the committee concluded, was a transaction that suggested the likelihood that a brother was involved in a conspiracy in the assassination. The transaction was the purchase of the murder weapon.

Ray's testimony before the committee, (175) corroborated by a postal change of address that he mailed in Los Angeles, (176) established that he departed California for the Southeastern United States on March 17, 1968, approximately 2½ weeks prior to Dr. King's assassination.⁴³ On at least three occasions during the weeks immediately prior to his departure, Ray mentioned upcoming contact with a brother. On one of these occasions, moreover, he indicated a plan to meet that brother in Birmingham.

One of Ray's closest friends in Los Angeles was Marie Martin, a waitress at the Sultan Room in the St. Francis Hotel, who had a casual relationship with him over a period of several months. In an interview with the FBI on May 14, 1968, she reported that Ray, using the Galt alias, asked in late February if he could leave some barbells at her apartment.

Martin * * * told Galt to leave the weights outside of the door [to her apartment]. Galt called her later the same day on the phone and she asked him for some money for taking care of the weights. Galt claimed he was broke, but said he would leave her ten dollars * * * Galt claimed he was waiting for some money from his brother. (177)

In testimony to the committee, Martin repeated her recollection that Galt received money by mail from a brother:

I took it for granted it was on a regular basis because it seemed every now and then he was waiting for an envelope. He asked me, "When you pass the lobby, will you check my box?" (178)

Martin's testimony provided the first indication of contact between Ray and a brother during a period proximate to the assassination.

On March 2, during graduation ceremonies at a bartending school Ray had attended in California, he was asked by the director of the school, Tomas Lau, what he planned to do. Ray's response was overheard by Richard Gonzalez, another student at the school, and reported to the FBI in an April 16 interview: "* * * Galt stated he was going to go to Birmingham, Ala., to visit his brother for about 2 weeks." (179) In a public hearing in August 1978, Ray told the committee that he met Raoul in Birmingham on March 23, exactly 3 weeks after he reportedly made the statement to Lau. (180) Six days there-

⁴³The committee received evidence that Ray went through St. Louis on his way east. The source of the evidence, Walter Rife, also said that Ray told him he "had a deal down there about some stuff to go into Cuba," conceivably a reference to the gunrunning operation. Ray never mentioned a trip to St. Louis. In addition, the committee found no evidence to corroborate the existence of a gunrunning operation. (See Section II A).

after, he and Raoul returned to Birmingham to purchase the rifle that was used to kill Dr. King. (181)

On March 9, Ray talked by telephone to Tomas Lau, who reported the conversation to the FBI following the assassination:

Lau recalls that approximately 1 week after Galt's graduation on March 2, 1968, Galt telephonically contacted him [Lau] at which time Lau advised him that he had a possible job opportunity for him as a bartender. Galt advised Lau that he was leaving town within 2 weeks for an undisclosed location to visit his brother and did not wish to take a job at this time. (182)

Precisely 2 weeks later, according to Ray's testimony to the committee, he met Raoul in Birmingham. The rifle purchase followed 6 days later.

More significant than the three allusions in California to a brother, however, was Ray's reference to a brother during the rifle purchase itself. On March 29, Ray went to the Aeromarine Supply Co. and bought a .243 caliber Winchester, using the name Harvey Lowmeyer.⁴⁴ He later decided to exchange the rifle for another, a transaction that was described by Donald Wood, a clerk at Aeromarine, in a signed FBI interview on April 5, 1968:

It was, as best I recall, either later that afternoon or early the following Saturday morning when this individual called on the telephone and stated that he had had a conversation with his brother and decided that the gun he had purchased was not the gun he wanted and he requested whether he could exchange it for a Remington model 760, .30-06 caliber. (183)

Wood stated further that when Ray came to the store on Saturday, he told him that the Winchester was a big enough gun to bring down any deer in Alabama. "He stated in an offhand manner that he wanted the .30-06 caliber gun because he was going to use it to hunt in Wisconsin." (184)

Ray's version of the rifle purchase again seemed to be an effort to disguise contact with a brother through the character of Raoul. Ray stated that he and Raoul traveled to Birmingham from Atlanta and that Raoul gave him over \$700 to purchase a "large deer bore rifle." (185) He bought the rifle and brought it back to the motel. Raoul disapproved of the choice and told Ray to exchange it for one chosen from a brochure.

Chairman STOKES. So, then, after you purchased the second rifle, at Raoul's direction, because he told you the first rifle was not adequate—

RAY. Yes, he pointed out in a brochure—I had a brochure with the second rifle.

Chairman STOKES. OK. He sent you back to get the second rifle and told you what kind to get, didn't he?

RAY. That is correct.

Chairman STOKES. And you did what he told you to do?

RAY. Yes, sir. * * * I made a phone call to Aeromarine

⁴⁴ See MLK exhibit F-35 (Aeromarine receipt of rifle purchase), II, HSCA-MLK hearings, 39.

Supply and I asked them about exchanging it and they said they could do it. (186)

Ray's use of the Harvey Lowmeyer alias also corroborated the possible involvement of a brother in the rifle purchase. Ray told the committee he got the name from a friend or criminal associate in Quincy, Ill. (187) Ray's last known visit to Quincy, however, had been in June and July of 1967, 9 months earlier. Further, the actual Harvey Lohmeyer⁴⁵ told the committee in an interview that while he knew John Ray and Jerry Ray from a period of overlapping prison terms at Menard State Penitentiary in Chester, Ill., in the late 1950's, he did not know James Earl Ray. (188) The committee, therefore, believed it more likely that James got the idea for this alias from either John or Jerry Ray. In the absence of any evidence that James stockpiled aliases, Ray's use of "Harvey Lowmeyer" for the rifle purchase suggested contact with one or both brothers at that time.

Percy Foreman, Ray's attorney when Ray pled guilty to the assassination on March 10, 1969, testified in a committee hearing to admissions by Ray that his brother Jerry was with him at the time of the rifle purchase.⁴⁶ Foreman said :

I cross-examined James Earl Ray for hours and the only name that he ever mentioned other than his own at any phase or time of his preparation for the killing * * * Dr. Martin Luther King * * * the only person's name that he ever mentioned to me was his brother, Jerry.

Jerry was with him when he bought the rifle in Birmingham, the one he did not use because it was a low caliber. He took it back and traded it for a more powerful one that would be more likely to kill an individual. The smaller caliber was more suited for killing small animals. And Jerry was not with him, according to Ray's statement, when he bought the gun that killed Dr. Martin Luther King; but he was with him the day before at the same place where he bought another rifle for that purpose * * *. (189)

In his testimony before the committee, Jerry Ray repeatedly denied that he participated in the rifle purchase (190) or that he was the Raoul that James referred to. He also denied having transmitted any funds to James. (191) Finally, he suggested that James used the brother references as a means of disguising contact with Raoul :

He would use the statement and he would go along—"My brother said this" and "My brother said that" or "He wanted the gun" or "I'm going to go visit him" or something. That was just a way of, you know, of saying he was going to meet somebody and instead of saying he was going to see Raoul, he wasn't going to tell everybody he was going to visit Raoul. (192)

⁴⁵ The committee noted the slight spelling difference between Lowmeyer and Lohmeyer and decided it was due to an error made by Ray.

⁴⁶ The committee noted that certain statements by Foreman were at variance with other reliable evidence. (See discussion of guilty plea, at sec. II *supra*.) The committee therefore, discounted his testimony concerning Jerry Ray's involvement in the rifle purchase.

The committee reviewed Jerry Ray's extensive testimony before the committee, as well as his prior statements to members of the press, FBI agents, authors and a number of private citizens, and it found his testimony self-serving and generally unworthy of belief. For example, the committee obtained evidence from several sources who requested confidentiality that Jerry Ray believed parts of the Raoul story were untrue, yet he continued to insist to the committee that such a character existed. Further, Jerry Ray admitted to the committee that he gave a false description of Raoul in a New York City radio interview in 1977; (193) that he falsely denied that James ever mentioned Dr. King in their conversations during prison visits over the 10 years following the assassination; (194) and that he falsely claimed his brother was not a beer drinker.⁴⁷ (195) Jerry also admitted to the committee that he supplied McMillan, the author, with bank records he had falsified. (196)

Finally, during his testimony, Jerry told the committee that he had located the Mississippi motel where James had stayed during a drive from Birmingham to Memphis that James claimed he made after the rifle purchase. Jerry added that he had talked to individuals who indicated that the FBI had destroyed the motel records that reflected this stay. When the committee investigated his charge, however, it found the motel records still intact⁴⁸ and Jerry Ray's testimony an intentional distortion of the truth. (197)

The committee found Jerry Ray's public hearing testimony, including his denial of involvement in the Birmingham rifle purchase, unworthy of belief.⁴⁹

The committee was at pains to make a careful assessment of the evidence bearing on the rifle purchase. No less than four separate witnesses—Marie Martin, Richard Gonzalez, Tomas Lau, and Donald Wood—in separate interviews with authorities shortly after the assassination, provided evidence of Ray's receipt of money from, or contact with, a brother during the month preceding the rifle purchase. Wood's testimony tied that brother directly into the rifle purchase itself.

Both Jerry and James asserted that James' reference to a brother was meant to conceal his involvement with Raoul. (198) The committee's investigation produced no evidence to corroborate the existence of Raoul, so the proposed explanation was worthless. The committee believed that Ray's postassassination tale of Raoul was fabricated to conceal contacts with one or both brothers. The committee was, however, unable to establish the precise whereabouts of either John or Jerry for the period of the rifle purchase. John Ray stated in executive session that he was operating the Grapevine Tavern in St. Louis at the time, (199) and the committee while unwilling to credit John Ray's unsupported testimony, received no evidence that contra-

⁴⁷ The committee believed Jerry lied on this matter to support James' allegation that beer cans with Ray's fingerprints found in the bundle of evidence had been "planted" by authorities.

⁴⁸ The records did not, in fact, reflect Ray's stay at the motel.

⁴⁹ Authors Huie and McMillan had each alleged that Jerry Ray claimed to have received a telephone call from James the night before the assassination in which James predicted that the "big nigger has had it." A discussion of this evidence is contained in a staff report entitled "Supplemental Studies Pertaining to the Motive of James Earl Ray," XIII HSCA-MLK hearings, par. 64.

dicted his assertion. Jerry Ray's working records were destroyed approximately 6 months before the committee contacted his employer, the Sportsman's Club near Chicago. Jerry's working hours at that time were 11 p.m. to 7 a.m. (200) If his recollection that Thursday was his day off was correct,⁵⁰ he could conceivably have gone to Birmingham, given advice on the initial rifle purchase on the afternoon of Friday, March 29, 1968, and returned in time to be on the job by 11 p.m. that night.

Finally, although James' presence at the Birmingham Travelodge was verified, the committee found no evidence of his brothers, or of any associates, at the motel with him. (201)

The committee also considered the possibility that James' contact with his brother was by telephone, rather than in person, but the relevant telephone records had been destroyed.

On balance, therefore, the committee believed the evidence convincing that James had some form of contact with a brother both before and during the rifle purchase. The committee had no direct evidence, which it was willing to credit, establishing the identity of the brother. Given the limits on the evidence available to the committee, no more definitive statement could be made.

(f) Motive with respect to John and Jerry Ray

Since the evidence reflected a criminal association of Ray and his two brothers that was far more substantial than any of the three were willing to admit, and since that association appeared to extend to complicity in the assassination itself, it was appropriate to examine the question of motive with reference to John and Jerry.

The investigation of James Earl Ray's motive in the assassination revealed that while he was generally unsympathetic with the civil rights movement, he apparently did not harbor such an intense racial hatred that he would have acted in the assassination without other inducement. While Ray might have been attracted by the notoriety he would achieve for committing the crime, the committee found that his primary inducement was probably the expectation of financial gain.

The committee reviewed evidence bearing on the racial attitudes of John and Jerry Ray and found it clear and compelling. John Ray was found to be a man of pronounced racial bias. By his own admission, his place of business in 1968, the Grapevine Tavern in St. Louis, was a segregated establishment in a segregated neighborhood. (202) In addition, many of John Ray's remarks, both to the committee and at the time of the assassination, reflected strong opposition to the civil rights movement and to Dr. King himself. In his first interview with the FBI following the assassination—on April 22, 1968—he voiced approval of the murder of Dr. King. Quoting from the FBI report:

It is noted that Ray was initially uncooperative and said, "What's all the excitement about? He only killed a nigger. If he had killed a white man you wouldn't be here. King should have been killed 10 years ago." ⁵¹ (203)

⁵⁰ The committee received significant evidence that Jerry Ray's day off was, in fact, Tuesday.

⁵¹ When confronted with his statement, Ray stated, "I was probably drunk." (204) He added, " * * * I ran a tavern in a racial neighborhood. And everybody makes these statements, similar statements." (205)

John Ray's testimony in public hearings, while modified in tone, provided additional evidence of his general racial attitudes:

STAFF COUNSEL. Again, Mr. Ray my question was: What was your racial attitude toward Dr. King and the civil rights movement that he headed up in 1968?

* * * * *

RAY. I would guess you would say I was a mild segregationist, I guess. (206)

One of the strongest indications of John Ray's opposition to Dr. King, however, appears in a letter that he wrote from prison to George McMillan, the author, in June 1972. (207)

* * * the common man * * * knows that King was not a saint as these try to picture him. There are millions of Rays in the United States with the same background and beliefs, who know that King not only was a rat but with his beaded eyes and pin ears looked like one.⁵²

Over the years since Dr. King's assassination, Jerry Ray also overtly exhibited racist attitudes. He went to work in 1969 as a bodyguard for J. B. Stoner, leader of the National States Rights Party. The committee found it significant that he chose to work with the leader of an organization, which, shortly after Dr. King's death, had declared in *The Thunderbolt*, the party newspaper, that:

The man who shot King was actually upholding the law of the land and enforcing the injunction of the U.S. District Court of Memphis which had forbidden King's marches. The white man who shot King * * * should be given the Congressional Medal of Honor and a large annual pension for life, plus a Presidential pardon. (209)

Jerry Ray's support for the views expressed in *The Thunderbolt* was confirmed in a letter he later wrote on "J. B. Stoner for United States Senator" stationery:

I am sure when history is written my brother James Earl Ray, and the Hon. Gov. George Wallace will be heroes along side of J. B. Stoner. (210)⁵³

Finally, Jerry Ray's racism was confirmed by the testimony of Dr. Edward Fields, secretary of the National States Rights Party, who characterized Jerry as a "segregationist." (212)

Both Jerry and John Ray, therefore, manifested in their general attitudes pronounced racial bias, as well as willingness to commit crime for financial gain, attitudes that would be consistent with their participation in the assassination of Dr. King.

6. EVIDENCE OF A CONSPIRACY IN ST. LOUIS

An offer on Dr. King's life that existed in St. Louis in late 1966 or early 1967 was brought to the attention of the committee in March

⁵² When questioned in executive session about this letter, John Ray stated, "I more or less got it. We said that to get McMillan's goat for not paying me the \$700." (208)

⁵³ When asked about this letter in public hearings, Jerry Ray conceded he was its author, but he insisted it was a joke. (211) While the letter may well have been an attempt at humor, the committee believed that its contents offered strong evidence of pronounced racism and anti-Semitism.

1978 by the FBI.(213) A Bureau informant contact report dated March 19, 1974, had been discovered during a file review in an unrelated investigation.(214)⁵⁴ It indicated that in the fall of 1973 an informant advised that Russell G. Byers of St. Louis had told him he had been offered \$10,000 or \$20,000 by a St. Louis lawyer, then deceased, to kill Dr. King.

The committee began its investigation of the lead by contacting Byers, who initially denied knowledge of the offer. After consulting with his attorney, however, Byers agreed to cooperate, but only in response to a subpoena and if he were granted immunity. A subpoena was issued, and when Byers appeared before an executive session of the committee on May 9, 1978, he was granted immunity under title II of the Organized Crime Control Act of 1970. Byers' testimony in committee public hearings was also given under an immunity grant.(215)

(a) *The Byers allegation*

Byers gave the following account to the committee:(216)

He was contacted in late 1966 or early 1967 by John Kauffmann, whom he had known since 1962 as a former stockbroker and operator of the Buff Acres Motel and a drug manufacturing company, both located in Imperial, Mo. Kauffmann had, in return for payment, permitted Byers to store stolen merchandise, including stolen cars, at his motel. Kauffmann asked Byers if he would like to make \$50,000, and Byers asked what he would have to do to earn it. Kauffmann told him to meet him at 6:30 that evening, which Byers did, and together they drove to the home in Imperial of John Sutherland, a St. Louis patent attorney. The three men met in a study that Byers described as decorated with Confederate flags and Civil War memorabilia. There was a rug replica of a Confederate flag as well, and Sutherland was wearing what appeared to Byers to be a Confederate colonel's hat.

After some social conversation, Byers asked Sutherland what he would have to do for the \$50,000. Sutherland said he would have to kill, or arrange to have killed, Dr. Martin Luther King. Byers, who told the committee he did not know at the time who Dr. King was, asked where that amount of money would come from. Sutherland told him he belonged to a secret southern organization that had plenty of money. According to Byers, no names were mentioned. Byers said he neither accepted nor rejected the offer, indicating he would think it over. Outside the door of Sutherland's home, however, he told Kauffmann he was not interested.⁵⁵ He said he saw Sutherland only once again at a water company meeting and that he soon severed his ties with Kauffmann, having learned he was involved in an illegal drug operation. Byers indicated he feared he would end up murdered or in the penitentiary if he got involved in drugs.

⁵⁴ The informant contact report had not been disseminated by the St. Louis FBI field office, so there had been no official investigation of the information it contained. The FBI conducted interviews in 1978 with the two former special agents, since retired, who had handled the informant. It was determined that the failure to follow up on the information resulted from inadvertence on the part of the agents who stated, in retrospect, that they should have acted on the lead. The current leadership of the Bureau is to be commended for creating a climate within the Bureau where an informant report of this character could be forwarded to a congressional committee rather than ignored or destroyed.

⁵⁵ The committee subpoenaed Beulah Kauffmann, the widow of John Kauffmann, to appear in executive session. (In light of her conviction on drug charges in 1967, Mrs. Kauffmann's testimony was regarded with some skepticism by the committee.) She confirmed that her late husband and Sutherland had been business associates and Wallace supporters. She also recalled that Kauffmann had taken Byers to Sutherland's home on one occasion but that Sutherland was not home. (217)

To determine if Byers' story was credible, the committee initiated a full-scale investigation of Byers, Kauffmann, and Sutherland. Dozens of associates of each were interviewed or deposed, and several were called to testify in executive session. In addition, files of local, State and Federal agencies were reviewed.

Although the investigation was hampered by the death of many of the principals, the committee uncovered enough evidence to be convinced that the Byers allegation was essentially truthful. There was in existence, in 1966 or 1967, a St. Louis conspiracy actively soliciting the assassination of Dr. King. The committee found that Byers was a logical target for solicitation in such a conspiracy, even though he testified that he did not know why Kauffmann would have approached him. (218) The committee learned that Byers had a reputation, at the time of the offer, for associating with people known to have a propensity for violence. More specifically, his brother-in-law, John Paul Spica, had been convicted of the contract murder of a St. Louis businessman. (219) Kauffmann and Sutherland could well have been led to believe, the committee reasoned, that while Byers might not have been willing to undertake the murder himself, he could have established contact with people willing to accept the offer.

Nevertheless, the committee sought further corroboration for Byers' account, realizing that his criminal record raised substantial doubts concerning his credibility. (220) In addition, questions were raised by his failure to approach authorities with his information in 1968. Byers himself explained that he had not wanted to get involved in any way or attract attention to his criminal activities. (221) He did say, however, that he told two St. Louis attorneys, Lawrence Weenick⁵⁶ and Murray Randall, about his meeting with Kauffmann and Sutherland. According to Byers, Weenick was told in 1974. Byers had two conversations with Randall, one in 1968 and the other in 1974. (222)

Byers waived his attorney-client privilege with Weenick and Randall, and they were interviewed by the committee. (223) Their accounts to staff counsel and committee investigators essentially supported the testimony Byers had given in executive session. The two attorneys were then subpoenaed to appear at a committee public hearing. Weenick testified that in 1974 or 1975, while he was representing Byers in several civil matters, Byers told him he had been offered \$50,000 by Kauffmann and Sutherland to murder Dr. Martin Luther King and that Byers gave him the impression that, while the offer was seriously made, he (Byers) never took it seriously. Weenick was pressed by the committee on his assessment of Byers' credibility. He replied:

* * * Byers had absolutely no reason to tell me this at the time he told it to me, or any other time. Whether he made it up or not, I don't know. There was—there seems to be no credible reason why he would have made it up and told it to me and to Mr. Randall, and evidently to this other person who was an FBI informant. * * *

* * * I can't say for certain that he is not lying, but I certainly don't know what his motive would be for doing so. (224)

When Randall, who had since become a judge in the Court of Criminal Corrections in St. Louis, learned he might be subpoenaed to tes-

⁵⁶ Weenick also represented Kauffmann in his 1967 drug case.

tify before the committee in public session, he attempted to avoid an appearance, arguing that his testimony would be of no value and expressing concern over the effect the publicity could have on his reelection to the bench. He complained to staff counsel, (225) committee investigators. (226) the chairman of the committee, (227) and another Member of Congress. To support his position about the value of his testimony, he raised—for the first time with the committee—doubts he said he had about Byers' credibility. He offered the speculation that Byers might have concocted the story in 1973 and told it to a person he suspected of being an FBI informant to test his suspicion. According to Randall's theory, if the FBI subsequently contacted Byers about the King assassination, he would have his suspicions about the informant confirmed. (228)

Nevertheless, Randall was called to testify, as was Weenick, at a public hearing on November 29, 1978. (229) He said he first met Byers in 1967 when Byers pled guilty to a stolen car charge. He next saw him when he assisted him in incorporating a business in 1968. He then stated to the committee that he had run into Byers at the courthouse in 1974, shortly before he left private practice to take the bench. Byers asked his advice on the procedures for claiming immunity in a grand jury investigation, saying he thought he might be questioned by Federal authorities about his knowledge of a plot to assassinate Dr. King. Byers then told Randall a story that reflected in essential details Byers' testimony before the committee and the story Byers told Weenick. During his committee testimony, Randall said he did not remember that Byers had told him of the King offer prior to the 1974 meeting. (230)⁵⁷ In response to questioning, Randall also repeated his speculation about Byers and the informant, conceding it was only "speculation, * * * 'my belief and opinion.'" (231)

The committee accepted the basic outlines of Judge Randall's testimony. Indeed, he added valuable detail to the story told by Byers. As such, his testimony contributed to the work of the committee. Nevertheless, the committee found that Judge Randall's memory that only one conversation took place was in error. The committee also rejected Randall's speculation about Byers' possible effort to unmask an FBI informant. It believed that the theory was offered to undermine the witness' own testimony in order to discourage the committee from compelling his public appearance.⁵⁸ In addition, the committee found Randall's speculation about Byers' story to be implausible. Byers was a relatively sophisticated and experienced criminal, and he would have known such a ploy would not work. It would only have served to expose him to an FBI investigation that he, with a long history of dealing in stolen property, would have wanted to avoid. The very significance of his information would have subjected him to increased scrutiny. The committee's chief investigator testified that, based on his experience, Byers' more likely course of action would have been to dis-

⁵⁷ During an earlier conversation with the committee, Randall recalled a 1968 meeting with Byers during which Byers told him that some prominent people were involved in Dr. King's murder. Byers also recalled a 1968 discussion with Randall about the offer for the assassination of Dr. King.

⁵⁸ Judge Randall's theory was undermined by the likelihood of a 1968 conversation about the offer as well as by the statement of a St. Louis police detective who told the committee that a St. Louis Post-Dispatch reporter had been looking into a rumor in 1971 or 1972 of Byers' involvement with a patent attorney in the King assassination. (233) The committee was unable to contact the reporter, who had died in 1974.

continue dealing with the suspected informant. (232) Moreover, it was considered highly unlikely that the FBI would have approached Byers in such a way, since this would have risked making Byers aware of the role of the informant.

The committee agreed with Weenick's testimony that Byers had no motive to lie about the offer. Unlike many sources of King death threats, who have fabricated information for publicity, Byers' conduct since 1967 has demonstrated a consistent unwillingness to get involved in the investigation of the King assassination. He did not volunteer his information to the committee; he refused to cooperate until he was subpoenaed and granted immunity.

The committee's conclusion that Byers' testimony of a serious conspiracy to kill Dr. King in the St. Louis area was essentially truthful was independently substantiated by the sworn testimony of an unpaid informant for the Jefferson County, Mo., sheriff's office in 1967 and 1968. This witness spent 3 years thereafter with a State police agency. He requested anonymity, since he was concerned that his failure to take more vigorous action in 1968 with the information might damage his reputation, destroy his marriage and injure his career in private industry.⁵⁹ The committee decided, based on these considerations and a judgment that the witness was candid and forthcoming, to grant his request for anonymity and refer to him in this report as witness A. (234)

As a sheriff's office informant, witness A spent much time at the Buff Acres, the motel operated by Kauffmann in Imperial, Mo. He had been asked to investigate numerous individuals who frequented the motel. He testified that Kauffmann was accepting stolen property in exchange for room rent, running a prostitution ring out of the motel and dealing in drugs. He then recounted conversation he had heard at the motel regarding a standing offer to murder Dr. King:

* * * there was a frequent remark whenever any more than two of the members got together, if they were hard up for money, somebody would say, "Well, we can always make \$20,000 or \$30,000 for killing Martin Luther King," or, on another occasion, and quite frequently, "We can always make \$20,000 or \$30,000 if we kill the big nigger for John."

Asked who John was, witness A replied, "John Kauffmann." (235)

The committee found certain elements of the Sutherland/Kauffmann conspiracy particularly interesting. First, it provided a source of funds that could explain the involvement of a financially motivated criminal such as Ray. The committee had noted that if in fact the Alton bank robbery involved three people—as circumstances seemed to indicate—James' expenditures in his fugitive period would have almost completely exhausted his share of \$9,077 by the time of the assassination. (236) Even if a two-way split were assumed, his funds would have been substantially depleted. In either case, he would have been interested in a new source of income at about the time of the assassination.

⁵⁹ He stated that he gave the information to two officers he worked with but pursued it no further. When interviewed by the committee, Lt. Wally Ganzman said he could not recall the incident, but he did not deny that it occurred. The second officer had since died.

Second, the Sutherland-Kauffmann conspiracy was located in the St. Louis area. The principals lived there, and the offers were made there—both Sutherland's offer to Byers and the standing offer at Kauffmann's motel. James Earl Ray visited St. Louis at least twice during his fugitive period, and his brother John was a permanent resident. Given the circulation of the offer among the area's criminal elements, at least at the Buff Acres Motel, it seemed entirely possible that word of the offer might reach the Ray family.

(b) The backgrounds of Kauffmann and Sutherland

John Kauffmann was born April 7, 1904, and died April 1, 1974. (237) He was a lifelong St. Louis resident, involved in a variety of business activities, including the manufacture of gliders and real estate development. From the early 1960's to his death, he owned and resided at the Buff Acres Motel in Barnhardt, Mo. His widow, Beulah, still lived there in 1978.

Kauffmann's criminal record (238) disclosed that he was arrested and convicted for the manufacture and sale of amphetamines in 1967.⁶⁰ The committee reviewed the files of the Federal drug case that led to Kauffmann's arrest and conviction. (239) They revealed he had been operating a legitimate drug company that marketed a cough mixture called Fixaco. Through the company, he was ordering amphetamine sulfate powder in bulk and making amphetamine pills from the powder. Kauffmann sold an estimated 1 million pills illegally to undercover Federal agents in 1967.

Testimony given at Kauffmann's narcotics trial revealed a link between his illegal drug operation and the Missouri State Penitentiary where James Earl Ray was incarcerated until his escape in April of 1967. (240) A Federal informant indicated that some of the illegal contraband was delivered to the prison by one of Kauffmann's accomplices. During an interview with the committee, one of Kauffmann's codefendants disclosed that Kauffmann had arranged for an additional delivery to the Missouri State Penitentiary on the day of his arrest. (241)

Kauffmann's criminal record did not reflect a conviction for any crimes of violence. Nevertheless, the committee learned that a Federal narcotics agent was ambushed and shot just after talking to an informant about Kauffmann. This incident occurred shortly after Kauffmann's arrest, but following disclosure that the victim was a Federal agent who had worked undercover on the Kauffmann case. (242) Kauffmann also once told an undercover agent he had threatened a person who owed him money in order to scare him. (243)

In addition, while the committee was unable to obtain information that would provide substantial details on Kauffmann's political attitudes, it did establish that he was associated with John Sutherland in efforts to establish an American Party chapter in the St. Louis area in 1967-68. The American Party supported the candidacy of Governor George Wallace of Alabama. Examination of numerous American Party petitions filed with the Missouri Secretary of State for the 1968 Presidential election showed Kauffmann's signature as either circulating officer or as notary public. (244)

⁶⁰ Kauffmann was free on an appeal bond at the time of Dr. King's assassination.

John Sutherland, a descendant of early colonists, was born in Charlottesville, Va., October 19, 1905. He died in 1970. (245) He was a 1926 graduate of Virginia Military Institute, with a degree in electrical engineering; he received a bachelor of laws degree from City College of Law and Finance, St. Louis, 1931, and a master of laws degree from Benton College of Law. He held a commission in the U.S. Army Reserve from 1926 to 1936, though he apparently never served on active duty. He was married in 1930 to Anna Lee of Atlanta.⁶¹ (246)

Sutherland practiced patent law in St. Louis. He was a lifelong resident of the St. Louis area and had no criminal record.

A number of associates of Sutherland were interviewed by the committee. One characterized him as a "die-hard southerner" who "never let the Civil War die." (247) Others described him as a "strong Wallace supporter," anti-Black, an "outspoken conservative," and opposed to civil rights, integration, and the Supreme Court. (248) There were several associates, however, who said that they could not conceive of Sutherland's involvement in an assassination plot.

Sutherland belonged to a number of social and professional organizations, and he was active politically throughout his adult life. A segregationist or anticivil rights strain was apparent in many of these organizations. For example, information obtained from FBI St. Louis field office files indicated that Sutherland was the founder and chairman of the steering committee of the first St. Louis Citizens' Council in 1964. (249) The local group had ties to a parent organization in the deep South with stated principles of "States rights" and "racial integrity." (250)

Available information indicated that Sutherland withdrew from an active leadership role in the citizens' council after the first year of its existence. (251) Gordon Baum, the field director of the St. Louis organization in 1978, stated during a committee interview that, to his knowledge, Sutherland had ceased formal ties with the citizens council prior to 1967. (252) Other members, however, indicated that Sutherland's name was well known in citizens' council activities and that he had served as an adviser on the group's activities until his death in 1970. (253)

Sutherland was associated with a second organization of interest to the committee, the Southern States Industrial Council (SSIC), headquartered in Tennessee. The SSIC was an organization of businessmen and industrial leaders, and its policies as of 1967 reflected opposition to the civil rights movement and a suspicion of Communist infiltration of the "Negro movement." (254) Sutherland served as a regional director of the association and was an associate of its 1968 president, Theodore Sensing. (255) The committee's examination of the council developed evidence that some of its members were unsympathetic to Dr. King. Sensing, for example, addressed the Daughters of the American Revolution in Washington on April 15,

⁶¹ John Sutherland's widow, Anna Lee Sutherland, confirmed in a committee interview that her husband had been extremely outspoken in his racial views and strongly anti-Black. She also confirmed that her husband's den was decorated with Confederate paraphernalia, including a Confederate flag. She volunteered that Sutherland had been an active member of the Southern States Industrial Council and at one time had inquired into possible membership in the National States Rights Party. Mrs. Sutherland said John Kauffmann had not been a close associate of her husband, and she disclaimed any knowledge of an offer to kill Dr. King or a discussion of such an offer.

1968, less than 2 weeks after the King assassination. While Sensing called it a "senseless, tragic crime" and recommended that the killer ". . . be apprehended if possible, and brought to trial for his crime," he also used the occasion to criticize Dr. King and those associated with him. He stated at one point, "It is not too much to say, in fact, that Martin Luther King, Jr., brought this crime upon himself." Holding Dr. King to account for his attitude toward civil disobedience, Sensing speculated that the assassin, ". . . may well have said to himself, 'I think Martin Luther King should be killed. I realize there is a law against murder, but in this case, I think the law was unjust.'" (256) While this speech did not, of course, provide any evidence of complicity by members of SSIC in the assassination, it did give an indication of the political persuasion of Sutherland's associates.

The committee was unable to identify the secret southern organization to which Sutherland referred as the source of payment when he allegedly made the offer to Byers. It did, however, establish that he belonged to at least two organizations with extreme segregationist leanings,⁶² and it developed evidence of pronounced racial bias in Sutherland himself.

A committee investigation of Sutherland's financial condition revealed that he left an estate valued at more than \$300,000. (258)

Based on this background investigation, the committee concluded that the two principals, Sutherland and Kauffmann, met the criteria for being serious conspirators:

They had the motive, i.e., Sutherland's avowed social and political attitudes, and Kauffmann's readiness to earn money legally or illegally;

They had the monetary means, either from Sutherland's own funds or from associates; and

They actively sought the opportunity to carry out a plot, as evidenced at least by their solicitation of Byers.

(c) *Connectives to James Earl Ray*

The committee turned finally to an examination of the possibility that the Sutherland-Kauffmann offer might have reached James Earl Ray. Four possible connectives were explored.⁶³

The first connective was John Paul Spica, brother-in-law of Russell Byers and a fellow inmate of Ray at Missouri State Penitentiary.

The committee determined that Spica was convicted and imprisoned in 1963 for the contract murder of a St. Louis businessman. Missouri State Penitentiary records showed that he was incarcerated from 1963 to 1973 and that for at least part of that time he occupied a cell in the same cell block and same tier of the prison as Ray. (259)

In executive session testimony before the committee, Spica acknowledged that he was acquainted with Ray, but he denied close contact with him. (260) Committee interviews with prison officials and other

⁶² Sutherland was also a member of the Order of the Veiled Prophet, a social organization with membership restricted to caucasians. It was the target of protest by St. Louis civil rights organizations for its restricted membership policies. (257)

⁶³ Of the four connectives considered, the committee deemed the first three to be possible but less likely, while the fourth was regarded as possible and more likely. Consistent with its duty to be cautious in its evaluation of the evidence, the committee acknowledged that none of the four connectives could be firmly established.

inmates, on the other hand, indicated a much closer friendship between Spica and Ray than Spica admitted. (261) Spica also testified that he knew nothing of the offer to Byers by Sutherland and Kauffmann. (262)

Byers testified during public hearings that he visited Spica regularly⁶⁴ until his conviction, in December 1967, on a Dyer Act charge (interstate transportation of stolen automobiles). Nevertheless, he stated emphatically that he did not discuss the Sutherland-Kauffmann offer with him. (263)

In light of Spica's incarceration at Missouri State Penitentiary until 1973, his only potential role in the assassination might have been as a conduit of information between Byers and Ray. The committee found no evidence to contradict the denials of both Spica and Byers that the Sutherland-Kauffmann offer was discussed prior to the assassination. Finally, the committee believed that active planning for the assassination of Dr. King did not begin until early March 1968, a period when Ray had discussions with California associates about his plans to travel east. Thus, if Ray did receive word of the Kauffmann-Sutherland plot while still in Missouri State Penitentiary, it would have to be assumed that Ray stored it away for later consideration.

The second possible connective developed by the committee was Dr. Hugh Maxey, a medical officer at the Missouri State Penitentiary. Committee interviews with relatives and associates of John Kauffmann indicated that Kauffman and Maxey were associated for several years. (264) Mrs. Kauffmann characterized it as a purely social relationship, one that lasted from the early 1960's until Kauffmann was sent to Federal prison for the sale of amphetamines. (265)

The committee looked into other reasons for an association between Maxey and Kauffmann. It was learned, for example, that Maxey assisted Kauffmann in obtaining the services of parolees in work release programs. (266) In addition, the committee received allegations that Maxey was involved with Kauffmann in the distribution of amphetamines in the prison. (267) While the existence of an amphetamine problem at the prison was confirmed, the committee found no evidence to support the charge that Maxey was involved in illegal distribution.

An examination of prison records established that Maxey had contact with James Earl Ray at the prison and, further, that Ray pushed a food cart in the prison hospital on occasion. (268) Thus, an opportunity for significant contact between the two existed.

Maxey, who was over 80 and of failing health when he was interviewed by the committee, denied his own involvement in illegal drug distribution. He characterized his relationship with Kauffmann as social and declined to discuss the association further. Finally, Maxey stated that he had contact with James Earl Ray only as a patient. He denied any knowledge of an offer to kill Dr. King circulating at the prison during his employment there. (269)

The committee's investigation did not substantiate a Maxey connective. The committee was unable to establish firmly any criminal ac-

⁶⁴ Byers alleged visits to Spica could not be substantiated by the committee's investigation. Prison authorities informed the committee that visiting records for the pertinent period were missing from Spica's file.

tivities shared by Maxey and Kauffmann; thus, the likelihood that the two would have discussed the Sutherland offer seemed slim. In addition, while the opportunity existed for extensive contact between Ray and Maxey, there was no evidence that any relationship developed beyond that of doctor and patient.

The third connective explored by the committee was Naomi Regazzi, an employee of the Grapevine Tavern when it was operated by John Ray in 1968. Byers told the committee that he was acquainted with a St. Louis resident named Robert Regazzi and that Regazzi and Spica also knew each other. The significance of this was amplified by the fact that Naomi Regazzi, a former wife of Robert, was a bartender at the Grapevine Tavern in St. Louis from January to July 1968.

In an attempt to substantiate this connective, the committee heard testimony from a number of people. Byers stated that to the best of his recollection, he did not discuss the offer with Regazzi. (270) Spica, also questioned under oath, confirmed that he knew Regazzi, but asserted there was no friendship between them. Spica further stated that he had had no knowledge of an offer to kill Dr. King, (271) thus making it impossible for him to have passed the offer to Regazzi. Regazzi, in an interview with the committee, claimed that he had no knowledge of events leading to the King assassination. He said he had been separated from Naomi during the period of her employment at the Grapevine, so he could not have communicated an offer to her, had he known about it. (272)

Finally, the committee subpoenaed Naomi Regazzi to testify under oath in executive session. She confirmed her employment at the Grapevine between January 1, 1968, and July 1968. She recalled seeing her ex-husband during this period only when he wanted to see their son. She stated that he was never in the Grapevine itself. (273) Finally, she testified that she did not know Byers personally, and she could recall no discussion concerning an offer to kill Dr. King at the Grapevine. She added that she discussed Dr. King with John Ray only after the assassination, when he confirmed that the assassination suspect was his brother. (274)

While Naomi Regazzi, who had become Naomi Denny, could have brought information concerning the offer on Dr. King's life to John Ray's tavern, the committee found no evidence that she, in fact, did. Mrs. Denny was separated from Robert Regazzi as of 1965 or 1966, and her relationship with him afterwards was limited to his visits to see their son. (275) It would seem unlikely under these circumstances that they would have discussed an offer for the murder of Dr. King. In addition, Byers did not recall telling Regazzi of the offer, and both Regazzi and his former wife denied having heard of it. The committee noted that an examination of Mrs. Denny's testimony indicated that she was not always candid. The connective remained unsubstantiated.

The fourth and final connective between Kauffmann, Sutherland, and James Earl Ray was the American Party campaign of Alabama Governor George C. Wallace for the Presidency in the late months of 1967 and early months of 1968. Both Sutherland and Kauffmann supported the party, also known as the American Independent Party. In fact, Floyd Kitchen, an organizer for the American Party in St.

Louis in 1968 and Missouri State chairman of the American Independent Party, indicated to the committee in a sworn statement that his AIP salary of \$600 a month was paid by Sutherland. (276) Additionally, committee interviews with persons who were officials of the American Party in 1968, revealed that Sutherland was active at both the local and national levels of the party and was a candidate for Presidential elector. (277)

Former associates of Sutherland reported that his strong support of the American Party was based in large degree on the party's conservative position on civil rights. The committee also learned that considerable support for the American Party campaign was drawn from the White Citizens Council in St. Louis, an organization dedicated to racial separation. As has been noted, Sutherland was a member of the council.

John Ray was apparently active in the 1968 American Party campaign. His support for Wallace was reflected in an article in the St. Louis Post-Dispatch:

John Ray said he last saw his brother at the prison. "He and I are both strong supporters of George C. Wallace * * * so maybe we talked about him a little." (278)

Jerry Ray's attitude toward Governor Wallace was characterized by Edward Fields, secretary of the National States Rights Party and editor of *The Thunderbolt*, who said that Jerry "is very strongly for George Wallace and always has been a strong Wallace supporter." (279)

John Ray's Grapevine Tavern was a distribution point for American Party campaign literature, as the committee's investigation developed from sources including his brother, Jerry. (280) Further, John helped transport prospective party registrants to the registration office. (281) During the same general period, evidence before the committee indicated, James Earl Ray was engaging in AIP campaign activities in California.⁶⁵ These activities by John and James Earl Ray were considered significant by the committee in that they indicated a common pursuit strongly suggesting a link between the brothers that neither was willing to admit. Further, James' persistent denials of his AIP activity, despite clear and convincing evidence to the contrary,⁶⁶ necessarily raised the additional question: What, beyond the activity itself, was he trying to conceal? Ray's concern about his AIP activities was best reflected in his curious sensitivity about one of the proposed "stipulations of fact" that he was asked to sign as part of the proceedings leading to his guilty plea in March 1969. (282) The stipulation involved an admission that he had taken three California residents to register for Wallace. Ray, through his attorney, Percy Foreman, deleted the reference to Wallace headquarters. No other stipulations in the 56-paragraph document were altered.⁶⁷

⁶⁵ James was also involved in transporting registrants to a local AIP headquarters.

⁶⁶ Three witnesses—Charles Stein, Rita Stein, and Marie Martin—gave sworn statements to the committee concerning Ray's AIP activities.

⁶⁷ Ray told the committee that he objected to other stipulations and that his attorney, Percy Foreman, refused to make the requested changes. (James Earl Ray testimony, Aug. 18, 1978, III, HSCA-MLK hearings, 19-20). In light of the fact that Ray's initials, as well as Foreman's, appear on each page of the draft stipulations, (MLK exhibit F-79, III, HSCA-MLK hearings, 46) the committee was unwilling to accept this explanation.

John Ray's interest in AIP politics also seemed out of character, since he apparently had never evidenced it before 1967 or 1968 and since, as a convicted felon, he was not able to vote. For this reason, and because of demonstrated ties between both Sutherland and Kauffmann and the AIP, the committee's investigation was focused on this connection.

It was determined that a significant amount of AIP campaign activity occurred in the neighborhood of the Grapevine Tavern. For example, Viola Anderson, who lived only one block from the Grapevine Tavern,(283) was active in both the St. Louis Citizens Council and the American Party.(284) In fact, her residence was a neighborhood campaign headquarters in the south St. Louis area and a likely place for John Ray to have acquired his Wallace campaign paraphernalia.⁶⁸

The committee also closely examined Glen Shrum, since deceased, a close friend of Viola Anderson and one who was instrumental in American Party organization in the Third Congressional District, the district in which John Ray's tavern was located. Shrum was described to the committee as an activist member of radical right-wing organizations, such as John Birch Society and the Minutemen. Further, he reportedly attended meetings of the National States Rights Party, and he may have been in contact with the Ku Klux Klan.(286) His friends also indicated to the committee that he held strong opinions on civil rights, leading him to be openly critical of Federal legislation and court actions dealing with equality for Blacks.(287)

The committee contacted several American Party and White Citizens' Council members, who said that several informal meetings were held in the neighborhood in which Ray's tavern was located during the 1968 campaign. Reportedly, Shrum attended many of them.(288) In addition, Shrum was apparently at least an occasional patron of the Grapevine Tavern, raising the realistic likelihood of a contact with John Ray.(289)

Ultimately, however, the committee's investigation of the St. Louis conspiracy proved frustrating. Only circumstantial evidence was developed. Direct evidence that would connect the conspiracy in St. Louis to assassination was not obtained. Several of the principals and possible suspects were, of course, no longer living, and others were clearly not inclined to be truthful with the committee, even when faced with the possibility of perjury or contempt prosecutions. Nevertheless, in light of the several alternate routes established by the evidence through which information of the offer could have reached James Earl Ray, the committee concluded it was likely that he was aware of the existence of the St. Louis conspiracy.⁶⁹

⁶⁸ Though Mrs. Anderson died in 1977, her widower, Stanley Anderson, confirmed her party activities. Anderson further acknowledged to committee investigators that his late wife had met Sutherland, but stated she was not close to him. Although Anderson said he could not remember ever meeting John Ray, he volunteered that he and his wife and another party worker visited the Grapevine on at least one occasion. Finally, Anderson denied ever hearing of an offer to assassinate Dr. King, but he indicated, after repeated questioning, that conversations critical of Dr. King's activities occurred frequently at meetings he and his wife attended prior to the assassination.(285) During his public appearance before the committee, John Ray denied knowing either Viola Anderson or her husband, and he stated that he attended no American Party meetings at their residence. (John Ray testimony, VIII, HSCA—MLK hearings, 591-592.)

⁶⁹ John Ray denied under oath knowing John Sutherland, John Kauffmann, or Russell Byers, and he stated that he never heard or participated in conversations at the Grapevine of an offer to fund the assassination of Dr. King.(290)

7. CONCLUSION

The committee concluded that there was a likelihood of conspiracy in the assassination of Dr. King. To summarize, several findings were central to the committee's conspiracy conclusion. First, James Earl Ray was the assassin of Dr. King, and Raoul, as described by Ray, did not exist. In reaching these conclusions, the committee rejected the possibility that James Earl Ray was an unwitting "fall guy" manipulated by others. The committee found, rather, that Ray acted with full knowledge of what he was doing in the murder of Dr. King.

Second, an analysis of Ray's conduct before the assassination provided compelling indications of conspiracy. Ray was not, in fact, a man without significant associations. His financing, in all likelihood supplied by the Alton bank robbery in July 1967, was strong evidence of significant criminal associations with his brothers during the pre-assassination period. Further, his campaign activities in California, viewed against the background of his 1967-68 fugitive status, his apolitical nature and his consistent refusal to admit the activities, also strongly suggested involvement with others. Ray's trip to New Orleans, too, was significant. The abrupt nature of his departure from Los Angeles, the risks he took on the road, his receipt of money during the visit and the speedy termination of his mission all indicated Ray's involvement with others in an important meeting with a preplanned purpose.

Third, the analysis of Ray's motive was crucial to the conspiracy conclusion. After examining Ray's behavior, his character and his racial attitudes, the committee found it could not concur with any of the accepted explanations for Ray as a lone assassin. Historically, Ray was a financially motivated criminal. While unsympathetic to the civil rights movement, he did not manifest the type of virulent racism that might have motivated the assassination in the absence of other factors. While the committee recognized the presence of other possible motives—racism or psychological needs—it concluded that the expectation of financial gain was Ray's primary motivation. The committee's finding on motive, therefore, carried conspiratorial implications.

Just as significant in the committee's ultimate conclusions on conspiracy was the evidence bearing on the complicity of the brothers, John and Jerry Ray. Three factors, negative in character, raised the possibility of the involvement of one or both brothers.

First, despite an exhaustive and far-reaching field investigation, neither the committee nor previous investigators were able to identify significant associates of the assassin other than his brothers. The possibility of their involvement in the assassination was necessarily increased by the absence of alternatives.

Second, despite an offer of assistance from the Justice Department, Ray refused to provide credible evidence on the subject of conspiracy. His self-sacrificial posture was possibly explained as an effort to protect his brothers.

Third, the Ray brothers consistently attempted to conceal the true scope of their preassassination contact with each other. John and James denied any contact at all. This conduct could be explained

by a sense of family loyalty. Nevertheless, it also raised the possibility that preassassination contact, if revealed, would lead to implication in a conspiracy.

Additional positive factors ultimately convinced the committee of the likelihood of the involvement of one or both brothers in the assassination. James was, of course, a fugitive from Missouri State Penitentiary. Automatically, this should have led him to limit the duration of meetings with his brothers. Nevertheless, substantial contact in a variety of forms apparently persisted throughout the preassassination period. Much of this contact, moreover, was criminal in nature. Both John and Jerry met with and assisted James during the months immediately following his escape from Missouri State Penitentiary. In addition, John clearly had foreknowledge of the escape plans and provided James with an alias and social security number for immediate use. More significantly, the committee found it highly likely that John and James robbed the Bank of Alton in Alton, Ill., on July 13, 1967. Jerry knew of the robbery and assisted in distributing the proceeds to James throughout his fugitive travels. There was evidence of the receipt of money by James from a brother as late as February 1968, only weeks before the assassination. Further, the committee concluded that James' trip to New Orleans in December 1967 could best be understood as a meeting with one or both of his brothers, with circumstantial evidence suggesting it was Jerry Ray. The purpose of that meeting, beyond the transfer of funds, could not be firmly established, but its sinister significance was clear. Finally, there was strong circumstantial evidence of the involvement of a brother in a consulting capacity during Ray's purchase of the murder weapon itself, although the evidence was insufficient to determine the identity of the brother or the nature of the contact.

Nevertheless, the evidence with respect to Ray and his brothers contained one serious flaw: by itself, it provided no convincing explanation for their combination in a plot on Dr. King's life. The committee did receive strong evidence of pronounced racist attitudes in both John and Jerry. Yet, the committee believed it unlikely that James or his brothers would have killed Dr. King solely for racial reasons. The development of additional evidence on a credible St. Louis-based plot, therefore, became a crucial element in the committee's conspiracy analysis.

The committee found that there was substantial evidence to establish the existence of a St. Louis-based conspiracy to finance the assassination of Dr. King. A serious effort to solicit Russell Byers was made by John Sutherland and John Kauffmann in late 1966 or early 1967, apparently on behalf of a wider authority. In addition, knowledge of Kauffmann's role in the effort to broker the assassination was circulated and frequently mentioned at his Buff Acres Motel in 1967. According to witness A, it was perceived as a standing offer. The committee frankly acknowledged that it was unable to uncover a direct link between the principals of the St. Louis conspiracy and James Earl Ray or his brothers. There was no direct evidence that the Sutherland offer was accepted by Ray, or a representative, prior to the assassination. In addition, despite an intensive effort, no evidence was found of a payoff to Ray or a representative either before or after the assassination.

Despite this, the committee believed that there was a likelihood that word of the standing offer on Dr. King's life reached James Earl Ray prior to the assassination. This conclusion was based on several considerations. John was a permanent resident of St. Louis from October 1966 forward. Ray himself was in the St. Louis area on at least two occasions during his early fugitive period—once immediately after his escape, and again in July 1967 when he participated in the robbery of the Bank of Alton. It was possible that either John or James or both received word of the standing offer through criminal associates in the St. Louis area. It was more likely, however, that John Ray heard of the offer through AIP campaign activities in and around the Grapevine Tavern. George Wallace's Presidential bid stirred up intense support in the Grapevine's neighborhood—the south St. Louis area. Race relations and the civil rights movement became subjects of daily, and increasingly polarized, debate. At the same time, Dr. King's efforts in the civil rights movement were expanding to encompass opposition to the Vietnam war and support for the economically oppressed—to culminate in a Poor People's Campaign in Washington. The committee found it reasonable to believe that with an increase in the intensity of the St. Louis AIP campaign effort, and the heightened visibility of Dr. King, discussion of the Sutherland offer could well have come to James Earl Ray's attention. This possibility was only strengthened by Sutherland's heavy involvement in the AIP effort in St. Louis. Kauffmann also did significant work with Sutherland on behalf of the party. In addition, the committee found at least two individuals who knew Sutherland, were active in the AIP campaign, and who had been in the Grapevine Tavern. Finally, John Ray's tavern was used as a local distribution point for AIP campaign literature and paraphernalia. It was in these campaign activities that the committee found the most likely connective between James Earl Ray and the St. Louis conspiracy. In sum, the committee believed that the weight of the evidence bearing on James and his brothers, taken in combination with the evidence of the St. Louis-based conspiracy, established the likelihood of a conspiracy in the death of Dr. King.

Because of a failure of the evidence, the committee's ultimate conclusion must, however, be phrased in terms of alternatives. The committee believed that the St. Louis conspiracy provided an explanation for the involvement of Ray and one or both brothers in the assassination. The manner of their involvement could have taken one of two forms. James Earl Ray may simply have been aware of the offer and acted with a general expectation of payment after the assassination; or he may have acted, not only with an awareness of the offer, but also after reaching a specific agreement, either directly or through one or both brothers, with Kauffmann or Sutherland. The legal consequences of the alternative possibilities are, of course, different. Without a specific agreement with the Sutherland group, the conspiracy that eventuated in Dr. King's death would extend only to Ray and his brother(s); with a specific agreement, the conspiracy would also encompass Sutherland and his group. In the absence of additional evidence, the committee could not make a more definite statement. The committee believed, nevertheless, that the evidence provided the likely outlines of conspiracy in the assassination of Dr. King.

It is unfortunate that this information was not developed in 1968, when it could have been pursued by law enforcement agencies equipped with tools not available to the committee and at a time when the principals were still alive and witness' memories were more precise.⁷⁰ It is a matter on which reasonable people may legitimately differ, but the committee believed that the conspiracy that eventuated in **Dr. King's** death in 1968 could have been brought to justice in 1968.

⁷⁰ John Kauffmann was still alive in 1973 when the information of the St. Louis conspiracy first came to the attention of the FBI.